

**Join us! In an effort to enhance meetings post COVID-19 emergency orders, the City Council invites you to join and/or participate in a variety of ways: Via computer Zoom meetings (no app is necessary), telephone, email and/or text! See details on page 3.**

**Vestavia Hills  
City Council Agenda  
November 14, 2022  
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Butch Williams, Vestavia Hills Chaplain
4. Pledge Of Allegiance
5. Approval Of The Agenda
6. Announcements, Candidates and Guest Recognition
  - a. Announcement Of Applicants To The Parks And Recreation Board And Interviews On November 22, 2022 Beginning At 8 AM
  - b. Announcement Of Applicants To The Library Board And Interviews On November 22, 2022 Beginning At A Time To Be Determined.
  - c. Announcement Of Upcoming Vacancies On The Design Review Board With A Deadline For Application And The Requirements Of Board Members
7. Proclamation – Small Business November – November 2022
8. City Manager’s Report
9. Councilors’ Reports
10. Approval Of Minutes –October 17, 2022 (Work Session) And October 24, 2022 (Regular Meeting)

**Old Business**

**New Business**

11. Public Hearing – Resolution Number 5419 – A Resolution Authorizing The Installation Of A New Support Structure for A Small Cell Facility To Be Located Adjacent To 3025 English Oaks Circle; 1813 Arboretum Circle And 1633 Gentilly Drive
12. Public Hearing – Resolution Number 5420 – Alcohol License – Davenports Pizza Palace Vestavia Inc., d/b/a Davenports Pizza Palace For A 020 – Restaurant Retail Liquor License At 700 Montgomery Highway, Suite 193; Amanda P. Thames, Yates P. Horris And Tara P. Davis, Executives

13. Public Hearing – Resolution Number 5421 – Alcohol License – Mama Coco Cantina 2 LLC d/b/a Mama Coco 2 For A 020 – Restaurant Retail Liquor License At 1088 Montgomery Highway; Jorge Peralta And Julio Paralta, Executives
14. Resolution Number 5422 – A Resolution Re-Appointing A Member, Appointing An Alternate Member As A Regular Member And Appointing An Alternate Member To The Board Of Zoning Adjustment

**New Business Requesting Unanimous Consent)**

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

15. Public Hearing – Ordinance Number 3135 – Conditional Use Approval For A Dog Grooming Business For The Property Located At 1401 Montgomery Highway; Patrick Crabtree, Property Owner, Stephanie Hazen, Business Owner
16. Public Hearing – Ordinance Number 3136 – An Ordinance Authorizing The Mayor And City Manager To Purchase Customize Software From OpenGov For Planning And Budgeting And Authorizing The Mayor And City Manager To Execute And Deliver Any Documents Necessary To Secure And Implement Said Software
17. Citizens Comments
18. Time Of Adjournment

## **SPECIAL NOTICE CONCERNING CITY COUNCIL MEETINGS**

**Due to the COVID-19 safety advice given by the ADPH, the City Council work sessions and meetings are available via video-conference and teleconference. If you choose not to attend in person, you may still participate. Following are instructions for three options to participate remotely.**

### **COMPUTER PARTICIPATION (view/participate in real time)**

To participate in by videoconference, click <https://us02web.zoom.us/j/5539517181>. When the Zoom.us window opens in your browser, click “Allow” so that the page may open to a waiting room. The host will open the meeting and bring all into the meeting room at that time. All participants will be automatically muted upon entrance to the meeting. If you wish to speak during time(s) identified for public input, activate the “Raise Hand” feature and unmute yourself by toggling the mute button. When the Mayor recognizes you and gives you the floor, state your name and address for the record and then you may address the Council.

Using the icons on the Zoom screen, you can:

- Mute/unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- View Participants – opens a pop-out screen that includes the “Raise Hand” icon that you may use to raise a virtual hand
- Change your screen name displayed in the participant list and video window
- Toggle between “speaker” and “gallery” views – “Speaker view” shows the active speaker; “Gallery view” tiles all of the meeting participants

### **TELEPHONE PARTICIPATION (view/participate in real time)**

To participate by telephone, dial 312.626.6799 and enter the meeting ID: 455 534 3275. All participants will be automatically muted upon entrance to the meeting. If you wish to speak during time(s) identified for public input, press \*6 on your phone keypad to unmute yourself. Then state your name and wait for the Mayor to recognize you. When the Mayor recognizes you and gives you the floor, state your name and address for the record and then address the Council.

### **TEXT AND/OR EMAIL (prior to the meeting or in real time)**

If you do not wish to join the meeting but would like to ask a question or make a statement regarding an item on the agenda, you may email the City Council directly at [City.Council@vhal.org](mailto:City.Council@vhal.org). You may also text your question/statement to City Council at 205.517.1370. Both of these options are available prior to and during each work session and meeting. Be sure to provide your name and address for the record and your comments will be recited to the City Council as the corresponding item is being addressed. Note: As a matter of record, your name and address are required. If identification is not provided, your comment/question will not be presented.

Zoom meetings may be recorded. By participating in the meeting, you are consenting to be recorded. Zoom-bombing is a cyber-crime and is punishable by law. In the event of an attendee intruding into any City of Vestavia Hills Zoom meeting, the online broadcast will be ended immediately. Council and/or board members may be readmitted but online attendees will not. Although Zoom-bombing is not a frequent occurrence, those wishing to make public comment should attend the meeting in person.

WHEREAS, the government of Vestavia Hills, Alabama celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, according to the United States Small Business Administration there are currently 31.7 million small businesses in the United States and they represent 99.9% of all businesses with employees in the United States and are responsible for 64% of the net new jobs created from 2000 to 2018; and

WHEREAS, small businesses employ 47.1% of the employees in the private sector in the United States; and

WHEREAS, 96% of consumers who are aware of Small Business Saturday said the day encourages them to Shop Small all year long; and

WHEREAS, in 2019, consumers spent a record high of an estimated \$19.6 billion at independent retailers and restaurants on Small Business Saturday; and

WHEREAS, the most reported reason for consumers aware of the day to shop and dine at small independently-owned businesses was to support their community; and

WHEREAS, advocacy groups, as well as public and private organizations, in Alabama have endorsed the Saturday before Thanksgiving as Small Business Saturday.

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 the month of November 2022 as

**SMALL BUSINESS NOVEMBER**

and urge the residents of Vestavia Hills to Shop, Dine, Play in Vestavia Hills and to support small businesses and merchants this month and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills to be affixed this the 14<sup>th</sup> day of November 2022.

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



**CITY OF VESTAVIA HILLS**  
**CITY COUNCIL**  
**WORK SESSION**  
**OCTOBER 17, 2022**

The City Council met in special work session on this date following posting/publication as required by Alabama law. The Mayor called the work session to order and the clerk checked the roll:

**MEMBERS PRESENT:** Ashley C. Curry, Mayor  
Rusty Weaver, Mayor Pro-Tem\*  
Kimberly Cook, Councilor  
Paul Head, Councilor  
George Pierce, Councilor

**OTHER OFFICIALS PRESENT:** Jeff Downes, City Manager  
Patrick Boone, City Attorney  
Cinnamon McCulley, Asst. City Manager  
Rebecca Leavings, City Clerk  
Brian Davis, Public Services Director  
Christopher Brady, City Engineer\*  
Lori Beth Kearley, Assistant City Engineer  
Jason Hardin, Police Chief  
Ryan Farrell, Asst. Fire Chief  
Umang Patel, Court Director\*

**DRAINAGE STUDY IN THE CITY OF VESTAVIA HILLS**

The City Manager summarized key points from the recent Schoel Engineering Stormwater Master Plan Drainage Study as follows:

- Faced with a multitude of flooding complaints over the last several years, the City has previously done its best to react to these complaints with determinations of the public vs private nature of the reported issues and determining any obvious catastrophic public infrastructure failures where the City could provide timely remediation. While this tactic has resulted in a large expenditure of funds to address many infrastructure deficiencies, this reactive strategy is not ideal. We desire to not only react to challenges, but we would like to be proactive in dealing with them as well.
- In an effort to analyze large areas of our city that present stormwater challenges, the City has begun embracing stormwater master planning as a tool to proactively review drainage basins to allow a more comprehensive view of stormwater infrastructure, a review of public vs. private remedies, and determination of any regulatory alternatives that would be beneficial guidance for future development. At this time, the City has engaged third-party

engineering firms to provide master planning services to areas of: Shades Crest Rd., Dolly Ridge Rd., Ridgely Dr., Ridgedale Dr., Rocky Ridge Rd., Buena Vista Rd., Poe Dr., Fairhaven Dr., and Altadena Valley area to name a few.

- This master planning effort does not change long-held constitutional and statutory limitations regarding the City's ability to react to flooding situations, but they do allow better decision-making and can present opportunities to mitigate some instances of flooding.
- Tonight, we will be providing a work-in-progress briefing to the Council for one such master planning effort--a study of the drainage basin that flows from Shades Crest Road, generally east of Highway 31.
- Presenting are the Schoel team, led by William Thomas and Mark Simpson, who will be reporting with City Engineer, Christopher Brady, broadcasting from a statewide stormwater conference via Zoom.
- The master plan is still in draft form but, when final, will be presented in private meetings with similarly situated property owners located along the various main stormwater trunk lines. These meetings will take place in November and December. After receiving stakeholder input, we propose that public discussion take place during the 2023 City Council strategic planning meetings. At that time, City staff will seek Council direction on implementation considerations for the tactics recommended within the master plan document.
- The potential implementation strategies may be phased, prioritized, and ultimately considered for financial planning purposes coming out of the early 2023 planning meetings.

Christopher Brady, City Engineer along with William Thomas and Mark Simpson of Schoel Engineering were present via Zoom for the meeting. A PowerPoint presentation was shown and described by Mr. Thomas. He explained that they inventoried the complete drainage system in this basin, assessed the condition of the existing system, and identified deficiencies in the system. Once this was modeled, they could analyze improvements and prioritize those improvements. A depiction of the main trunk lines in the study area were shown.

Mr. Simpson explained the executive summary.

Discussion ensued and Mr. Downes asked them to elaborate on the suggested prioritization of projects.

Mr. Thomas stated that priorities were determined by the number of homes impacted in the project, estimated cost, how much of the project was in public right-of-way vs. on private property, and flood occurrence rate.

Mr. Simpson stated all the projects in the study area were ranked but the one that merited highest priority attention was the East trunk line. He stated most of the project area is in public right-of-way. He added there were a number of driveway spanners which obstructed water flow.

Mr. Downes added there are spanner designs that could alleviate some of this problem.

Mr. Pierce pointed out that even though many homeowners are building within the zoning requirements for setbacks, the amount of impervious surfaces is increasing throughout the city.

Mr. Brady stated that the last revision of the zoning code clearly defined impervious surfaces vs. pervious and the allowable developable area. Since the adoption of the new zoning code, the City has enforced and tracked.

Mr. Downes asked how this differs from the past.

Mr. Brady stated that while some existing sites might already be over the 30% limit, all new development will be subject to the limit before any permits are issued.

Mr. Downes emphasized that if an existing site is over the 30%, it doesn't deny future redevelopment, but just requires a better storm water management system to catch and keep the water on-site with controlled release.

Mr. Thomas stated that they did recommend in the report to allow homeowners to achieve the runoff regulations by exploring alternative systems to determine the best system for the particular site.

Mr. Downes asked if other cities are using these regulations.

Mr. Thomas stated Hoover is using this and Homewood is looking at beginning to use this because of local flooding issues due to redevelopment.

Mrs. Cook asked for more explanation about the retroactive enforcement. If an existing site is already in violation of the new ordinance, and then the owner applies for another permit which triggers a review, can the City retroactively enforce the ordinance?

Mr. Boone stated if the resident asks for an additional building permit, the enforcement can kick in retroactively, but if they do not do anything to the property, the City cannot enforce the new ordinance.

Mr. Downes stated there will be other studies to determine how the City can best assist in alleviating flooding problems.

Mrs. Cook stated that this study was requested by the Council, at last year's strategic planning, to help with residents who are frustrated with flooding concerns. She asked about the FY23 budget for storm water projects.

Mr. Downes stated that the new budget allotted \$750,000. This has to be a commitment over the next several years, which will cost millions of dollars and require further study.

**BOW HUNTING – PATRICK BOONE**

The Mayor stated that someone in the City is bow hunting on their own private property. He stated that the deer that was hunted died on another person's property. He stated that the Department of Conservation does not allow hunting within a hundred yards from any dwelling, They can enforce, but the City has limited enforcement power. He encouraged the City to inform the public to use some common sense when shooting bows in the city limits.

There being no further business, Mrs. Cook made the motion to adjourn. The Work Session adjourned at 6:52 PM.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**CITY OF VESTAVIA HILLS**

**CITY COUNCIL**

**MINUTES**

**OCTOBER 24, 2022**

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. A number of staff and members of the general public also attended virtually, via Zoom.com, following publication pursuant to Alabama law. The Mayor called the meeting to order. The City Clerk called the roll with the following:

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

Paul Head, Councilor

**OTHER OFFICIALS PRESENT:**

Jeff Downes, City Manager  
Patrick H. Boone, City Attorney  
Cinnamon McCulley, Asst. City Manager  
Rebecca Leavings, City Clerk  
Dan Rary, Police Chief  
Melvin Turner, Finance Director  
Zach Clifton, Asst. Finance Director  
Marvin Green, Fire Chief  
Brian Davis, Public Services Director  
Christopher Brady, City Engineer\*  
Umang Patel, Court Director\*  
Keith Blanton, Building Official\*

*\*present virtually via Zoom or telephone*

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

**APPROVAL OF THE AGENDA**

The Mayor opened the floor for a motion for approval of the agenda.

**MOTION** Motion to approve the agenda as presented was made by Mr. Weaver and seconded by Mr. Pierce. Roll call vote as follows:

Mrs. Cook – yes      Mr. Pierce – yes



was wrong. He called for help. Through the window, he saw the resident sleeping on the couch and banged on the door alerting the elderly woman of the fire in her attic.

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

- No report.

### **COUNCILOR REPORTS**

- Mr. Pierce reported that they had talked earlier about people blowing debris into the storm sewers. He stated he is glad to see some forward movement on warning these landscaping services about the problems with blowing debris into the storm sewer.
- Mr. Pierce reported that he attended the Chamber Board meeting and learned that Viva Vestavia has been postponed until January and should be held in the new Civic Center. He stated that many of the restaurants did not have enough help to attend the event.
- Mayor Curry stated that there will be two Veterans Day events: one on November 9, at the New Merkel House, and one at City Hall, on November 10, beginning at 2 PM, at the new Civic Center.

### **FINANCIAL REPORTS**

Mr. Turner presented the financial reports for month ending September 2022 and preliminary FY22 closing balances. He read and explained the balances.

Mrs. Cook stated strong growth in sales tax revenues is at least partially due to inflation, and that growth in revenues are offset by inflated costs of fuel, labor, and other items.

### **INFRASTRUCTURE AND COMMUNITY SPACES UPDATE**

Raynor Boles, TCU, gave updates on the following projects:

- Civic Center – The Civic Center has been given a temporary certificate of occupancy in which allowed city employees to move into their various offices. He stated that they expect to get the final certificate of occupancy on Friday, to allow public access to the building. He stated there is still a punch list to finish, but he is excited to see the building open. Mayor Curry and Mrs. Cook stated that the new ballroom in the facility is going to be a wonderful space for people to enjoy special events and conferences. Mr. Pierce added that the view is also very nice from that room.
- Crosshaven Drive – Mr. Boles stated that the Crosshaven Drive project is completed on everything that is located within the right-of-way. Paving will occur in the next couple of days along with temporary striping. Permanent striping will be installed later. He indicated that there are some final landscaping that needs to be completed and the County project crews are mobilized and working on their portion of the project. He stated utility

- poles still need to be moved and they are hoping most of it will be completed prior to Halloween. He added that tomorrow there will only be one lane open, and there will be pilot cars and police assistance. Discussion ensued between Joey Moore, the owner of the Shell station, and Mr. Boles about the County project. Mr. Boles stated he could assist in helping in the situation.
- Wald Park, Phase III – Improvements have begun with a notice to proceed. He stated that he will keep the Council updated as the project proceeds. Mr. Pierce asked about carpool traffic. Mr. Boles stated that they have communicated with the Board and have worked it out with them to keep traffic moving.

### **APPROVAL OF MINUTES**

The Mayor stated that the approval of the minutes September 26, 2022 (Regular Meeting) and October 10, 2022 (Regular Meeting) are open for approval. He asked for a motion:

**MOTION:** Motion to approve the minutes of the September 26, 2022 (Regular Meeting) was made by Mr. Weaver and seconded by Mr. Pierce. Roll call vote as follows:

Mrs. Cook – abstained	Mr. Pierce – yes
Mr. Weaver – yes	Mayor Curry – yes

motion carried.

**MOTION:** Motion to approve the minutes of the October 10, 2022 (Regular Meeting) was made by Mrs. Cook and seconded by Mr. Weaver. Roll call vote as follows:

Mrs. Cook – yes	Mr. Pierce – yes
Mr. Weaver – yes	Mayor Curry – yes

motion carried.

### **OLD BUSINESS**

#### **ORDINANCE NUMBER 3124**

**Public Hearing – Ordinance Number 3124 – Rezoning – 901 Montgomery Highway; Rezone from Jefferson County Unknown to Vestavia Hills O-1; David and Rozanne Emory, Owners**

**MOTION** Motion to approve Ordinance Number 3125 was made by Mr. Weaver and seconded by Mrs. Cook.

Mr. Weaver delivered his report from the Planning and Zoning Commission. He explained that this is an older property in the City that had no zoning classification assigned by a City ordinance and has been used as office for decades. The property is up for sale and the new owners need a zoning certification for the property. The Commission recommended approval of the request on condition that the multiple parcels of land be platted into a single commercial lot.



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

Mrs. Cook – yes	Mr. Pierce – yes
Mr. Weaver – yes	Mayor Curry – yes
	motion carried.

### **ORDINANCE NUMBER 3125**

#### **Public Hearing – Ordinance Number 3125 – An Ordinance Adopting The Second Amendment To The Liberty Park Planned Unit Development For Development Of The Undeveloped Parts Of Liberty Park; Liberty Park Joint Venture, Owners**

**MOTION** Motion to approve Ordinance Number 3125 was made by Mrs. Cook and seconded by Mr. Pierce.

Mr. Weaver delivered his report on this request from the Planning and Zoning Commission. He explained that this is an amendment to the PUD to bring the PUD in line with the way other home occupations are permitted in the City and to incorporate single-family residential in planned business in order to allow Liberty Park to develop the remaining parts of Liberty Park.

Mrs. Cook asked if there were other concerns brought by residents at the Planning and Zoning meeting.

Mr. Weaver stated that there were none at the meeting, but he was contacted later regarding security of the construction sites. He indicated he spoke to the developers and security has been increased on these work sites.

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

Mrs. Cook – yes	Mr. Pierce – yes
Mr. Weaver – yes	Mayor Curry – yes
	motion carried.

### **NEW BUSINESS**

#### **RESOLUTION NUMBER 5417**

#### **Public Hearing – Resolution Number 5417 – A Resolution Authorizing The Installation Of A New Support Structure For A Small Cell Facility To Be Located In The Right-Of-Way Adjacent To 2701 Anna Steele Lane**

**MOTION** Motion to approve Resolution Number 5417 was by Mr. Weaver and seconded by Mr. Pierce.

Mr. Downes explained that this request is for installation of a small cell facility at 2701 Anna Steele Lane.

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

Mrs. Cook – yes	Mr. Pierce – yes
Mr. Weaver – yes	Mayor Curry – yes
	motion carried.

### **RESOLUTION NUMBER 5418**

**Resolution Number 5418 – A Resolution Declaring Certain Personal Property As Surplus And Authorizing The City Manager To Sell/Dispose Of Said Property**

**MOTION** Motion to approve Resolution Number 5418 was by Mrs. Cook and seconded by Mr. Pierce.

Mayor Curry explained that this request is to dispose of some old library furniture.

Daniel Tackett, Asst. Library Director stated that the furniture is very large and the space has been appropriated and is just too large to keep. Some is being reused in other areas of the City.

**MOTION** There being no one further to address the Council, the Mayor called for the question. Roll call vote was as follows:

Mrs. Cook – yes	Mr. Pierce – yes
Mr. Weaver – yes	Mayor Curry – yes
	motion carried.

### **ORDINANCE NUMBER 3134**

**Ordinance Number 3134 – An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver A Lease Agreement With Longford LLC To Lease A Facility To Be Utilized As The City’s Public Works Location**

**MOTION** Motion to approve Ordinance Number 3134 was by Mrs. Cook and seconded by Mr. Weaver.

Mr. Downes explained that this is an agreement for a five-year lease on a property in Cahaba Heights to house the Public Works Department. He explained the parameters of the lease agreement and indicated that the expenses were factored into this year's budget.

Mr. Pierce asked when the building will be occupied.

Mr. Downes explained they hope around January.

Mrs. Cook asked whether this has potential to cause a nuisance for surrounding property owners.

Mr. Downes stated that the property is enclosed and the department will operate during normal business hours. The city's use should be less traffic than the previous retail traffic at the site.

Mrs. Cook asked about improvements to the Parks and Recreation maintenance facility on Sicard Hollow Road to shield the yard from public view. Mr. Downes stated some upgrades are scheduled for this fiscal year.

The Mayor commended Mr. Boone for modifying this lease for City purposes.

**MOTION** There being no one further to address the Council, the Mayor called for the question. Roll call vote was as follows:

Mrs. Cook – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

motion carried.

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

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

- None.

### **CITIZEN COMMENTS**

- Danny Barrett, 3308 Shallowford Circle, stated that there was new pavement installed on Old Rocky Ridge with two turn-lanes and two straight-lanes. He they are not marked for who is turning and who is going straight and asked the city to address it. Mr. Davis stated that area is not City jurisdiction and he will try to contact Jefferson County to get the issue addressed.
- Mr. Barrett stated that he has been before the City Council previously and that no one is responsible for maintaining the creek at Shallowford. He asked for results from the County survey. Mr. Downes stated that they just received some information and will be

meeting with the neighbors to share. He stated that there are 10 pine trees with roots that are exposed that are waiting to fall and that they have never had the flooding in the creek that they do now because the water backs up at Rocky Ridge Road. Mr. Downes stated that the city will arrange a meeting with residents soon. He asked Mr. Barrett to give his contact information to Mr. Davis.

At 7:05 PM, Mrs. Cook made a motion to adjourn. The meeting adjourned at 7:06 PM.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

## **RESOLUTION NUMBER 5419**

### **A RESOLUTION AUTHORIZING THE INSTALLATION OF A NEW SUPPORT STRUCTURE FOR A SMALL CELL FACILITY TO BE LOCATED IN THE RIGHT-OF-WAY ADJACENT TO CERTAIN PROPERTIES IN THE CITY OF VESTAVIA HILLS**

**WHEREAS**, on December 17, 2018, the City Council adopted and approved Ordinance 2814A to adopt regulations for small cell technology facilities (“Nodes”) in the City of Vestavia Hills, Alabama; and

**WHEREAS**, §2.B.7 recommends that said Nodes shall be collocated when possible, however, when not possible the request shall be recommended by the City Manager and then approved by the City Council following a public hearing; and

**WHEREAS**, on the 2nd day of September, 2022, Acquanetta Love, on behalf of Crown Castle Fiber, LLC, submitted applications for a new support structure to be located in the right-of-way (“ROW”) adjacent to the following properties as detailed in Exhibit A which is attached and incorporated into this Resolution Number 5419 as if written therein; (1) 1813 Arboretum Circle, (2) 1633 Gentilly Drive, and (3) 3025 English Oaks Circle; and

**WHEREAS**, a sign was erected on the ROW and the surrounding property owners were notified of a public hearing to be held on November 14, 2022 regarding said new support request; and

**WHEREAS**, the City Manager and the City Staff have reviewed the application and recommend approval of said request; and

**WHEREAS**, the Mayor and the City Council feel it is in the best public interest to accept the recommendation and authorize installation of said new support structure.

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

1. The Mayor and City Council hereby accept the recommendation of the City Manager and authorize the installation of a new support structure to be located in the ROW adjacent to (1) 1813 Arboretum Circle, (2) 1633 Gentilly Drive, and (3) 3025 English Oaks Circle as detailed in the supporting information marked as Exhibit A, attached to and incorporated into this Resolution 5419 as if written fully therein; and
2. This Resolution shall become effective immediately upon adoption and approval.

**DONE, ORDERED, ADOPTED and APPROVED** this the 14<sup>th</sup> day of November, 2022.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**CITY OF VESTAVIA HILLS**  
1032 MONTGOMERY HIGHWAY  
VESTAVIA HILLS, ALABAMA 35216

**OFFICIAL NOTICE OF A PUBLIC HEARING**

October 17, 2022

This is an OFFICIAL NOTICE to inform you of the time, date and other details of the public hearing which will be held in the Vestavia Hills City Hall on the subject as follows:

**TIME/DATE OF HEARING:** 6:00 P.M. November 14, 2022 Monday

**PLACE OF HEARING:** Vestavia Hills City Hall  
1032 Montgomery Highway

**BOARD:** Vestavia Hills City Council

**ACTION REQUESTED:** Consideration of Installation of 45' Utility Pole with 6'6" embedment to be placed within the public right-of-way for Node Placement, Small Cell Wireless Facility

**LOCATION OF PROPERTY:** ROW adjacent to 1813 Arboretum Circle; See Enclosed Details for location and visual

**NAME OF APPLICANT:** Crown Castle Fiber LLC

**REPRESENTED BY:** Acquanetta Love

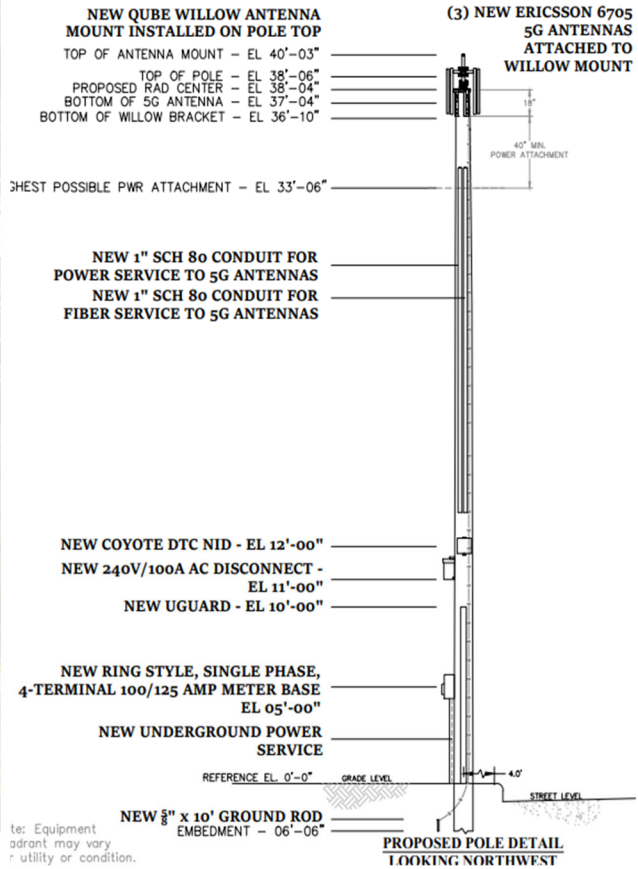
Sincerely,

Rebecca Leavings  
City Clerk

***INDIVIDUALS WITH DISABILITIES NEEDING SPECIAL SERVICES TO PARTICIPATE IN APPLICATIONS, ACTIVITIES, PROGRAMS OR SERVICES ARE REQUESTED TO COORDINATE THEIR NEEDS IN ADVANCE, WHEN TIME PERMITS. IF SPECIAL ACCOMMODATIONS ARE REQUIRED, PLEASE CONTACT THE CITY CLERK, (205) 978-0179.***



**PHOTO SIMULATION**





**CITY OF VESTAVIA HILLS**  
1032 MONTGOMERY HIGHWAY  
VESTAVIA HILLS, ALABAMA 35216

**OFFICIAL NOTICE OF A PUBLIC HEARING**

October 17, 2022

This is an OFFICIAL NOTICE to inform you of the time, date and other details of the public hearing which will be held in the Vestavia Hills City Hall on the subject as follows:

**TIME/DATE OF HEARING:** 6:00 P.M. November 14, 2022 Monday

**PLACE OF HEARING:** Vestavia Hills City Hall  
1032 Montgomery Highway

**BOARD:** Vestavia Hills City Council

**ACTION REQUESTED:** Consideration of Installation of 45' Utility Pole with 6'6" embedment to be placed within the public right-of-way for Node Placement, Small Cell Wireless Facility

**LOCATION OF PROPERTY:** ROW adjacent to 1633 Gentilly Drive; See Enclosed Details for location and visual

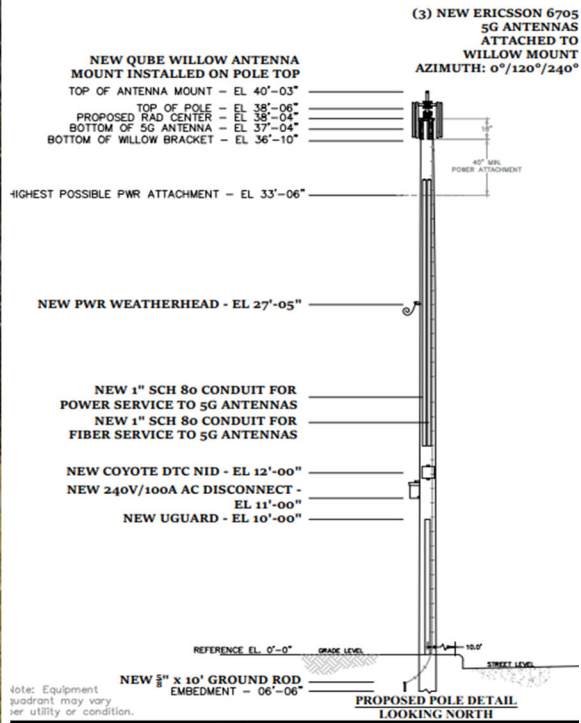
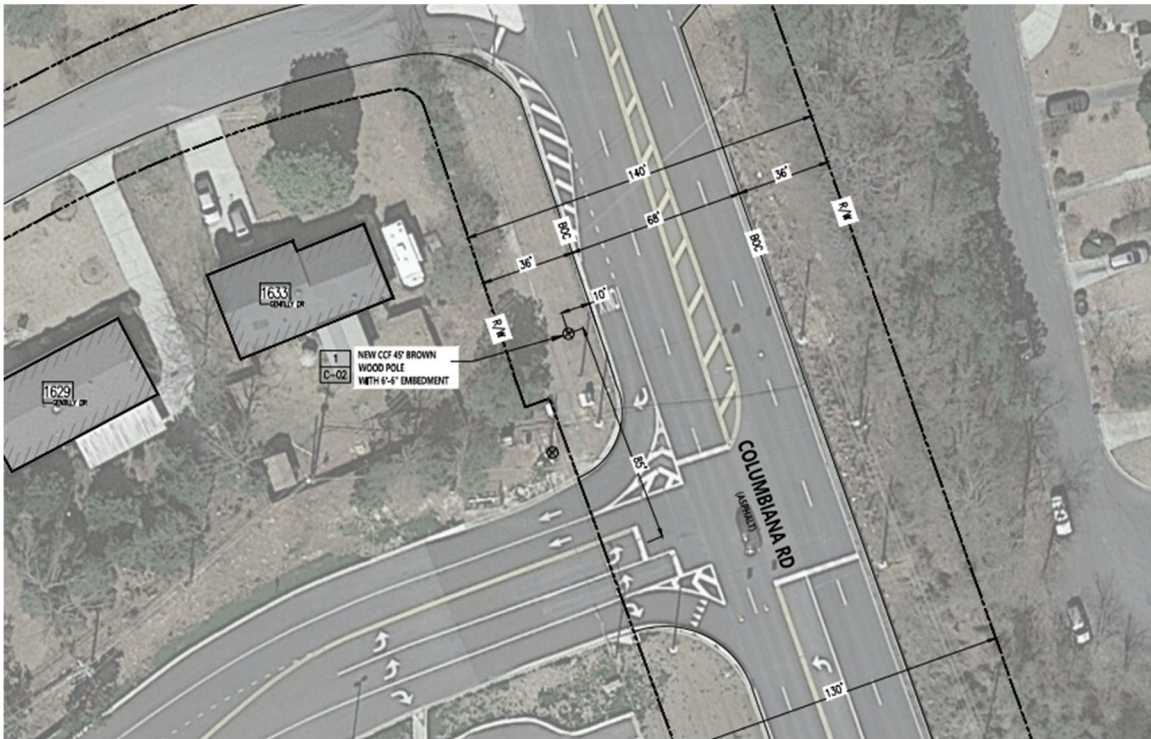
**NAME OF APPLICANT:** Crown Castle Fiber LLC

**REPRESENTED BY:** Acquanetta Love

Sincerely,

Rebecca Leavings  
City Clerk

***INDIVIDUALS WITH DISABILITIES NEEDING SPECIAL SERVICES TO PARTICIPATE IN APPLICATIONS, ACTIVITIES, PROGRAMS OR SERVICES ARE REQUESTED TO COORDINATE THEIR NEEDS IN ADVANCE, WHEN TIME PERMITS. IF SPECIAL ACCOMMODATIONS ARE REQUIRED, PLEASE CONTACT THE CITY CLERK, (205) 978-0179.***



**CITY OF VESTAVIA HILLS**  
1032 MONTGOMERY HIGHWAY  
VESTAVIA HILLS, ALABAMA 35216

**OFFICIAL NOTICE OF A PUBLIC HEARING**

October 17, 2022

This is an OFFICIAL NOTICE to inform you of the time, date and other details of the public hearing which will be held in the Vestavia Hills City Hall on the subject as follows:

**TIME/DATE OF HEARING:** 6:00 P.M. November 14, 2022 Monday

**PLACE OF HEARING:** Vestavia Hills City Hall  
1032 Montgomery Highway

**BOARD:** Vestavia Hills City Council

**ACTION REQUESTED:** Consideration of Installation of 45' Utility Pole with 6'6" embedment to be placed within the public right-of-way for Node Placement, Small Cell Wireless Facility

**LOCATION OF PROPERTY:** ROW adjacent to 3025 English Oaks Circle; See Enclosed Details for location and visual

**NAME OF APPLICANT:** Crown Castle Fiber LLC

**REPRESENTED BY:** Acquanetta Love

Sincerely,

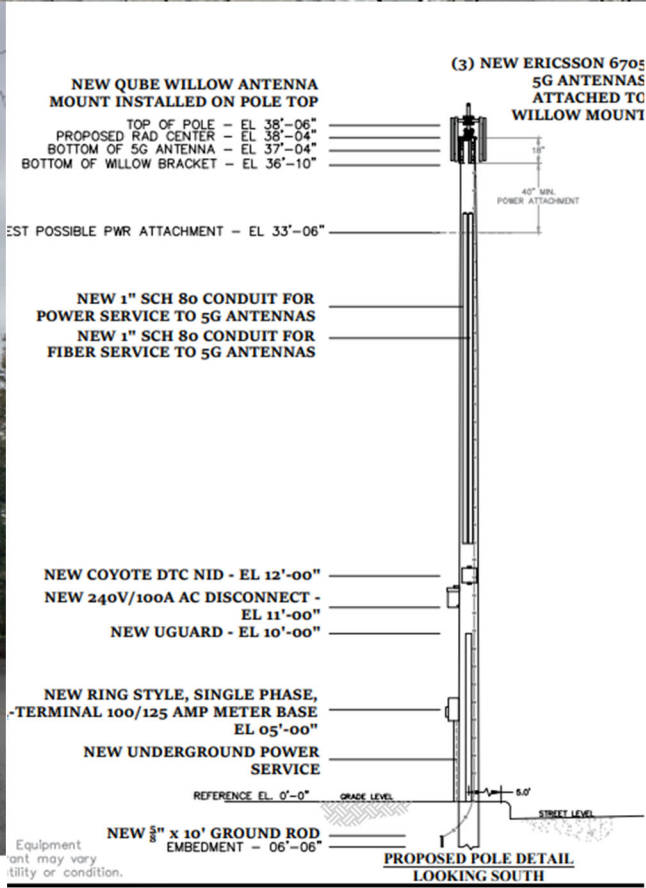
Rebecca Leavings  
City Clerk

***INDIVIDUALS WITH DISABILITIES NEEDING SPECIAL SERVICES TO PARTICIPATE IN APPLICATIONS, ACTIVITIES, PROGRAMS OR SERVICES ARE REQUESTED TO COORDINATE THEIR NEEDS IN ADVANCE, WHEN TIME PERMITS. IF SPECIAL ACCOMMODATIONS ARE REQUIRED, PLEASE CONTACT THE CITY CLERK, (205) 978-0179.***





**PHOTO SIMULATION**



**RESOLUTION NUMBER 5420**

**A RESOLUTION APPROVING ALCOHOL LICENSE  
FOR DAVENPORTS PIZZA PALACE VESTAVIA  
INC., D/B/A DAVENTPORTS PIZZA PALACE;  
AMANDA P. THAMES, YATES P. NORRIS AND  
TARA P. DAVIS, EXECUTIVES**

**WHEREAS**, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for Davenports Pizza Palace Vestavia Inc., d/b/a Daventports Pizza Palace, located at 700 Montgomery Hwy Suite 193, Vestavia Hills, Alabama, for the on-premise sale of 020 - Restaurant Retail Liquor; Amanda P. Thames, Yates P. Norris and Tara P. Davis, executives.

**APPROVED and ADOPTED** this the 14th day of November, 2022.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

# INTEROFFICE MEMORANDUM

**DATE:** November 3, 2022  
**TO:** Dan Rary, Police Chief  
**FROM:** Rebecca Leavings, City Clerk  
**RE:** Alcohol License Request – 020 - Restaurant Retail Liquor

Please find attached information submitted by Amanda P. Thames, Yates P. Norris and Tara P. Davis who request an alcohol license to sell 020 - Restaurant Retail Liquor at the Davenports Pizza Palace Vestavia Inc., d/b/a Daventports Pizza Palace, 700 Montgomery Hwy Suite 193, Vestavia Hills, Alabama.

I am scheduling this case to be heard by the City Council on 14th day of November, 2022 at 6:00 PM (Monday). Please advise me of your recommendation for this license. If you have any questions, please contact me.

---

## Reply

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

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

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







**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**  
**Confirmation Number: 20221028095307217**

Type License: 020 - RESTAURANT RETAIL LIQUOR      State: \$300.00 County: \$300.00  
 Type License:      State:      County:  
 Trade Name: DAVENPORTS PIZZA PALACE      Filing Fee: \$50.00  
 Applicant: DAVENPORTS PIZZA PALACE VESTAVIA INC      Transfer Fee:  
 Location Address: 700 MONTGOMERY HWY SUITE 193 VESTAVIA HILLS , AL 35216  
 Mailing Address: 700 MONTGOMERY HWY SUITE 193 VESTAVIA HILLS , AL 35216  
 County: JEFFERSON Tobacco sales: NO      Tobacco Vending Machines:  
 Product Type:      Type Ownership: CORPORATION  
 Book, Page, or Document info: 849-394  
 Do you sell Draft Beer?:  
 Date Incorporated: 04/27/2021 State incorporated: AL      County Incorporated: JEFFERSON  
 Date of Authority:  
 Federal Tax ID: 86-3533399      Alabama State Sales Tax ID: R011453577

Name:	Title:	Date and Place of Birth:	Residence Address:
AMANDA PRIDGEN THAMES 6799763 - AL	PRESIDENT	05/30/1982 NASHVILLE, TN	306 CLERMONT DR HOMEWOOD , AL 35209
YATES PATRICK NORRIS 8268411 - AL	SECRETARY/VP	12/25/1993 BIRMINGHAM, AL	1860 SOUTHWOOD RD VESTAVIA HILLS, AL 35216
TARA PRIDGEN DAVIS 7184082 - AL	ASSISTANT VP	12/27/1984 CHATTANOOGA, TN	3633 OAKDALE RD BIRMINGHAM , AL 35223

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES  
 Does ABC have any actions pending against the current licensee? NO  
 Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO  
 Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO  
 Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES  
 Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO  
 Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO  
 Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: AMANDA THAMES  
 Business Phone: 205-407-4747  
 Fax:

Home Phone: 205-643-8855  
 Cell Phone: 205-643-8855  
 E-mail: ATHAMES@DAVENPORTSPIZZA.COM

PREVIOUS LICENSE INFORMATION:  
 Trade Name: DAVENPORTS PIZZA PALACE  
 Applicant: DAVENPORTS PIZZA PALACE VESTAVIA INC

Previous License Number(s)  
 License 1: 011792237  
 License 2: 011792237



# STATE OF ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD ALCOHOL LICENSE APPLICATION

**Confirmation Number: 20221028095307217**

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**

Name of Property owner/lessor and phone number: **VESTAVIA MZL LLC 312-798-5140**

What is lessors primary business? **COMMERCIAL REAL ESTATE**

Is lessor involved in any way with the alcoholic beverage business? **NO**

Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**

Is the business used to habitually and principally provide food to the public? **YES**

Does the establishment have restroom facilities? **YES**

Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**

Building Dimensions Square Footage: **4210** Display Square Footage:

Building seating capacity: **100** Does Licensed premises include a patio area? **YES**

License Structure: **SHOPPING CENTER** License covers: **OTHER**

Number of licenses in the vicinity: Nearest:

Nearest school: Nearest church: Nearest residence: **0 miles**

Location is within: **CITY LIMITS** Police protection: **CITY**

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

**Name: Violation & Date: Arresting Agency: Disposition:**

Name:	Violation & Date:	Arresting Agency:	Disposition:





# STATE OF ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD ALCOHOL LICENSE APPLICATION Confirmation Number: 20221028095307217



**Initial each**

**Signature page**

APT  
APT

In reference to law violations, I attest to the truthfulness of the responses given within the application.

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

APT

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

APT

In reference to Special Retail or Special Events retail license, Wine Festival and Wine Festival Participant Licenses, and Food or Beverage Truck Licenses, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

APT

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

APT

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

APT

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

APT

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

APT

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): *Amanda P. Thames*

Signature of Applicant: *APT*

Notary Name (print): *Angela Quick*

Notary Signature: *Angela Quick*

Commission expires: *2-9-2026*



**Application Taken:**                      **App. Inv. Completed:**  
**Submitted to Local Government:**  
**Received in District Office:**        **Reviewed by Supervisor:**

**Forwarded to District Office:**  
**Received from Local Government:**  
**Forwarded to Central Office:**

**RESOLUTION NUMBER 5421**

**A RESOLUTION APPROVING ALCOHOL LICENSE  
FOR MAMA COCO CANTINA 2 LLC D/B/A MAMA  
COCO 2; JORGE IVAN SANCHEZ PERALTA AND  
JULIO CESAR LAZARO PERALTA, EXECUTIVES**

**WHEREAS**, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for Mama Coco Cantina 2 LLC d/b/a Mama Coco 2, located at 1088 Montgomery Highway, Vestavia Hills, Alabama, for the on-premise sale of 020 - Restaurant Retail Liquor; Jorge Ivan Sanchez Peralta and Julio Cesar Lazaro Peralta, executives.

**APPROVED and ADOPTED** this the 14th day of November, 2022.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

# INTEROFFICE MEMORANDUM

**DATE:** November 10, 2022

**TO:** Dan Rary, Police Chief

**FROM:** Rebecca Leavings, City Clerk

**RE:** Alcohol License Request – 020 - Restaurant Retail Liquor

Please find attached information submitted by Jorge Ivan Sanchez Peralta and Julio Cesar Lazaro Peralta who request an alcohol license to sell 020 - Restaurant Retail Liquor at the Mama Coco Cantina 2 LLC d/b/a Mama Coco 2, 1088 Montgomery Highway, Vestavia Hills, Alabama.

I am scheduling this case to be heard by the City Council on 14th day of November, 2022 at 6:00 PM (Monday). Please advise me of your recommendation for this license. If you have any questions, please contact me.

---

## Reply

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

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

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





# STATE OF ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD ALCOHOL LICENSE APPLICATION

**Confirmation Number: 20221108153910932**

Type License: 020 - RESTAURANT RETAIL LIQUOR State: \$300.00 County: \$300.00

Type License: State: County:

Trade Name: MAMA COCO 2 Filing Fee: \$50.00

Applicant: MAMA COCO CANTINA 2 LLC Transfer Fee:

Location Address: 1088 MONTGOMERY HWY VESTAVIA HILLS, AL 35216

Mailing Address: PO BOX 2835 CULLMAN, AL 35056

County: JEFFERSON Tobacco sales: NO Tobacco Vending Machines:

Product Type: Type Ownership: LLC

Book, Page, or Document info: 865 772

Do you sell Draft Beer?:

Date Incorporated: 06/04/2021 State incorporated: AL County Incorporated: JEFFERSON

Date of Authority: 06/04/2021

Federal Tax ID: 871702671 Alabama State Sales Tax ID: R011169949

Name:	Title:	Date and Place of Birth:	Residence Address:
JORGE IVAN SANCHEZ PERALTA 8659678 - AL	MEMBER	07/11/1993 MEXICO	1937 POPLAR DR SW CULLMAN, AL 35055
JULIO CESAR LAZARO PERALTA 8960233 - AL	MEMBER	06/12/1981 MEXICO	1853 ARBORETUM CIRCLE APT C VESTAVIA HILLS, AL 35216

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

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

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

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

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

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? YES

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

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

Contact Person: JULIO LAZARO PERALTA

Business Phone: 205-604-3710

Fax:

Home Phone: 205-604-3710

Cell Phone: 205-604-3710

E-mail: BAJARESTAURANTSLLC@GMAIL.COM

PREVIOUS LICENSE INFORMATION:

Trade Name:

Applicant:

Previous License Number(s)

License 1:

License 2:



# STATE OF ALABAMA

## ALCOHOLIC BEVERAGE CONTROL BOARD

### ALCOHOL LICENSE APPLICATION



**Confirmation Number: 20221108153910932**

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**  
 Name of Property owner/lessor and phone number: **SWNC VESTAVIA LLC 205-977-9797**  
 What is lessors primary business? **REAL ESTATE**  
 Is lessor involved in any way with the alcoholic beverage business? **NO**  
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

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

Will the business be operated primarily as a package store? **NO**  
 Building Dimensions Square Footage: **2800** Display Square Footage:  
 Building seating capacity: **134** Does Licensed premises include a patio area? **YES**  
 License Structure: **SHOPPING CENTER** License covers: **PORTION OF**  
 Number of licenses in the vicinity: **0** Nearest: **0**  
 Nearest school: Nearest church: Nearest residence: **0 blocks**  
 Location is within: **CITY LIMITS** Police protection: **CITY**

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

Name:	Violation & Date:	Arresting Agency:	Disposition:
JULIO LAZARO PERALTA	DUI AND LIQUOR POSSESSION TRESPASSING	CULLMAN CO SHERIFFS OFFICE	FINE PAID





# STATE OF ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD ALCOHOL LICENSE APPLICATION



**Confirmation Number: 20221108153910932**

**Initial each**

**Signature page**

- In reference to law violations, I attest to the truthfulness of the responses given within the application.
- In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.
- In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.
- In reference to Special Retail or Special Events retail license, Wine Festival and Wine Festival Participant Licenses, and Food or Beverage Truck Licenses, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.
- In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.
- In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.
- In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.
- The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.  
The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.
- I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print):

Signature of Applicant:

Notary Name (print):

Notary Signature:

Commission expires:

**Application Taken:**

**App. Inv. Completed:**

**Forwarded to District Office:**

**Submitted to Local Government:**

**Received from Local Government:**

**Received in District Office:**

**Reviewed by Supervisor:**

**Forwarded to Central Office:**

**RESOLUTION NUMBER 5422**

**A RESOLUTION RE-APPOINTING A REGULAR MEMBER,  
APPOINTING AN ALTERNATE MEMBER AS A REGULAR MEMBER  
AND APPOINTING AN ALTERNATE MEMBER TO THE VESTAVIA  
HILLS BOARD OF ZONING ADJUSTMENT**

**WHEREAS**, the appointments of Rick Rice (Chairman and Regular Member), Robert Gower (Regular Member) and Thomas Parchman (Alternate Member) have expired on the Vestavia Hills Board of Zoning Adjustment; and

**WHEREAS**, Mr. Gower has indicated that he's ready to retire from the Board;

**WHEREAS**, after advertisements of said vacancies and contact with possible new members, the Mayor has issued a Memorandum detailing his recommendation to:

- Re-appoint Rick Rice as a regular member of the Board;
- Appoint Thomas Parchman as a Regular Member of the Board; and
- Appoint Mike Fliegel as an Alternate Member of the Board; and

**WHEREAS**, the Council agrees it is in the best public interest to accept the Mayor's recommendation.

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

1. Rick Rice is hereby re-appointment as a Regular Member of the Board; and
2. Thomas Parchman is appointed as a Regular Member of the Board; and
3. Mike Fliegel is appointed as an Alternate Member of the Board; and
4. All appointments are effective immediately upon adoption and shall expire October 31, 2025.

**ADOPTED and APPROVED** this the 14<sup>th</sup> day of November, 2022.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk



# VESTAVIA HILLS

## MEMORANDUM

TO: Rebecca Leavings, City Clerk

FROM: Ashley C. Curry, Mayor *acc*

DATE: November 8, 2022

RE: Appointments to the Board of Zoning Adjustment

---

Rick Rice's term on the Board of Zoning Adjustment expired on October 31, 2022. I would like to recommend Rick Rice be reappointed for a three-year term ending on October 31, 2025.

Robert Gower's term on the Board of Zoning Adjustment expired October 31, 2022. I would like to recommend Thomas Parchman be appointed to full member status with a three-year term ending October 31, 2025.

I would also like to recommend Mike Fliegel be appointed as an Alternate for a three-year term ending October 31, 2025.

Thank you.



**ORDINANCE NUMBER 3135**

**AN ORDINANCE GRANTING A CONDITIONAL USE APPROVAL  
FOR A DOG GROOMING BUSINESS**

**WHEREAS**, on June 27, 2022, the City Council of the City of Vestavia Hills, Alabama approved and adopted Ordinance Number 3099, re-establishing a Zoning Code for the City of Vestavia Hills, Alabama; and

**WHEREAS**, Patrick Crabtree owner of 1401 Montgomery on behalf of Stephanie Hazen, has submitted application for conditional use approval for the grooming and bathing services of dogs operated from tenant space in the 1401 Montgomery Highway property, Vestavia Hills, Alabama; and

**WHEREAS**, Ms. Hazen has indicated in the application for conditional use approval to allow the operation of a grooming and bathing service for dogs; and

**WHEREAS**, a copy of said application dated September 8, 2022 is attached and hereby incorporated into this Ordinance Number 3135.

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

1. Conditional Use Approval is hereby approved for a grooming and bathing dog service to be located in the tenant space described as 1401 Montgomery Highway;
  - (1) Conditional use is hereby granted for operation of a dog grooming and bathing service; and
  - (2) Services shall be conducted by appointment and/or walk-in only; and
  - (3) There shall be no overnight boarding of animals at any time except when medically necessary; and
  - (4) A City of Vestavia Hills Business License shall be issued upon application and payment by the proposed dog grooming tenant working to the rules and regulations outlined in the Vestavia Hills Business License Code and shall be renewed each year that the grooming business is operated from the location at 1401 Montgomery Highway, Vestavia Hills, Alabama; and

- (5) At any time should the tenant vacate the premises, discontinue or relocate the business and the use is removed from the property for 12-months, this conditional use approval shall be nullified and said Ordinance Number 3135 shall be automatically repealed

**ADOPTED and APPROVED** this the 28<sup>th</sup> day of November, 2022.

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 # 3135 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 28<sup>th</sup> day of November, 2022 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Rebecca Leavings  
City Clerk



# City of Vestavia Hills

Planning and Zoning Commission Review and Recommendation  
of Conditional Use



Case Number: CU-22-1  
Owner Name: Patrick Crabtree  
Owner Address: 1401 Montgomery Hwy Vestavia Hills AL 35216

Representative: Stephanie Hazen  
Rep. Address: 1400 12th Terrace Pleasant Grove AL 35127

Project Address: 1401 Montgomery Hwy Suite # 9  
Legal Description: see attached  
Parcel ID Number:  
Current Zoning: Vestavia Hills B-2 with covenants  
Request Conditional Use: Dog grooming, on-site by appoint and walk-in only with no boarding on-premise

Date of P&Z Meeting: 10/13/22  
**With the Commission finding that the application met all nine criteria as defined in Section 13.3.4 of the Vestavia Hills Zoning Ordinance**

**MOTION** Mr. Weaver made a motion to recommend Conditional Use Approval for dog grooming at 1401 Montgomery Hwy. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

P&Z Recommendation:	Mr. Maloof – yes	Mr. Farrell – yes
	Mr. Weaver – yes	Mr. Romeo– yes
	Mr. Sykes – yes	Mrs. Barnes– yes
	Mr. Larson – yes	Motion carried.

Authorized by: Vestavia Hills Planning and Zoning Commission, Michael Vercher, Chair  
Issued by: Conrad Garrison, City Planner



10/26/2022

**CU-22-1****Conditional Use Application****Status:** Active**Date Created:** Sep 8, 2022**Applicant**

Stephanie Hazen  
hazenstephanie4@gmail.com  
1400 12th Terrace  
Pleasant Grove, AL 35127  
205-306-5405

**Primary Location**

1401 MONTGOMERY HWY  
VESTAVIA HILLS, AL 35216

**Owner:**

Patrick Crabtree  
1401 Montgomery Hwy Vestavia Hills , AL 35216

**Agenda Information****Agenda Scheduling:**

--

**Comment/Delay/Reasons:**

--

**Owner Information**

A notarized Owner's Affidavit must be submitted with this Conditional Use Application before it can be processed. Please prepare this affidavit prior to submission or it will not be properly filed. All documents must be filed prior to the application date to be considered on the next meeting date. If any required information is received after the application date, the application will be held until the next month.

**Property Owner:**

Patrick Crabtree

**Mailing Address of Property Owner Including City, State, Zip Code:**

1401 Montgomery Hwy Vestavia Hills AL 35216

**Property Owner Email:**

patrickcrabtree09@yahoo.com

**Property Owner Telephone Number:**

205-960-3991

**Check Below if Property Owner is Responsible for Postage Costs****Representing/Responsible Party****Representing Agent:**

Stephanie Hazen

**Mailing Address of Representing Agent Including City, State, Zip:**

1400 12th Terrace Pleasant Grove AL 35127

**Representing Agent Email:**

hazenstephanie4@gmail.com

**Representing Agent Telephone No.:**

205-306-5405

**Check Below if Representing Agent is Responsible for Postage Charges**

**Property Information****Property Address:**

1401 Montgomery Hwy Suite # 9

**County Parcel ID Number:**

--

**Legal Description of Subject Property:**

see attached

**Current Zoning Classification of Subject Property:**

Vestavia Hills B-2 with covenants

**Requested Conditional Use Including Intended Use, Citing Appropriate Section of the Zoning Code, etc.:**

Dog grooming, on-site by appoint and walk-in only with no boarding on-premise

**Explanation of Reasons for Conditional Use**

Upon acceptance of an application, the Commission shall consider the application during a public hearing. The Commission shall, after the public hearing, make a recommendation to the Council. Following the recommendation by the Commission, the Council shall hold a public hearing regarding the application and upon completion of said hearing, shall approve with conditions or deny the request within the time limit required by law. The recommendation by the Commission may be to approve or deny the application, which said recommendation shall be advisory only. Zoning is a legislative matter decided by the Council. The Council shall not be bound by the recommendation of the Commission. A Conditional Use approval shall lapse and be of no effect if, after the expiration of one (1) year from the date of Council approval, no construction or change in use pursuant to such Conditional Use has taken place, provided that the Council may, for good cause shown, specify a longer period of time in conjunction with its action to approve a Conditional Use.

Determination. Conditional Uses shall only be approved upon a finding by the Governing Body that all of the following criteria are satisfied. Please FULLY explain each of these conditions relative to this Conditional Use Request.

**1. The use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the surrounding area:**

No.

**2. The use is necessary or desirable and provides a service or facility that contributes to the general well-being of the surrounding area:**

Yes.

**3. The request is consistent with all applicable provisions of the Comprehensive Plan:**

Yes.

**4. The request shall not adversely affect adjacent properties:**

No.

**5. The request is compatible with the existing or allowable uses of adjacent properties:**

No.

**6. The request can demonstrate that adequate public facilities, including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed:**

Yes.

**7. The request can demonstrate adequate provision for maintenance of the use and associated structures:**

Yes.

**8. The request has minimized, to the degree possible, adverse effects on the natural environment:**

Yes.

**9. The request will not create undue traffic congestion:**

No.

**That such development will comply with all applicable regulations and conditions specified within this Ordinance:**

Yes.

**New Custom Section**

**P&Z Meeting Date**

10/13/22

**P&Z Recommendation**

***With the Commission finding that the application met all nine criteria as defined in Section 13.3.4 of the Vestavia Hills Zoning Ordinance***

**MOTION** Mr. Weaver made a motion to recommend Conditional Use Approval for dog grooming at 1401 Montgomery Hwy. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

Mr. Maloof – yes	Mr. Farrell – yes
Mr. Weaver – yes	Mr. Romeo– yes
Mr. Sykes – yes	Mrs. Barnes– yes
Mr. Larson – yes	Motion carried.

**City Council Meeting Date**

--




**Ordinance Number**

--

**Approve/Deny & Conditions**

--

**Attachments**

-  2022\_09\_08\_13\_22\_08.pdf  
Uploaded by Stephanie Hazen on Sep 8, 2022 at 1:23 pm
-  2022\_09\_08\_13\_25\_43.pdf  
Uploaded by Stephanie Hazen on Sep 8, 2022 at 1:26 pm
-  2022\_09\_08\_13\_22\_21.pdf  
Uploaded by Stephanie Hazen on Sep 8, 2022 at 1:23 pm

**History**

Date	Activity
Sep 8, 2022 at 1:14 pm	Stephanie Hazen started a draft of Record CU-22-1
Sep 8, 2022 at 1:16 pm	Stephanie Hazen altered Record CU-22-1, changed ownerCity from "" to "Vestavia Hills "
Sep 8, 2022 at 1:16 pm	Stephanie Hazen altered Record CU-22-1, changed ownerEmail from "" to "patrickcrabtree09@yahoo.com"
Sep 8, 2022 at 1:16 pm	Stephanie Hazen altered Record CU-22-1, changed ownerName from "" to "Patrick Crabtree"
Sep 8, 2022 at 1:16 pm	Stephanie Hazen altered Record CU-22-1, changed ownerPhoneNo from "" to "205-960-3991"
Sep 8, 2022 at 1:16 pm	Stephanie Hazen altered Record CU-22-1, changed ownerPostalCode from "" to "35216"
Sep 8, 2022 at 1:16 pm	Stephanie Hazen altered Record CU-22-1, changed ownerState from "" to "AL"
Sep 8, 2022 at 1:16 pm	Stephanie Hazen altered Record CU-22-1, changed ownerStreetName from "" to "Montgomery Hwy"
Sep 8, 2022 at 1:16 pm	Stephanie Hazen altered Record CU-22-1, changed ownerStreetNo from "" to "1401"
Sep 8, 2022 at 1:16 pm	Stephanie Hazen altered Record CU-22-1, changed ownerUnit from "" to ""
Sep 8, 2022 at 1:27 pm	Stephanie Hazen submitted Record CU-22-1
Sep 8, 2022 at 1:37 pm	completed payment step Custom Payment on Record CU-22-1
Sep 8, 2022 at 1:37 pm	approval step Administrative Reviewwas assigned to Kay Russom on Record CU-22-1
Sep 8, 2022 at 1:41 pm	Kay Russom approved approval step Administrative Review on Record CU-22-1
Sep 8, 2022 at 4:34 pm	Conrad Garrison assigned approval step Planner Review to Conrad Garrison on Record CU-22-1
Sep 20, 2022 at 9:47 am	Conrad Garrison approved approval step Planner Review on Record CU-22-1
Sep 20, 2022 at 9:48 am	approval step Engineering Reviewwas assigned to Christopher Brady on Record CU-22-1
Sep 20, 2022 at 9:48 am	approval step Building Official Reviewwas assigned to Keith Blanton on Record CU-22-1
Sep 20, 2022 at 9:48 am	approval step Fire Department Reviewwas assigned to Christopher Vines on Record CU-22-1
Sep 20, 2022 at 9:48 am	approval step Zoning Official Reviewwas assigned to Rebecca Leavings on Record CU-22-1
Sep 20, 2022 at 9:53 am	Rebecca Leavings changed Requested Conditional Use Including Intended Use, Citing Appropriate Section of the Zoning Code, from "Dog grooming, on-site by appoint and walk-in only with boarding on-premise" to "Dog grooming, on-site by appoint and walk-in only with no boarding on-premise" on Record CU-22-1

**BUSINESS PLAN**

**Iron City Pawfection**

1401 Montgomery Hwy Suite 9 Vestavia Hills Al 35126

09/07/2022

## **Executive Summary**

### ***Iron City Pawfection 's Ownership***

This company will operate as a corporation.

### ***Iron City Pawfection 's Management***

The company will be managed by Stephanie, the owner, and Kayla Swink, who also has about sixteen years experience in the grooming industry.f.

### ***Iron City Pawfection 's Goals and Objectives***

The goal for this company, is to become a trusted member of the community, to take care of one of the most important member of the family, the dog. Many breeds of dog require regular grooming for their health needs. We strive to give top notch grooming services to the Vestavia Hills community..

### ***Iron City Pawfection 's Product***

Dog grooming:

This includes bathing the dog, trimming and or grinding of nails, cleaning and plucking of dogs ears, expressing their anal glands, brushing their teeth, demating them, blowing out their undercoat, checking and treating them for fleas or ticks, and clipping their hair.

Dogs will be checked in by appointment though out the day by our receptionist. We will try to keep dogs in the salon for no longer than three hours at the maximum. That can not be guaranteed as some dogs take more time but that will be our goal. We will rotate dogs in and out though our exits. We will provide poop bags and poop bag stations for the clients. We will also clean the yard three times daily. There will be soundproofing in the building to keep the noise levels to a minimum. .

### ***Iron City Pawfection 's Target Market***

The target market for the company is people who own dogs in the Vestavia Hills community..

### ***Iron City Pawfection 's Pricing Strategy***

The company has taken many factors into account for pricing, including pricing of our direct competitors, experience of the groomers, and time it takes to groom the dog.

Our pricing will be as follows:



Grooming Services: Groom includes basic oatmeal or hypo bath, ear cleaning and plucking, haircut, nail trim, anal glands expressed, and blueberry facial!

Haircut: (including full haircut, nails clipped, ears cleaned & glands expressed)

Xsmall \$65

Small \$75

Medium \$90

Large \$120

Xl \$140

XXL \$160+

Bath: (including nails clipped, ears cleaned and glands expressed)

Short haired dogs

Xsmall \$40

Small \$50

Medium \$60

Large \$70

XL \$80

Bath:(including nails clipped, ears cleaned and glands expressed)

Long haired dogs

Xsmall \$45

Small \$55

Medium \$65

Large \$75

XL \$85

XXL \$95+

Deshed Treatment

Small \$20

Medium \$30

Large \$40

XL \$50

Additional fees

- Matting fee \$10+
- Nail grinding \$13
- Clean face/clean feet \$20
- Reset fee \$30+
- Whitening shampoo \$6
- Medicated shampoo \$12
- Teeth Brushing \$10
- Special Handling \$20+

Walk In Services:

- Nails \$20
- Ears \$10/\$15
- Glands \$15
- Face Trim \$15
- Feet Trim \$15.

***Iron City Pawfection 's Competitors***

There are quite a few dog grooming salons in the area, but despite that, the people of Vestavia Hills still have problems getting their dogs an appointment to get their dogs groomed. I feel like the need for another salon will not effect the business of the other salons in the area..

## **Business Plan - Iron City Pawfection**

### **The Company**

#### *Business Sector*

The owners plan to work in the following industry:

Dog Grooming .

#### *Company Goals and Objectives*

The goal for this company, is to become a trusted member of the community, to take care of one of the most important member of the family, the dog. Many breeds of dog require regular grooming for their health needs. We strive to give top notch grooming services to the Vestavia Hills community..

#### *Company Ownership Structure*

Iron City Pawfection will be run as a corporation.

#### *Ownership Background*

Stephanie Hazen (shareholder):

Stephanie has 17 years experience in the industry, including 12 of those years being in management or owning the business. She managed a Petsmart Salon for quite a while, and owned a salon in Hueytown for years. .

\_\_\_\_\_ (shareholder):

\_\_\_\_\_.

#### *Company Management Structure*

The company will be managed by Stephanie, the owner, and Kayla Swink, who also has about sixteen years experience in the grooming industry.f.

#### *Organizational Timeline*

We hope to be fully operational as soon as possible. .

#### *Company Assets*

\_\_\_\_\_.

### **The Product**

### *Iron City Pawfection 's Product*

#### Dog grooming:

This includes bathing the dog, trimming and or grinding of nails, cleaning and plucking of dogs ears, expressing their anal glands, brushing their teeth, demating them, blowing out their undercoat, checking and treating them for fleas or ticks, and clipping their hair.

Dogs will be checked in by appointment though out the day by our receptionist. We will try to keep dogs in the salon for no longer than three hours at the maximum. That can not be guaranteed as some dogs take more time but that will be our goal. We will rotate dogs in and out though our exits. We will provide poop bags and poop bag stations for the clients. We will also clean the yard three times daily. There will be soundproofing in the building to keep the noise levels to a minimum. .

### **Marketing Plan**

#### *Iron City Pawfection 's Target Market*

The target market for the company is people who own dogs in the Vestavia Hills community..

#### *Location Analysis*

This location is easy to get to for many cities outside of Vestavia Hills, and will attract business to other local businesses. .

#### *Established Customers*

Stephanie has already been grooming in the Vestavia Hills area for about three years and, Kayla has off and on for years. Many families know who we are, and are very excited to see Iron City Pawfection coming soon! .

#### *Pricing*

The company has taken many factors into account for pricing, including pricing of our direct competitors, experience of the groomers, and time it takes to groom the dog.

Our pricing will be as follows:

Grooming Services: Groom includes basic oatmeal or hypo bath, ear cleaning and plucking, haircut, nail trim, anal glands expressed, and blueberry facial!

Haircut: (including full haircut, nails clipped, ears cleaned & glands expressed)

Xsmall \$65

Small \$75

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XXL \$160+

Bath: (including nails clipped, ears cleaned and glands expressed)

Short haired dogs

Xsmall \$40

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Large \$70

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Bath:(including nails clipped, ears cleaned and glands expressed)

Long haired dogs

Xsmall \$45

Small \$55

Medium \$65

Large \$75

XL \$85

XXL \$95+

Deshed Treatment

Small \$20

Medium \$30

Large \$40

XL \$50

Additional fees

-Matting fee \$10+

-Nail grinding \$13

- Clean face/clean feet \$20

- Reset fee \$30+
- Whitening shampoo \$6
- Medicated shampoo \$12
- Teeth Brushing \$10
- Special Handling \$20+

Walk In Services:

- Nails \$20
- Ears \$10/\$15
- Glands \$15
- Face Trim \$15
- Feet Trim \$15.

*Advertising Strategy*

Company will be advertised by sign, word of mouth, and social networking..

**Competitor Analysis**

*Iron City Pawfection 's Competitors*

There are quite a few dog grooming salons in the area, but despite that, the people of Vestavia Hills still have problems getting their dogs an appointment to get their dogs groomed. I feel like the need for another salon will not effect the business of the other salons in the area..

**Operations**

*Daily Operations*

Dogs will be dropped off in the morning or lunchtime by appointment only. Spend 3 to 4 hours in the salon getting groomed and then be picked up immediately upon being finished. We will aim to have a mostly cage free environment but will have kennels available for dogs that need them. We will have one person working at the front desk to help answer phones, schedule appointments, keep track of books, etc. Two groomers, Kayla and I, who will perform all of the grooming, and a bather to help bathe groom dogs and do the bath dogs. We plan to operate from about 7:30-4:30, Monday though Friday. .

*Operational Facilities*

The company will operate at 1401 Montgomery Highway Suite 9. This area is prone to flooding so we will always stay very weather conscious and plan not to operate if the risk of

flooding is too high. We will also have an evacuation plan for ourselves and the dogs, should we ever need it. All humans and animals will be removed from the building immediately if there is a chance of flooding. .

*Staffing*

The company will have one other groomer, Kayla Swink. Also, a receptionist to help check in/check out, make appointments, and keep books, etc. We will also have one, possibly more, bathers to do bath dogs and assist the groomers with bathing..

# Starting Your Own Business: Instructions

To give your new business the best and most legally stable start possible, simply follow these important steps:

## After Completing Your Business Plan:

- ✓ **Proofread and check everything:** Minor mistakes in spelling and grammar could undermine the sense of professionalism you and your company convey.
- ✓ **Create a non-disclosure agreement:** An NDA will help protect any intellectual property your business owns when you share information about the company with investors, employees, and/or business partners.
- ✓ **Set up the legal structure of the company:** If you've decided to set up an LLC, you could get ahead of the curve by submitting your [Articles of Organization](#) and [LLC Operating Agreement](#). Alternatively, if you're creating a partnership, you can take the time to write your [Partnership Agreement](#), so all the roles and responsibilities of the business are properly allocated.
- ✓ **Decide whether to hire employees or not:** If you plan to add extra members to your workforce, now is the time to decide. Consider what your necessities will be and when and how you can feasibly start the hiring process for new staff.

## What You Need to Make Your Business Plan Legal:

- No signatures are needed on this kind of document
- You should make copies available to any interested parties and potential investors who could help take your business to the next level.

Note: A copy of your completed business plan is securely stored on your account dashboard.



**ORDINANCE NUMBER 3136**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY MANAGER TO PURCHASE CUSTOMIZE SOFTWARE FROM OPENGOV FOR PLANNING AND BUDGETING AND AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AND DELIVER ANY DOCUMENTS NECESSARY TO SECURE AND IMPLEMENT SAID SOFTWARE**

**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 purchase and implement Planning and Budgeting Software (“Software”) customized for the City of Vestavia Hills and implemented by OpenGov; and
2. Said Software cost and services are detailed in a Quotation and Statement of Work labeled as Exhibit A, a copy of which is attached to and incorporated into this Ordinance Number 3136 as if written fully therein; and
3. Said Software shall be expensed from the City’s General Fund; and
4. This Ordinance Number 3136 shall become effective following adoption and publishing/posting pursuant to Alabama Law.

**ADOPTED and APPROVED** this the 28<sup>th</sup> day of November, 2022.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk



OpenGov Inc.  
 PO Box 41340  
 San Jose, CA 95160  
 United States

**Quote Number:** OG-Q005099  
**Created On:** 10/18/2022  
**Order Form Expiration:** 11/30/2022  
**Subscription Start Date:** 12/1/2022  
**Subscription End Date:** 11/30/2025

**Prepared By:** Braden Taylor  
**Email:** [btaylor@opengov.com](mailto:btaylor@opengov.com)  
**Contract Term:** 36 Months

Customer Information		Contact Information	
<b>Customer:</b>	City of Vestavia Hills	<b>Contact Name:</b>	Zachary Clifton
<b>Bill To/Ship To:</b>	1032 Montgomery Highway Vestavia Hills, Alabama United States	<b>Email:</b>	<a href="mailto:zclifton@vhal.org">zclifton@vhal.org</a>

Order Details
<b>Billing Frequency:</b> Annually in Advance
<b>Payment Terms:</b> Net Thirty (30) Days

**SOFTWARE SERVICES:**

Product / Service	Start Date	End Date	Annual Fee
Budgeting & Planning	12/1/2022	11/30/2023	\$5,000.00
Budgeting & Planning	12/1/2023	11/30/2024	\$24,977.00
Budgeting & Planning	12/1/2024	11/30/2025	\$26,225.85
<b>Annual Subscription Total:</b>			<b>See Billing Table</b>

**PROFESSIONAL SERVICES:**

Product / Service	Start Date	Professional Services Total:
Professional Services Deployment - Prepaid	12/1/2022	<b>\$41,255.00</b>

**Billing Table:**

Billing Date	Amount Due	
December 1, 2022	\$46,255.00	(Annual Software Fee + Professional Services)
December 1, 2023	\$24,977.00	
December 1, 2024	\$26,225.85	

**Order Form Legal Terms**

Welcome to OpenGov! Thanks for using our Software Services. This Order Form is entered into between OpenGov, Inc., with its principal place of business at 6525 Crown Blvd #41340 San Jose, CA 95160 ("OpenGov"), and you, the entity identified above ("Customer"), as of the Effective Date. This Order Form includes and incorporates the OpenGov Software Services Agreement, signed between the parties, effective July 13, 2018 as amended ("SSA") and the applicable Statement of Work ("SOW") incorporated herein in the event Professional Services are purchased. The Order Form, SSA and SOW shall hereafter be referred to as the "Agreement". Unless otherwise specified above, fees for the Software Services and Professional Services shall be due and payable, in advance, on the Effective Date. By signing this Agreement, Customer acknowledges that it has reviewed, and agrees to be legally bound by, the OpenGov Software Services Agreement. Each party's acceptance of this Agreement is conditional upon the other's acceptance of the terms in the Agreement to the exclusion of all other terms.

**City of Vestavia Hills**

Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

**OpenGov, Inc.**

Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_



# **Statement of Work**

**City of Vestavia Hills, AL**

Creation Date: 10/18/2022  
Document Number: DD-02864  
Version Number: 1  
Created by: Jennifer Nordin

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# 1. Overview and Approach

## 1.1. Agreement

This Statement of Work (“SOW”) identifies services that OpenGov, Inc. (“OpenGov” or “we”) will perform for City of Vestavia Hills, AL (“Customer” or “you”) pursuant to that order for Professional Services entered into between OpenGov and the Customer (“Order Form”) which references the Software Services Agreement or other applicable agreement entered into by the parties (the “Agreement”).

- Customer acknowledges and agrees that this Statement of Work is subject to the confidentiality obligations set forth in the Software Services Agreement between OpenGov and City of Vestavia Hills, AL.
- Customer’s use of the Professional Services is governed by the Agreement and not this SOW.
- Upon execution of the Order Form or other documentation referencing the SOW, this SOW shall be incorporated by reference into the Agreement.
- In the event of any inconsistency or conflict between the terms and conditions of this SOW and the Agreement, the terms and conditions of this SOW shall govern with respect to the subject matter of this SOW only. Unless otherwise defined herein, capitalized terms used in this SOW shall have the meaning defined in the Agreement.
- This SOW may not be modified or amended except in a written agreement signed by a duly authorized representative of each party.
- OpenGov will be deployed as is, Customer has access to all functionality available in the current release.

## 2. Statement of Work

This SOW is limited to the Implementation of the OpenGov Budgeting & Planning Suite as defined in the OpenGov Responsibilities section of this document ([Section 2.4](#)). Any additional services or support will be considered out of scope.

### 2.1. Project Scope

Under this project, OpenGov will deliver cloud based Budgeting & Planning solutions to help the City of Vestavia Hills, AL power a more effective and accountable government. OpenGov's estimated charges and schedule are based on performance of the activities listed in the “OpenGov Responsibilities” section below. Deviations that arise during the project will be managed through the procedure described in Appendix A-2: Project Change Control Procedure, and may result in adjustments to the Project Scope, Estimated Schedule, Charges and other terms. These adjustments may include charges on a time-and-materials or fixed-fee basis using OpenGov’s standard rates in effect from time to time for any resulting additional work or waiting time.

### 2.2. Facilities and Hours of Coverage

OpenGov will:

- A. Perform the work under this SOW remotely, except for any project-related activity which OpenGov determines would be best performed at your facility in Vestavia Hills, AL in order to complete its responsibilities under this SOW.
- B. Provide the Services under this SOW during normal business hours, 8:30am to 6:00pm local time, Monday through Friday, except holidays.

## 2.3. Key Assumptions

The SOW and OpenGov estimates are based on the following key assumptions. Deviations that arise during the proposed project will be managed through the Project Change Control Procedure (see Appendix A-2), and may result in adjustments to the Project Scope, Estimated Schedule, Charges, and other terms.

Per

- A. The OpenGov Suites are not customized beyond current capacities based on the latest release of the software.
- B. Individual software modules are configured based on discussions between OpenGov and Customer.
- C. Budgeting and Planning Suite
  - i. Customer will provide Budget and Actuals data within two (2) weeks immediately following the kick-off meeting.
  - ii. Customer has provided the following relevant dates:
    - 1. Operating Budget Kick Off is May 1, 2023.
  - iii. OpenGov budget proposal configuration will include: up to fifty (50) department proposals and up to fifty (50) project proposals.
  - iv. OpenGov Online Budget Book (OBB) configuration will include:
    - 1. Six (6) Standard OBB templates; up to fifty (50) department stories pages; up to fifty (50) project pages from the templates; and up to two (2) reports with report views to use in the OBB.

## 2.4. OpenGov Responsibilities

### 2.4.1. Activity 1 – Project Management

OpenGov will provide project management for the OpenGov responsibilities in this SOW. The purpose of this activity is to provide direction to the OpenGov project personnel and to provide a framework for project planning, communications, reporting, procedural and contractual activity. This activity is composed of the following tasks:

#### **Planning**

OpenGov will:

- A. review the SOW, contract and project plan with Customer's Project Manager and key stakeholders to ensure alignment and agreed upon timelines;
- B. maintain project communications through your Project Manager;
- C. establish documentation and procedural standards for deliverable Materials; and

- D. assist your Project Manager to prepare and maintain the project plan for the performance of this SOW which will include the activities, tasks, assignments, and project milestones.

### **Project Tracking and Reporting**

OpenGov will:

- A. review project tasks, schedules, and resources and make changes or additions, as appropriate. Measure and evaluate progress against the project plan with your Project Manager;
- B. work with your Project Manager to address and resolve deviations from the project plan;
- C. conduct regularly scheduled project status meetings; and
- D. administer the Project Change Control Procedure with your Project Manager.

### **Completion Criteria:**

This is an on-going activity which will be considered complete at the end of the Services

### **Deliverable Materials:**

- Weekly status reports
- Project plan
- Project Charter
- Risk, Action, Issues and Decisions Register (RAID)

## 2.4.2. Activity 2 – Initialization

OpenGov will provide the following:

- A. Customer Entity configuration
- B. System Administrators creation
- C. Solution Blueprint creation
- D. Data Validation strategy confirmation

### **Completion Criteria:**

This activity will be considered complete when:

- Customer Entity is created
- System Administrators have access to Customer Entity
- Solution Blueprint is presented to Customer

### **Deliverable Materials:**

- Solution Blueprint
- Sign-off of Initial Draft Solution Blueprint



### 2.4.3. Activity 3 – OpenGov Use Cases

OpenGov will provide the following:

- Budget & Planning Use Cases
- A. Centralized Operating Budget
  - B. Multi-Year Workforce Planning
  - C. Capital Improvement Planning
  - D. Interactive Online Budget Books

**Completion Criteria:**

This activity will be considered complete when:

- Budget & Planning Use Cases
- Chart of Accounts is configured
  - Operating Budget proposals are configured
  - Workforce Plan is configured
  - Online Budget Book templates are configured
  - Budget reports are configured

**Deliverable Materials:**

- Formal sign off document

### 2.4.4. Activity 4 – Training

Training will be provided in instructor-led virtual sessions or through OpenGov University Training courses. For any instructor-led virtual sessions, the class size is recommended to be 10, for class sizes larger than 10 it may be necessary to have more than one instructor.

**Completion Criteria:**

- Administrator training is provided
- Training on system functionality is provided
- End User training is provided

**Deliverable Materials:**

- Formal sign off document

## 2.5. Your Responsibilities

The completion of the proposed scope of work depends on the full commitment and participation of your management and personnel. The responsibilities listed in this section are in addition to those responsibilities specified in the Agreement and are to be provided at no charge to OpenGov. OpenGov's performance is predicated upon the following responsibilities being managed and fulfilled by you. Delays in performance of these responsibilities may result in delay of the completion of the project and will be handled in accordance with Appendix A-1: Project Change Control Procedure.

### 2.5.1. Your Project Manager

Prior to the start of this project, you will designate a person called your Project Manager who will be the focal point for OpenGov communications relative to this project and will have the authority to act on behalf of you in all matters regarding this project.

Your Project Manager's responsibilities include the following:

- A. manage your personnel and responsibilities for this project (for example: ensure personnel complete any self-paced training sessions, configuration, validation or user acceptance testing);
- B. serve as the interface between OpenGov and all your departments participating in the project;
- C. administer the Project Change Control Procedure with the Project Manager;
- D. participate in project status meetings;
- E. obtain and provide information, data, and decisions within five (5) business days of OpenGov's request unless you and OpenGov agree in writing to a different response time;
- F. resolve deviations from the estimated schedule, which may be caused by you;
- G. help resolve project issues and escalate issues within your organization, as necessary; and
- H. create, with OpenGov's assistance, the project plan for the performance of this SOW which will include the activities, tasks, assignments, milestones and estimates.

### 2.6. Completion Criteria

OpenGov will have fulfilled its obligations under this SOW when any of the following first occurs:

- A. OpenGov accomplishes the activities set forth in "OpenGov responsibilities" section and delivers the Materials listed, if any; or
- B. The End date is reached

### 2.7. Estimated Schedule

OpenGov will schedule resources for this project upon signature of the order form. Unless specifically noted, the OpenGov assigned project manager will work with Customer Project Manager to develop the project schedule for all requested deliverables under this SOW. OpenGov reserves the right to adjust the schedule based on the availability of OpenGov resources and/or Customer resources, and the timeliness of deliverables provided by the Customer.

The Services are currently estimated to start within two (2) weeks but no later than four (4) weeks from signatures and have an estimated end date of August 15, 2023 ("End Date") or on other dates mutually agreed to between you and OpenGov.

## 2.8. Illustrative Project Timelines

The typical project timelines are for illustrative purposes only and may not reflect your use cases.

Budgeting & Planning Suite Illustrative Timeline		Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9
Financial Integration										
Budget and Planning Suite	Chart of Accounts									
	Operating Budget									
	Workforce Planning									
	Capital Budget									
	Online Budget Book									
Budget End User Training										
GoLive Support	Hypercare									
Customer is responsible for attending the kick off of each phase, providing any necessary data for each phase, participating in working sessions during active phases, and signing off on deliverables at the end of each phase.										

## 2.9. Charges

The Services will be conducted on a fixed price basis. The fixed price for performing the Services defined in the SOW will be **\$41,255**. This fixed price is exclusive of any travel and living expenses and other reasonable expenses incurred in connection with the Services. All charges are exclusive of any applicable taxes.

Should travel be incurred, you will be billed travel and living costs (including actual transportation and lodging, and per diem meal expenses) estimated at \$5,000.

## 2.10. Offer Expiration Date

This offer will expire on January 18, 2023 unless extended by OpenGov in writing.

# Appendix A: Engagement Charter

## A-1: Communication and Escalation Procedure

Active engagement throughout the implementation process is the foundation of a successful deployment. To help assess progress, address questions, and minimize risk during the course of deployment both parties agree to the following:

- **Regular communication** aligned to the agreed upon project plan and timing.
  - OpenGov expects our customers to raise questions or concerns as soon as they arise. OpenGov will do the same, in order to be able to address items when known.
- **Executive involvement**
  - Executives may be called upon to clarify expectations and/or resolve confusion.
  - Executives may be needed to steer strategic items to maximize the value through the deployment.
- **Escalation Process:**
  - OpenGov and Customer agree to raise concerns and follow the escalation process, resource responsibility, and documentation in the event an escalation is needed to support issues raised
    - Identification of an issue impeding deployment progress, outcome or capturing the value proposition, that is not acceptable.
    - Customer or OpenGov Project Manager summarizes the problem statement and impasse.
    - Customer and OpenGov Project Managers jointly will outline solution, acceptance or schedule Executive review.
    - Resolution will be documented and signed off following Executive review.
- **Phase Sign-Off**
  - OpenGov requests sign-offs at various stages during the implementation of the project. Once the Customer has signed-off, any additional changes requested by Customer on that stage will require a paid change order for additional hours for OpenGov to complete the requested changes.

## A-2: Change Order Process

This SOW and related efforts are based on the information provided and gathered by OpenGov. Customers acknowledge that changes to the scope may require additional effort or time, resulting in additional cost. Any change to scope must be agreed to in writing or email, by both Customer and OpenGov, and documented as such via a:

- *Change Order* - Work that is added to or deleted from the original scope of this SOW. Depending on the magnitude of the change, it may or may not alter the original contract amount or completion date and be paid for by Customer. Changes might include:
  - Timeline for completion
  - Sign off process
  - Cost of change and Invoice timing
  - Amending the SOW to correct an error.
  - Extension of work as the complexity identified exceeds what was expected by Customer or OpenGov.
  - Change in type of OpenGov resources to support the SOW.

## A-3: Deliverable Materials Acceptance Procedure

Deliverable Materials as defined herein will be reviewed and accepted in accordance with the following procedure:

- The deliverable Material will be submitted to your Project Manager.
- Your Project Manager will have decision authority to approve/reject all project Criteria, Phase Acceptance and Engagement Acceptance.
- Within five (5) business days of receipt, your Project Manager will either accept the deliverable Material or provide OpenGov's Project Manager a written list of requested revisions. If OpenGov receives no response from your Project Manager within five (5) business days, then the deliverable Material will be deemed accepted. The process will repeat for the requested revisions until acceptance.
- All acceptance milestones and associated review periods will be tracked on the project plan.
- Both OpenGov and Customer recognize that failure to complete tasks and respond to open issues may have a negative impact on the project.
- For any tasks not yet complete, OpenGov and/or Customer will provide sufficient resources to expedite completion of tasks to prevent negatively impacting the project.
- Any conflict arising from the deliverable Materials Acceptance Procedure will be addressed as specified in the Escalation Procedure set forth in Appendix A-1. As set forth in Section 6.1(e) of the Agreement, if there are extended delays (greater than 10 business days) in Customer's response for requested information or deliverable; OpenGov may opt to put the project on an "On Hold" status. After the Customer has fulfilled its obligations, Professional Services can be resumed and the project will be taken off the "On-Hold" status.
- Putting a project "on Hold" may have several ramifications including, but not restricted, to the following:
  - Professional Services to the customer could be stopped;
  - Delay to any agreed timelines; or
  - Not having the same Professional Services team assigned.

# Appendix B: Implementation Activities

## B-1: OpenGov Budgeting & Planning Suite

### Technical Project Review

Description	OpenGov Responsibilities	Customer Responsibilities
<b>Technical Project Review</b>	<p>OpenGov will:</p> <ul style="list-style-type: none"> <li>● Provide up to one (1) two-hour working sessions at the beginning of the project to:               <ul style="list-style-type: none"> <li>○ Review deliverables</li> <li>○ Review technical requirements</li> <li>○ Provide documentation on requirements and processes</li> </ul> </li> </ul> <p>OpenGov Assumptions:</p> <ul style="list-style-type: none"> <li>● Customer will provide relevant data within two (2) weeks immediately following the kick-off meeting.</li> </ul>	<p>Customer will:</p> <ul style="list-style-type: none"> <li>● Identify relevant participants for attendance.</li> <li>● Confirm deliverables.</li> <li>● Gather and provide relevant data for the project.</li> </ul>

### Operating Budget Configuration

Description	OpenGov Responsibilities	Customer Responsibilities
<b>Operating Budget</b>	<p>OpenGov will:</p> <ul style="list-style-type: none"> <li>● Configure up to two (2) Proofs of Concept (POC).</li> <li>● Configure one (1) Budget instance, once POC is validated.</li> <li>● Configure and upload Customer's base budget files into OpenGov budget instances.</li> <li>● Configure OpenGov Budget Proposals and Worksheets for up to fifty (50) Departments in the base budget file based on the agreed upon structure.</li> </ul>	<p>Customer will:</p> <ul style="list-style-type: none"> <li>● Provide current budget.</li> <li>● Validate Proof of Concept prior to OpenGov building out Budget Proposals and Worksheets.</li> <li>● Validate and provide signoff on Budget Proposals and Worksheets.</li> </ul>

	<ul style="list-style-type: none"> <li>● Review configured OpenGov Budget and provide training to Customer on how to: <ul style="list-style-type: none"> <li>○ Create new Proposals and Worksheets</li> <li>○ Manage Budgets</li> </ul> </li> </ul>	
<b>Operating Budget Community Feedback Topic</b>	<p>OpenGov will:</p> <ul style="list-style-type: none"> <li>● Configure one (1) standard budget topic in Community Feedback.</li> <li>● Review configured OpenGov Topic and provide training to Customer on how to: <ul style="list-style-type: none"> <li>○ Create new topics</li> <li>○ Manage topics</li> <li>○ Set Topics to Public and Closed.</li> </ul> </li> </ul>	<p>Customer will:</p> <ul style="list-style-type: none"> <li>● Provide logo and branding guidelines.</li> <li>● Validate and provide signoff on the standard budget topic.</li> <li>● Update the standard budget topic with Customer relevant information.</li> </ul>
<b>Operating Budget Story</b>	<p>OpenGov will:</p> <ul style="list-style-type: none"> <li>● Configure one (1) standard budget Story template.</li> <li>● Review configured OpenGov Story and provide training to Customer on how to: <ul style="list-style-type: none"> <li>○ Create new Stories</li> <li>○ Manage Stories</li> <li>○ Publish Stories</li> </ul> </li> </ul>	<p>Customer will:</p> <ul style="list-style-type: none"> <li>● Provide logo and branding guidelines.</li> <li>● Validate and provide signoff on Operating Budget Story template.</li> <li>● Update standard budget Story with Customer relevant information</li> </ul>

### Capital Budget Configuration

Description	OpenGov Responsibilities	Customer Responsibilities
<b>Capital Budget</b>	<p>OpenGov will:</p> <ul style="list-style-type: none"> <li>● Configure up to one (1) Proofs of Concept (POC)</li> <li>● Configure one (1) Budget instance, once POC is validated</li> <li>● Configure and upload Customer's base budget files into OpenGov budget instances.</li> <li>● Configure proposals and worksheets for up to fifty (50) Capital Projects in the base budget file based on the agreed upon structure</li> </ul>	<p>Customer will:</p> <ul style="list-style-type: none"> <li>● Provide current budget.</li> <li>● Validate Proof of Concept prior to OpenGov building out proposals and worksheets</li> <li>● Validate and provide signoff on Budget Proposals.</li> </ul>



	<ul style="list-style-type: none"> <li>● Review configured OpenGov Budget and provide training to Customer on how to: <ul style="list-style-type: none"> <li>○ Create new Proposals and Worksheets</li> <li>○ Manage Budgets</li> </ul> </li> </ul>	
<b>Capital Budget Story</b>	<p>OpenGov will:</p> <ul style="list-style-type: none"> <li>● Configure one (1) standard capital budget Story template.</li> <li>● Review configured OpenGov Story and provide training to Customer on how to: <ul style="list-style-type: none"> <li>○ Create new Stories</li> <li>○ Manage Stories</li> <li>○ Publish Stories</li> </ul> </li> </ul>	<p>Customer will:</p> <ul style="list-style-type: none"> <li>● Provide logo and branding guidelines.</li> <li>● Validate and provide signoff on Capital Budget Story template.</li> <li>● Update standard budget Story with Customer relevant information</li> </ul>

### Workforce Planning Configuration

Description	OpenGov Responsibilities	Customer Responsibilities
<b>Workforce Planning</b>	<p>OpenGov will:</p> <ul style="list-style-type: none"> <li>● Provide cost elements based on Customer's existing personnel forecast to workforce document as per OpenGov's best practices.</li> <li>● Review configured OpenGov Workforce Plan and provide training to Customer on how to: <ul style="list-style-type: none"> <li>○ Create Cost Elements</li> <li>○ Populate and upload the Position Template</li> </ul> </li> </ul>	<p>Customer will:</p> <ul style="list-style-type: none"> <li>● Provide Position calculations and tables.</li> <li>● Populate the Position Template and upload the completed template into OpenGov.</li> <li>● Validate and provide signoff on the Workforce Plan calculations.</li> <li>● Maintain the Workforce Plan and data once configured.</li> </ul>

### Budget and Planning Suite Reporting Configuration

<p><b>Budget and Planning Suite Reporting</b></p>	<p>OpenGov will:</p> <ul style="list-style-type: none"> <li>● Set up one (1) export and Dataset View to enable OpenGov Budget Reports for the Operating and Capital Budget(s).</li> <li>● Configure up to four (4) Operating Budget Reports using OpenGov budget data: <ul style="list-style-type: none"> <li>○ Milestones</li> <li>○ Development</li> <li>○ Details</li> <li>○ Categories*</li> </ul> </li> <li>● Configure up to four (4) Capital Budget Reports using OpenGov budget data: <ul style="list-style-type: none"> <li>○ Development</li> <li>○ Details</li> <li>○ Categories*</li> <li>○ Capital Plan</li> </ul> </li> <li>● Review configured OpenGov Reports and provide training Customer on how to: <ul style="list-style-type: none"> <li>○ Export Budget Data for use in OpenGov Reports.</li> <li>○ Create new Reports</li> <li>○ Manage Reports</li> <li>○ Share Reports</li> </ul> </li> </ul> <p>*Budget Categories report is only available to customers using a zero-based budget.</p>	<p>Customer will:</p> <ul style="list-style-type: none"> <li>● Validate and provide sign-off of Reports.</li> <li>● Maintain the Reports once configured.</li> <li>● Map OpenGov Budget export to Customer ERP import format.</li> </ul>
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### Online Budget Book Configuration

Description	OpenGov Responsibilities	Customer Responsibilities
<p><b>Online Budget Book (OBB)</b></p>	<p>OpenGov will:</p> <ul style="list-style-type: none"> <li>● Based on best practices, build out the look and feel of six (6) Standard OBB Templates: <ul style="list-style-type: none"> <li>○ Home Page</li> <li>○ Generic (multi-use)</li> <li>○ Operating</li> </ul> </li> </ul>	<p>Customer will:</p> <ul style="list-style-type: none"> <li>● Provide logo and branding colors to OpenGov.</li> <li>● Sign off on OBB Templates prior to OBB Story Shell Configuration.</li> <li>● Validate and sign off on OBB</li> </ul>

	<ul style="list-style-type: none"> <li>○ Department</li> <li>○ Capital</li> <li>○ Capital Project</li> <li>● Create up to two (2) OBB Reports using OpenGov Budget data and Report Views to use in Department and Project OBB Story Shells.</li> <li>● Create Department and Project OBB Story Shells from OBB Templates for up to fifty (50) Departments and up to fifty (50) Projects and add OpenGov Report Views to Department and Project Story Shells.</li> <li>● Provide up to ten (10) one-hour working sessions to answer Customer questions on OBB Configuration.</li> </ul>	<p>Department and Project Story Shells.</p> <ul style="list-style-type: none"> <li>● Complete Department and Project Story Shells by adding Customer content including: <ul style="list-style-type: none"> <li>○ Narrative</li> <li>○ Images</li> <li>○ External Data</li> </ul> </li> <li>● Create remaining OBB Stories from OBB Templates for each section of the Table of Contents and add Customer content including: <ul style="list-style-type: none"> <li>○ Narrative</li> <li>○ Images</li> <li>○ External Data</li> </ul> </li> <li>● Create any additional Reports and Report Views needed to add to OBB.</li> <li>● Attend working sessions to get answers on OBB questions.</li> <li>● Make Stories public and Publish OBB.</li> </ul>
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### Working Sessions and Trainings

Description	OpenGov Responsibilities	Customer Responsibilities
<b>Budgeting &amp; Planning Working Sessions</b>	<p>OpenGov will:</p> <ul style="list-style-type: none"> <li>● Per the agreed upon Project Plan, schedule working sessions with Customer's System Administrators to: <ul style="list-style-type: none"> <li>○ Review configurations;</li> <li>○ Provide training on system functionality;</li> <li>○ Gain feedback; and</li> <li>○ Answer questions regarding configured system functionality.</li> </ul> </li> </ul>	<p>Customer will:</p> <ul style="list-style-type: none"> <li>● Per the agreed upon Project Plan, attend working sessions to: <ul style="list-style-type: none"> <li>○ Understand configurations;</li> <li>○ Gain training on system functionality;</li> <li>○ Give feedback; and</li> <li>○ Ask questions regarding configured system functionality</li> </ul> </li> </ul>
<b>OpenGov University</b>	<p>OpenGov will:</p> <ul style="list-style-type: none"> <li>● provide access to OpenGov University online training courses intended to teach</li> </ul>	<p>Customer will:</p> <ul style="list-style-type: none"> <li>● Review training courses</li> </ul>

	users on the basics of OpenGov.	
<b>Budgeting &amp; Workforce Administrator Training</b>	<p>OpenGov will:</p> <ul style="list-style-type: none"> <li>● Provide training to Customer System Administrators on how to: <ul style="list-style-type: none"> <li>○ Create and manage Budgets</li> <li>○ Prepare to set up Next Year's Budget</li> <li>○ Create and manage Workforce Plans including Cost Elements and Position Upload Templates</li> <li>○ Export Budget Data for use in OpenGov Reports.</li> </ul> </li> </ul>	<p>Customer will:</p> <ul style="list-style-type: none"> <li>● Identify relevant participants and attend scheduled trainings.</li> </ul>
<b>Online Budget Book Administrator Training</b>	<p>OpenGov will:</p> <ul style="list-style-type: none"> <li>● Provide one (1) 60- Minute System Training designed for OBB Administrators on how to: <ul style="list-style-type: none"> <li>○ Use and copy OBB Templates</li> <li>○ Add Reports Views to Stories</li> <li>○ Add Customer content including: narrative, images, and external data to Stories</li> <li>○ Publish Stories</li> <li>○ Update and maintain Stories.</li> </ul> </li> </ul>	<p>Customer will:</p> <ul style="list-style-type: none"> <li>● Identify relevant participants and attend scheduled trainings.</li> </ul>
<b>Virtual Budget End-User Training</b>	<p>OpenGov will:</p> <ul style="list-style-type: none"> <li>● Provide two (2), 60-Minute training session(s) to Customer's Internal Users on how to: <ul style="list-style-type: none"> <li>○ Navigate Opengov Budgets and Reports</li> </ul> </li> </ul>	<p>Customer will:</p> <ul style="list-style-type: none"> <li>● Identify relevant participants and attend scheduled trainings.</li> </ul>

# Appendix C: Technical Requirements

## C-1: OpenGov Budgeting & Planning Suite

Budgeting & Planning Suite	
Description	Technical Requirements
Current Budget	<ul style="list-style-type: none"><li>● Flat file</li><li>● .csv, .xls, .xlsx with headers</li><li>● Operating Budget</li><li>● Capital Budget</li></ul>
Personnel Calculations and Tables	<ul style="list-style-type: none"><li>● PDF, Word, csv, .xls, .xlsx with headers</li></ul>

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October 25, 2022

By Electronic Mail

Mr. Melvin Turner, III  
Finance Director  
Vestavia Hills Municipal Center  
P. O. Box 660854  
Vestavia Hills, Alabama 35266-0854

In Re: Agreement with OpenGov, Inc.

Dear Mr. Turner:

On October 20, 2022, you sent to me via electronic mail a proposed Statement of Work (“SOW”) by and between OpenGov, Inc. and the City of Vestavia Hills, AL (“Customer”) with a request that I review the agreement and provide you with my written legal opinion. The purpose of this letter is to comply with your request.

### **FACTS**

The City purchased software services from OpenGov, Inc. using the process of the State of Alabama Bid List. OpenGov, Inc. now has a new module that the City wishes to purchase over a three-year period at a cost of \$97,457.85.

### **LEGAL OPINION**

You have requested my legal opinion regarding whether or not the purchase must be made after advertising for competitive bids. It is my legal opinion that the purchase is not subject to the Alabama Competitive Bid Law.

**BASIS FOR LEGAL OPINION**

I base my legal opinion upon the Alabama Competitive Bid Law, which states in pertinent parts as follows:

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

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

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

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

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

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

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

Sincerely,



Patrick H. Boone  
Vestavia Hills City Attorney

PHB:gp

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