Vestavia Hills
City Council Agenda
May 22, 2023
6:00 PM

1. Call to Order
2. Roll Call
3. Invocation - David Phillips
4. Pledge Of Allegiance
5. Approval Of The Agenda
6. Announcements, Candidates and Guest Recognition

   Proclamation for National Public Works Week - May 21 - 27, 2023
7. City Manager's Report
8. Councilors' Reports
9. Financial Reports - Melvin Turner, III, Finance Director
10. Approval Of Minutes - May 8, 2023 (regular meeting)

Old Business

11. Public Hearing - Ordinance Number 3098-A - An Ordinance to Amend Ordinance Number 3098 - Rezoning from Vestavia Hills R-1 to Vestavia Hills B-3 with a conditional use for veterinary services, grooming and boarding of dogs; Amending Ordinance to remove requirement for re-platting of property; Jeff Hardwick, Culbreth Holding, LLC, Owner
12. Public Hearing - Ordinance Number 3178 - An Ordinance Amending Ordinance Number 2776 Extending the Existing Video Services Agreement with Direct TV (formerly Bellsouth d/b/a AT&T)
13. Public Hearing - Ordinance Number 3179 - An Ordinance Establishing a Public Record Policy for the City of Vestavia Hills, Alabama
14. Public Hearing - Ordinance Number 3180 - An Ordinance authorizing the City Manager to expend funds to design and construct an exhibit honoring an important public leader and authorize the Mayor and City Manager to execute any necessary documents to facilitate such exhibit

New Business

15. Resolution Number 5460 - A Resolution establishing an easement for electrical service to the new tennis courts at Wald Park, Phase III

16. Resolution Number 5461 - A Resolution approving a liquor license for Young Kookie, Inc., d/b/a The Standard for an 020 - Restaurant Retail Liquor License for the on-premise sale of alcohol; Young Soo Shin, executive

17. Ordinance Number 3176 - An Ordinance authorizing the Jefferson County Tax Assessor and Collector to assess and collect municipal taxes for the City of Vestavia Hills (Annual Tax Ordinance)

18. Ordinance Number 3177 - An Ordinance Authorizing the Shelby County Tax Assessor/Collector to assess and collect ad valorem taxes for the City of Vestavia Hills

New Business Requesting Unanimous Consent

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

19. Public Hearing - Resolution Number 5462 - 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 1663/1671 Crossgate Drive, 2581 Crossgate Place and 1704 Crosswood Lane

20. Citizens Comments

21. Time Of Adjournment

PUBLIC HEARING PROCEDURES

The following procedure shall be followed for every public hearing of the City Council:

- All comments shall be limited to **3 minutes**. A countdown clock should be provided on the video screens.
- Do not duplicate comments made by previous speakers. For example, if traffic is mentioned as an issue, do not readdress that issue.
- All comments shall be directed to the Mayor and/or presiding officer. Do not address the audience or the applicant.
- Each speaker shall identify himself complete with name and address.

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. 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, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Vestavia Hills, Alabama; and

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in Vestavia Hills to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their community; and

WHEREAS, "Connecting the World Through Public Works" is the theme for the 63rd annual National Public Works Week sponsored by the American Public Works Association.

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 May 21 – 27, 2023 as

NATIONAL PUBLIC WORKS WEEK

in Vestavia Hills and urge all citizens to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills to be affixed this the 22nd day of May 2023.

_____
Ashley C. Curry
Mayor

Summary
Financial Report
April 2022-2023

1.) Reconciled Cash Balance

The overall reconciled cash balance for the month of April was $57,029,673, which is comprised of the following funds:

General Funds	$45,205,387
Restricted Funds	$11,821,306
Petty Cash	$2,980
Total	**$57,029,673**

2.) The "Financial Overview" for the month and YTD through April is as follows:

Monthly Revenues	$3,789,333	YTD Revenues	$48,625,394
Monthly Expenses	$6,115,036	YTD Expenses	$38,628,949
Monthly Fund Balance	($2,325,703)	YTD Fund Balance	$9,996,445

3.) Comparative Fund Balances:	YTD	Variance
Actual - 2022-2023	$9,996,445	
Budget - 2022-2023	$8,226,847	$1,769,598
Last Year - 2021-2022	$10,712,244	($715,798)

Note:

The "Actual Fund Balance" is $1,769,598 greater than the "Budgeted Fund Balance" and ($715,798) less than "Last Year Fund Balance".

Summary
Financial Report
April 2022-2023

	MTD			YTD			Variance	
	Actual	Budget	Last Year	Actual	Budget	Last Year	Act vs. Bdgt	Act vs LY
REVENUES	3,789,333	3,361,108	3,155,521	48,625,394	42,771,775	43,349,481	5,853,619	5,275,913
EXPENSES	6,115,036	4,258,172	3,843,961	38,628,949	34,544,928	32,637,237	(4,084,021)	(5,991,712)
FUND BALANCE	**(2,325,703)**	**(897,064)**	**(688,441)**	**9,996,445**	**8,226,847**	**10,712,244**	**1,769,598**	**(715,798)**
Advalorem - Real	88,511	109,647	96,685	18,855,007	17,223,210	17,055,538	1,631,797	1,799,469
Sales Tax	2,359,355	1,991,372	2,183,696	16,805,240	14,084,375	15,503,195	2,720,865	1,302,045
Utility Franchise Fees	247	72	52	2,466,893	2,353,113	2,353,329	113,780	113,564
Business License	109,751	219,115	80,887	3,338,243	3,472,612	3,302,788	(134,369)	35,455
Advalorem - Personal	212,455	147,830	183,878	1,278,776	968,745	1,073,504	310,031	205,272

October thru April 2023 (7 months) **2022-2023**

	Actual	Budget Total	Outstanding Bal	% Received	% Outstanding	Verification
Advalorem - Real	18,855,007	17,311,511	(1,543,496)	108.92%	-8.92%	100.00%
Sales Taxes	16,805,240	24,804,732	7,999,492	67.75%	32.25%	100.00%
Utility Franchise Fees	2,466,893	2,353,277	(113,616)	104.83%	-4.83%	100.00%
Business License	3,338,243	3,975,640	637,397	83.97%	16.03%	100.00%
Advalorem - Personal	1,278,776	1,753,590	474,814	72.92%	27.08%	100.00%

APRIL	**MTD**			**MTD**	
			Variance	Last Year	Act vs LY
Advalorem - Real	88,511	109,647	(21,136)	96,685	(8,174)
Sales Taxes	2,359,355	1,991,372	367,983	2,183,696	175,659
Utility Franchise Fees	247	72	175	52	195
Business License	109,751	219,115	(109,364)	80,887	28,864
Advalorem - Personal	212,455	147,830	64,625	183,878	28,577

CITY OF VESTAVIA HILLS
MONTHLY CASH REPORT
"RECONCILED BALANCES"

General Funds	Banking Institutions	APR	April 2022	May 2022	June 2022	July 2022	August 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	March 2023	April 2023
General / Operational Funds	Region Bank	4.09%	24,351,572.99	23,958,637.49	12,293,983.88	12,436,880.81	7,560,391.56	6,548,022.84	5,565,982.62	4,801,445.10	5,599,579.93	16,459,200.47	24,217,752.68	14,342,621.96	12,018,312.32
Enhanced Cash Strategy	Region Bank	4.83%	0.00	0.00	9,985,561.90	9,993,654.55	10,004,909.71	9,968,394.12	9,970,136.53	10,004,892.48	10,033,846.24	10,079,701.89	10,084,683.50	10,163,965.58	10,189,384.32
Payroll Fund	Region Bank	0.25%	0.00	0.00	820.93	998.50	820.93	720.93	720.93	720.93	720.93	720.93	720.93	720.93	720.93
Emergency Reserve Fund	Morgan Stanley/Region	2.50%	14,509,979.31	14,520,861.43	15,656,080.41	15,721,696.50	15,585,113.45	15,422,957.06	15,401,924.13	15,469,278.74	15,508,437.79	15,585,494.46	15,544,687.62	15,723,723.88	17,600,611.65
Capital Projects Reserve Fund	SouthState Bank *formerly CenterState Bank*	0.00%	273,186.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Court & Corrections Fund	Region Bank	0.25%	961,577.71	1,078,736.96	448,701.46	556,699.46	699,112.73	848,699.37	996,489.37	1,098,973.37	430,062.37	574,310.77	719,529.33	902,593.63	1,043,983.69
American Rescue Plan (COVID-19)	SouthPoint	4.40%	4,103,117.46	4,104,860.10	8,199,729.29	4,110,618.35	4,469,574.17	4,464,432.96	4,452,571.95	4,356,508.94	4,358,378.84	4,357,653.60	4,369,028.87	4,341,120.29	4,352,374.03
Total - Balance			**$44,199,433.72**	**$43,663,095.98**	**$46,584,877.87**	**$42,820,548.17**	**$38,319,922.55**	**$37,253,227.28**	**$36,387,825.53**	**$35,731,819.56**	**$35,931,026.10**	**$47,057,082.12**	**$54,936,402.93**	**$45,474,746.27**	**$45,205,386.94**
Restricted Funds															
Court Cash Bonds	Regions Bank	0.25%	84,185.00	88,705.00	92,851.00	101,821.00	106,022.00	109,621.00	116,135.20	122,085.20	127,130.20	141,930.20	141,120.20	139,685.20	139,025.20
Contractors' Bonds & CDs on Hand	City Clerk's Office	n/a	626,475.38	5,999,642.06	5,999,642.06	6,034,642.06	6,034,642.06	6,519,249.56	6,442,249.56	6,442,249.56	6,442,249.56	6,247,607.06	6,247,607.06	6,247,607.06	6,247,607.06
Contractors' Cash Bonds	SouthPoint	0.25%	852,043.90	857,876.19	868,484.97	868,120.90	883,760.32	897,645.10	923,093.29	915,459.54	888,154.29	855,033.33	814,694.62	796,919.40	742,683.86
Confiscated Funds	SouthPoint	1.25%	459,537.50	460,025.37	460,498.00	460,986.88	461,476.28	461,950.40	462,440.83	286,473.35	286,777.48	287,081.94	287,357.22	287,662.29	287,957.83
Community Spaces	SouthPoint	1.65%	47.20	47.82	48.42	49.05	49.68	50.29	50.92	51.53	52.16	52.79	53.36	454.99	455.60
2013 GOW - QEBC Sinking Fund	Bank of New York	2.35%	1,682,884.99	1,682,884.99	1,682,884.99	1,682,884.99	1,682,884.99	1,682,884.99	1,701,396.09	1,701,396.09	1,701,396.09	1,701,396.09	1,701,396.09	1,701,396.09	1,891,162.76
Library Campaign Fund/Donations	Pinnacle	earnings offset fees	273,375.25	298,321.80	305,040.29	310,259.39	316,413.44	304,968.90	310,327.13	317,635.51	332,006.02	337,344.68	338,450.14	344,930.72	351,677.17
Lease Escrow Funds	Truist & Robertson		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	2,160,736.32
Total Balance			**$3,978,549.22**	**$9,387,503.23**	**$9,409,449.73**	**$9,458,764.27**	**$9,485,248.77**	**$9,976,370.24**	**$9,955,693.02**	**$9,785,350.78**	**$9,777,765.80**	**$9,570,446.09**	**$9,530,678.69**	**$9,518,655.75**	**$11,821,305.80**
Cash on Hand															
Petty Cash - City Depts.			880.00	880.00	880.00	880.00	880.00	880.00	880.00	880.00	880.00	880.00	880.00	880.00	880.00
Petty Cash - Courts/Jail			500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00
Petty Cash - Library			600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00
Petty Cash - Vehicle Tags			1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
Total - Petty Cash			**$2,980.00**	**$2,980.00**	**$2,980.00**	**$2,980.00**	**$2,980.00**	**$2,980.00**	**$2,980.00**	**$2,980.00**	**$2,980.00**	**$2,980.00**	**$2,980.00**	**$2,980.00**	**$2,980.00**
Grand Total - All Funds			**$48,180,962.94**	**$53,053,579.21**	**$55,997,307.60**	**$52,282,292.44**	**$47,808,151.32**	**$47,232,577.52**	**$46,346,498.55**	**$45,520,150.34**	**$45,711,771.90**	**$56,630,508.21**	**$64,470,061.62**	**$54,996,382.02**	**$57,029,672.74**

Petty Cash Itemization		
City Clerk Dept.	none	
Court Dept.	$500.00	
Finance Dept. & Vehicle Tags	$1,050.00	Tags & City Depts
Fire Dept.	$100.00	City Depts
Inspection Dept.	$30.00	City Depts
Library	$600.00	
Mayor's Office	$200.00	City Depts
Parks & Leisure Services	$300.00	City Depts
Police Dept.	$200.00	City Depts
Public Services	none	
Total	**$2,980.00**	

FINANCIAL SUMMARY REPORT
"APRIL 2022-2023"

	MONTH OF APRIL 2023							YEAR-TO- DATE THROUGH APRIL 2023						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
REVENUE SUMMARY	2022-2023	2022-2023	2021-2022	Actual to Budget		Actual to Last Year		2022-2023	2022-2023	2021-2022	Actual to Budget		Actual to Last Year	
	Actual	Budget	Actual	Amount	Percentage	Amount	Percentage	Actual	Budget	Actual	Amount	Percentage	Amount	Percentage
STATE REVENUE	11,766	16,814	16,511	(5,048)	-30.02%	(4,745)	-28.74%	116,260	106,259	152,696	10,001	9.41%	(36,436)	-23.86%
COUNTY REVENUE	320,842	280,254	311,396	40,588	14.48%	9,445	3.03%	20,299,012	18,366,359	18,302,736	1,932,653	10.52%	1,996,277	10.91%
CITY REVENUE	3,319,408	2,897,383	2,668,817	422,025	14.57%	650,591	24.38%	27,642,001	23,917,218	24,447,317	3,724,783	15.57%	3,194,685	13.07%
PARK & RECREATION	137,317	166,657	158,796	(29,340)	-17.61%	(21,479)	-13.53%	568,120	381,939	446,732	186,181	48.75%	121,388	27.17%
TOTAL REVENUES	**3,789,333**	**3,361,108**	**3,155,521**	**428,225**	**12.74%**	**633,812**	**20.09%**	**48,625,394**	**42,771,775**	**43,349,481**	**5,853,619**	**13.69%**	**5,275,913**	**12.17%**
EXPENDITURE SUMMARY														
NON DEPARTMENTAL	2,735,917	852,399	789,401	(1,883,518)	-220.97%	(1,946,516)	-246.58%	14,942,203	10,958,072	11,344,720	(3,984,131)	-36.36%	(3,597,483)	-31.71%
CITY COUNCIL	4,638	4,793	5,058	155	3.23%	420	8.31%	57,605	59,562	51,190	1,957	3.29%	(6,415)	-12.53%
MAYOR & ADMINISTRATION	163,896	172,943	127,818	9,048	5.23%	(36,077)	-28.23%	1,160,176	1,144,828	965,045	(15,348)	-1.34%	(195,131)	-20.22%
CITY CLERK	39,899	42,152	36,785	2,253	5.34%	(3,114)	-8.47%	298,935	289,895	256,713	(9,040)	-3.12%	(42,221)	-16.45%
MUNICIPAL COMPLEX	24,981	18,372	21,984	(6,609)	-35.97%	(2,997)	-13.63%	193,014	185,335	162,135	(7,679)	-4.14%	(30,878)	-19.04%
INFORMATION SERVICES	52,881	54,428	39,209	1,547	2.84%	(13,671)	-34.87%	385,057	415,130	305,395	30,073	7.24%	(79,661)	-26.08%
POLICE	1,023,792	1,051,914	950,168	28,122	2.67%	(73,624)	-7.75%	7,134,681	7,054,762	6,396,481	(79,919)	-1.13%	(738,200)	-11.54%
FIRE	1,000,913	998,389	921,234	(2,524)	-0.25%	(79,679)	-8.65%	6,933,362	6,889,512	6,573,094	(43,850)	-0.64%	(360,269)	-5.48%
INSPECTION	56,502	61,980	46,500	5,478	8.84%	(10,002)	-21.51%	356,906	430,442	322,857	73,536	17.08%	(34,049)	-10.55%
PUBLIC SERVICES	434,563	441,222	685,485	6,659	1.51%	250,922	36.61%	3,247,873	3,102,808	4,738,984	(145,065)	-4.68%	1,491,111	31.46%
PUBLIC LIBRARY	238,964	230,910	220,318	(8,054)	-3.49%	(18,646)	-8.46%	1,614,586	1,614,555	1,520,623	(31)	0.00%	(93,963)	-6.18%
PARKS & LEISURE SERVICES	338,089	328,670	0	(9,419)	-2.87%	(338,089)	100.00%	2,304,552	2,400,027	0	95,475	3.98%	(2,304,552)	100.00%
TOTAL EXPENDITURES	**6,115,036**	**4,258,172**	**3,843,961**	**(1,856,864)**	**-43.61%**	**(2,271,074)**	**-59.08%**	**38,628,949**	**34,544,928**	**32,637,237**	**(4,084,021)**	**-11.82%**	**(5,991,712)**	**-18.36%**
SURPLUS / (DEFICIT)	**(2,325,703)**	**(897,064)**	**(688,441)**	**(1,428,639)**	**-159.26%**	**(1,637,263)**	**-237.82%**	**9,996,445**	**8,226,847**	**10,712,244**	**1,769,598**	**21.51%**	**(715,798)**	**-6.68%**

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

MAY 8, 2023

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
Paul Head, Councilor
George Pierce, Councilor

OTHER OFFICIALS PRESENT: Jeff Downes, City Manager
Patrick Boone, City Attorney
Rebecca Leavings, City Clerk
Dan Rary, Police Chief
Jason Hardin, Asst. Police Chief
Melvin Turner, III, Finance Director
Lori Beth Kearley, Public Works Director
Umang Patel, Court Director*
**present virtually via Zoom or telephone*

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

APPROVAL OF THE AGENDA

The Mayor opened the floor for a motion to approve the agenda. He asked to approve the agenda as presented.

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. Head – yes
Mr. Pierce – yes
Mr. Weaver – yes
Mayor Curry – yes
motion carried.

ANNOUNCEMENTS, CANDIDATES, GUEST RECOGNITION

- Mr. Pierce welcomed Board Members Christine Babineux, attending via Zoom, representing the Chamber of Commerce.
- Mayor Curry stated that last week there was a medical emergency on Columbiana Road and officers and first responders used some Narcam. He stated that a local surgeon happened to be on the scene during the emergency and began doing CPR until the first responders arrived. He stated that this doctor texted him and commended the first responders on their jobs and the response and services rendered during this emergency. This doctor stated watching this response was so fascinating and that it made him happy that he lives in Vestavia Hills.
- Mr. Head announced that the Parks and Recreation Board meeting will be May 16, 2023, 7:30 AM, at the Civic Center

CITY MANAGER'S REPORT

- Mr. Downes stated that he has invited Katherine McRee, founder of the Cahaba Heights Merchants Association, to speak about the Heights Hangout community event which happened recently.
    - Mrs. McRee stated that VHPD officers were present to ensure the event was safe and their participation was outstanding. She gave a background of the event and stated that, this year, the event was held on April 30 with more than 50 vendors participating. Local merchant sponsors paid for the event and all proceeds will go toward the beautification of the community. She stated that over $11,000 was raised, representing a 22% increase from previous years. All businesses reported increases in sales for the day. People had a great time and spent money in the area. This year, they brought in an entertainer who was a Prince imitator. To date, more than $17,000 has been spent in Cahaba Heights to improve monuments and beautify the area.
    - Mr. Downes added that the new City sidewalk connector between The Fig Tree restaurant and the Heights Village Shopping Center is almost finished and was utilized a lot during this event. Mrs. McRee stated that people from Vestavia Hills as well as other surrounding communities attended the event. Mr. Pierce commended the merchants and their efforts to put these events together.
- Mr. Downes announced that Lori Beth Kearley has been hired as the Public Works Director and will be the new head of that department.
    - Mrs. Kearley thanked Mr. Downes and the Council for the opportunity. She stated that she has been with the City for 9 years and loves her job and is very excited for the future. She stated that several projects are either finishing or headed to bid. The stormwater master plans are being implemented and the new Public Works home base will allow Public Works to better service for the City. She stated that she is excited to lead that team.

COUNCILOR REPORTS

- Mrs. Cook announced a special municipal election tomorrow for a tax referendum for funding of the 1Rebel 1Future plan. She stated that this plan has been under construction for years and is a community effort. Information can be obtained from the website 1rebel1future.com. She indicated that this is a once-in-a-generation opportunity. Poll hours are 7 AM to 7 PM. Results will be posted on the City website The results and will be provided per box as they come into City Hall.
- Mr. Pierce stated that he will attend the Chamber of Commerce luncheon tomorrow.
- Mr. Pierce stated that the Chamber is inviting other merchants to form associations such as the Cahaba Heights Merchants Association to promote events such as Heights Hangout. He stated that most people do not realize the work involved to stage these events. The merchants in Cahaba Heights have done it the right way and have very successful events.
- Mr. Weaver announced the Planning and Zoning Commission meeting Thursday night at 6 PM.

PROCLAMATION

The Mayor presented a Proclamation designating May 15-21, 2023 as "National Police Week" and "Peace Officers Memorial Day" which is May 15, 2023. Mr. Downes read the Proclamation and the Mayor presented it to Lt. S. Evans, Cpl. M. Riddlesperger, Officer J. Davis and Officer B. Kies of the VHPD.

Chief Rary stated that one of the VHPD officers has recently been inscribed into the peace officers' monument in Washington D.C. Officer Darryl Wayne Fortner who succumbed to Covid-19 in 2022 will become the second Vestavia Hills officer to be memorialized there along with Jeff Stone who was killed in a motorcycle accident a few years ago.

Lt Evans thanked the Chief and Deputy Chief for their support and thanked the Mayor and Council for the recognition. He stated that they appreciate serving the City.

APPROVAL OF MINUTES

The Mayor asked for a motion to approve the minutes of the April 12, 2023 (Work Session) and April 24, 2023, Regular Meeting.

MOTION: Motion to approve the minutes for the April 12, 2023 (Work Session) and April 24, 2023 meeting as presented was made by Mrs. Cook and seconded by Mr. Weaver. Roll call vote as follows:

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

OLD BUSINESS

The Mayor explained procedures for all public hearings. Speaker time will be limited to three minutes. A timer will appear on screen monitors in the room to keep everyone apprised of remaining time. Speakers should not duplicate issues. Speakers should only address the Mayor and/or presiding officer, and not address the audience or petitioner. All speakers shall clearly give their name and address for the record.

RESOLUTION NUMBER 5458

Public Hearing - Resolution Number 5458 - A Resolution authorizing the City Manager to expend additional (non-budgeted) funds to complete the targeted annual mileage for street resurfacing efforts within the municipal limits

MOTION Motion to approve Resolution Number 5458 was made by Mr. Weaver and seconded by Mr. Pierce.

Mr. Downes stated this is following the Council's direction to hit the annual paving target regardless of the cost.

Mrs. Cook asked what has been spent to date.

Mr. Downes stated that the City has spent about $600,000 and this gives a clear approval to move forward to attain the target.

Mrs. Cook noted that this will be more than doubling the original budget, but this is a good thing to adhere to the annual paving plan.

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. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	motion carried.

NEW BUSINESS

RESOLUTION NUMBER 5459

Resolution Number 5459 – 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 5459 was made by Mr. Weaver and seconded by Mr. Pierce. Roll call vote was as follows:

Mr. Downes indicated that this is a part of the directive for leasing vehicles to keep vehicles that have lesser mileage and optimize the resale value that comes back to the City. He stated the return is a revenue item to help offset the leasing.

Mrs. Cook asked how these will be sold.

Mr. Downes stated Enterprise will be a broker.

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. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	motion carried.

NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)

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

- Public Hearing – Ordinance Number 3098-A – An Ordinance to Amend Ordinance Number 3098 - Rezoning from Vestavia Hills R-1 to Vestavia Hills B-3 with a conditional use for veterinary services, grooming and boarding of dogs; Amending Ordinance to remove requirement for re-platting of property; Jeff Hardwick, Culbreth Holding, LLC, Owner
- Public Hearing - Ordinance Number 3178 - An Ordinance Amending Ordinance Number 2776 Extending the Existing Video Services Agreement with Direct TV (formerly Bellsouth d/b/a AT&T)
- Public Hearing - Ordinance Number 3179 - An Ordinance Establishing a Public Record Policy for the City of Vestavia Hills, Alabama
- Public Hearing - Ordinance Number 3180 - An Ordinance authorizing the City Manager to expend funds to design and construct an exhibit honoring an important public leader and authorize the Mayor and City Manager to execute any necessary documents to facilitate such exhibit

CITIZEN COMMENTS

None.

There being no further business, Mr. Pierce made a motion to adjourn. The Mayor adjourned the meeting at 6:32 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS
CITY CLERK
INTER-DEPARTMENT MEMO

May 22, 2023

To: Jeff Downes, City Manager

Cc:

From: Rebecca Leavings

RE: Public Hearing - Ordinance Number 3098-A - An Ordinance to Amend Ordinance Number 3098 - Rezoning from Vestavia Hills R-1 to Vestavia Hills B-3 with a conditional use for veterinary services, grooming and boarding of dogs; Amending Ordinance to remove requirement for re-platting of property; Jeff Hardwick, Culbreth Holding, LLC, Owner

---

Background:
Ordinance Number 3098 to rezone 4538 Pine Tree Circle to B-3 with a conditional use for veterinary services, grooming and boarding of dogs was adopted in May, 2022 with three requirements. One was to re-plat the lots into a single lot. Because of a difference in financiers of each parcel of property, re-platting it to a single lot was found to be impossible so the rezoning and conditional use were never completed.

Recommendation:
This request is for the same zoning and conditional use approval done last year with the exception of the requirement for the re-platting of the property. The Planning and Zoning Commission heard the request in April 2023 and voted unanimously to recommend approval of the request.

Fiscal Impact:
n/a

Attachments:
1. Ordinance 3098A

ORDINANCE NUMBER 3098-A

AN ORDINANCE AMENDING ORDINANCE 3098 - TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM VESTAVIA HILLS R-1 TO VESTAVIA HILLS B-3 WITH A CONDITIONAL USE FOR VETERINARY SERVICES, GROOMING AND BOARDING OF DOGS

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills R-1 (low density residential) to Vestavia Hills B-3 (conditional business district):

4538 Pine Tree Circle
Lot 43, Topfield Subdivision
Jeff Hardwick, Culbreth Holding, LLC, Owner

BE IT FURTHER ORDAINED, that a conditional use for veterinary care, grooming and/or boarding of dogs is approved for 4538 Pine Tree Circle, Lot 43, Topfield Subdivision under the following conditions:

1. Building to be construed with STC sound rating for exterior walls; and
2. If the property use as a veterinary clinic, grooming and/or boarding of dogs ceases or is vacated at any time for a period of more than 12 months, said conditional use is hereby voided.

APPROVED and ADOPTED this the 22nd day of May, 2023.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

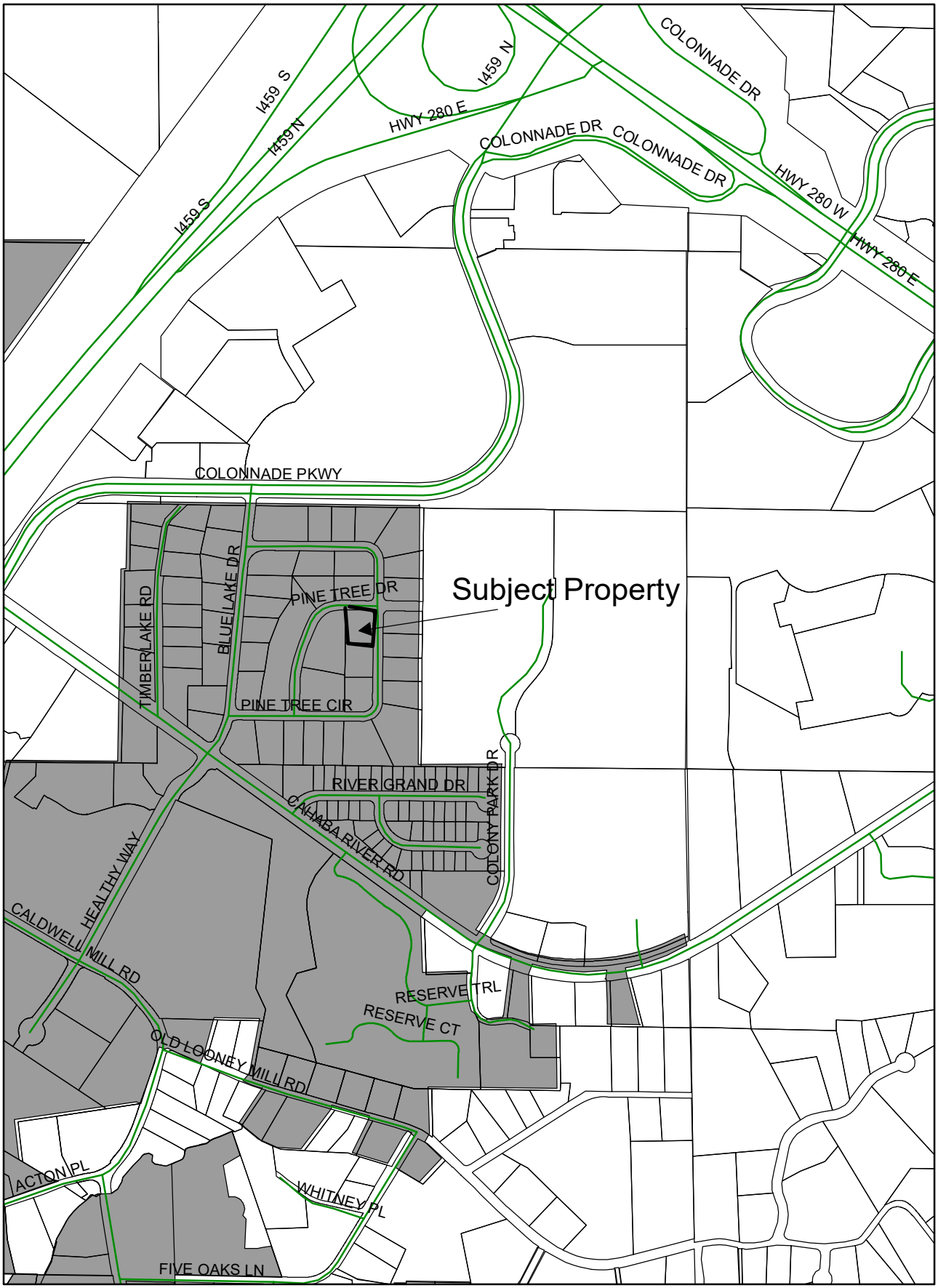
CERTIFICATION:

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 # 3098 is a true and correct copy of such 22nd day of May, 2023, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of May, 2023.

Rebecca Leavings
City Clerk

4538 Pine Tree Circle; Lot 43, Topfield Subd.



City of Vestavia Hills

Planning and Zoning Commission Review and Recommendation

Case Number:	RZ-23-6	Representative:	Wade Lowery
Owner Name:	Jeff Hardwick	Rep. Address:	120 Bishop Circle, Pelham, AL 35124
Owner Address:	3118 Pine Tree Drive, Birmingham, AL 35243		

Project Address:	4538 Pine Tree Circle
Legal Description:	Lot 43 Topfield Subdivision
Parcel ID Number:	2800274003005.000
Current Zoning:	R-1
Requested Zoning:	B-3 W/CU For Dog Boarding/Grooming/veterinary care
Intended Purpose:	Amendment to previous zoning approval-Not combining lots as previously approved, Amending Site Plan

P&Z Recommendation:

MOTION Mr. Weaver made a motion to recommend removing Condition 1 from Ordinance 3098. Second was by Mr. Sykes. Motion was carried on a roll call; vote as follows:

Mr. Farrell – yes	Mr. Sykes – yes
Mr. Romeo – yes	Mr. Weaver– yes
Mr. Honeycutt – yes	Mr. Vercher– yes

Motion carried.

Date of P&Z Meeting: April 13, 2023

Authorized by: Vestavia Hills Planning and Zoning Commission, Michael Vercher, Chair

Issued by: Conrad Garrison, City Planner

Rezoning Application

RZ-23-6

Submitted On: Feb 28, 2023

Applicant

Wade Lowery
2054039158
@ wade@edgalabama.com

Primary Location

4538 PINE TREE CIR
VESTAVIA HILLS, AL 35243

Property Information

Subject Property Address

4538 Pine Tree Circle

Tax Parcel ID Number

2800274003005.000

Legal Description

Lot 43 Topfield Subdivision

Existing Parking Spaces

0

Proposed Parking Spaces

13

Submission Date

02/28/2023

Type of Project

New Non-Residential Development/use

Action Requested:

From Existing Zoning Classification

B-3

To Requested Zoning Classification

B-3

For the Intended Purpose of:

Amendment to previous zoning approval-Not combining lots as previously approved

Acreage of Subject Property

1.8

Acreage of Property to be Disturbed

0.5

Setbacks

Front

30

Back

30

Side

15

Open Space

53

Lot Coverage Percentage

47

Tree Save Plan - I acknowledge that a if this is a new non-residential development or is a residential development in excess of 3 units, that I am required to submit a tree save plan concurrent with this application (excludes PUDs).

true

Owner Information

Applications must be either submitted by the owner of the property or a representative duly appointed by the owner by way of a notarized letter and/or power of attorney.

Property Owner Name

Jeff Hardwick

Company Name

Culbreth Holding, LLC

Owner Address City State Zip

3118 Pine Tree Drive, Birmingham, AL 35243

Owner's Phone Number

2055858548

Email Address of Owner

jeffhardwick@pawms.com

By checking this box, I hereby affirm that I am the representative of the owner duly authorized to represent this petition for rezoning. Simultaneously with this application, I am submitting notarized documentation from the owner which authorizes me to represent this case. If no authorization is provided, this application cannot be processed.

true

Owner Representative/Responsible Party

Wade Lowery

Company Name

Engineering Design Group

Contact Email of Responsible Party

wade@edgalabama.com

Mailing Address of Responsible Party

120 Bishop Circle, Pelham, AL 35124

Phone No. of Responsible Party

2056411131

Email Address of Responsible Party

wade@edgalabama.com

Project Engineer Information (if applicable)

Name

Wade Lowery

Company

Engineering Design Group

Mailing Address

120 Bishop Circle, Pelham, AL 35124

Phone Number

205-403-9158

Email

wade@edgalabama.com

PRELIMINARY
NOT FOR CONSTRUCTION

EDG

ENGINEERING DESIGN GROUP
PELHAM, AL
1218 BOB POP CIRCLE, SUITE 300
PELHAM, AL 35124
(205) 403 - 1458

FOLEY, AL
21 RIVER PARK DRIVE, SUITE 108
FOLEY, AL 36535
(251) 968 - 8960

REVISIONS
ISSUED FOR PERMIT - X/X/XXXX

SHEET TITLE:
SITE PLAN

PROJECT ADDRESS:
3118 PINE TREE DRIVE
VESTAVIA HILLS, ALABAMA

PROJECT NAME
PAWMS PET RESORT
VESTAVIA ADDITION

DRAWN BY: CLG
CHECKED BY: TGB
PROJECT No: JHAR0008
CAD FILE: JHAR0008-DWG
DATE: FEBRUARY 27, 2023
SHEET NO: C2.0

NOT FOR CONSTRUCTION

SITE DATA TABLE	
TOTAL SITE AREA:	
GROSS SITE AREA	77,683 FT² (1.8 AC)
NET SITE AREA (DISTURBED AREA)	23,570 FT² (0.5 AC)
IMPERVIOUS SURFACE COVERAGE:	
TOTAL GROSS IMPERVIOUS SURFACE	39,470 FT² (0.8 AC)
BUILDING COVERAGE	16,246 FT² (0.4 AC)
PAVED VEHICULAR USE AREA	16,630 FT² (0.4 AC)
IMPERVIOUS SURFACE RATIO (TOTAL IMPERVIOUS/GROSS SITE AREA)	47%
PROPOSED GROSS FLOOR AREA AND BUILDING HEIGHT:	
BUILDING AREA	5,945 FT² (0.1 AC)
FLOOR/AREA RATIO (BUILDING COVERAGE/GROSS SITE AREA	21%
PARKING REQUIRED:	
REQUIRED: TBD	
ADA PARKING	1
TOTAL PARKING SPACES PROVIDED	13
ADDITIONAL SITE DATA:	
SUBJECT PROPERTY PARCEL ID NUMBER	28 00 27 4 003 001.000
SUBJECT PROPERTY ZONING	B-3
NUMBER OF EXISTING BUILDINGS	2
NUMBER OF PROPOSED BUILDINGS	2
NUMBER OF PHASES	1

GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.
0 10 20 40 80

NOTE TO EXISTING SIDEWALK CONTRACTOR SHALL FIELD VERIFY ADDITIONAL CONNECTIONS BETWEEN PROPOSED AND EXISTING CONDITIONS

1 Conceptual Site Plan
Scale: 1" = 20'-0"

N 0 20 40 60 FT

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Environmental Design Studio
Site Planning
Garden Design
Signage & Wayfinding
Landscape Architecture
www.edsincweb.com
Duane: 205-565-8414
Dave: 206 333 4347

Pawms Pet Resort Addition

4528 Pine Tree Cir. Vestavia Hills, AL 35243

REVISIONS

DATE:	4/1/22
SCALE:	Scale
PROJECT MANAGER:	Project Manager
DRAWN:	Drawn
REVIEWED:	Reviewed
PROJECT NO:	Project ID

SHEET TITLE :

Conceptual Site Plan

SHEET NUMBER:

L-1.0

SEQUENCE: 1 of 1

COLONNADE PKWY
COLONNADE PKWY
COLONNADE PKWY
PINE TREE CIR
PINE TREE CIR
PINE TREE DR
BLUE LAKE DR
TIMBERLAKE RD
COLONNADE PL
CAHABA RIVER RD
Vestavia Hills
Birmingham
COLONY PARK DR
Zoning1
PARCELID 2800274003005000
DISTRICT 020
ESN_NUM 62
PROPADD 4528 PINE TREE CIR
TAX_TOWNSH 28
SECTION 27
QSECTION 4
BLOCK 003
PARCEL 005000
VH_ZONING R-1
ZNG_ORD 1981
ZNG_ORD_DT 03/21/2003
ZNG_ORD2
Zoom to
Zoning
R-2
PUD-PR-1
R-1
R-4
R-6
R-9
R-3
R-8
R-5
R-9*
RC-1
B-3
A
E-2
B-2
Inst-1
R-1*
O-1
PUD-PB
R-8*
R-6*
B-1
B-3*
Inst-1*
B-2*
O-1*
R-7
R-4*
PUD-PR-1*

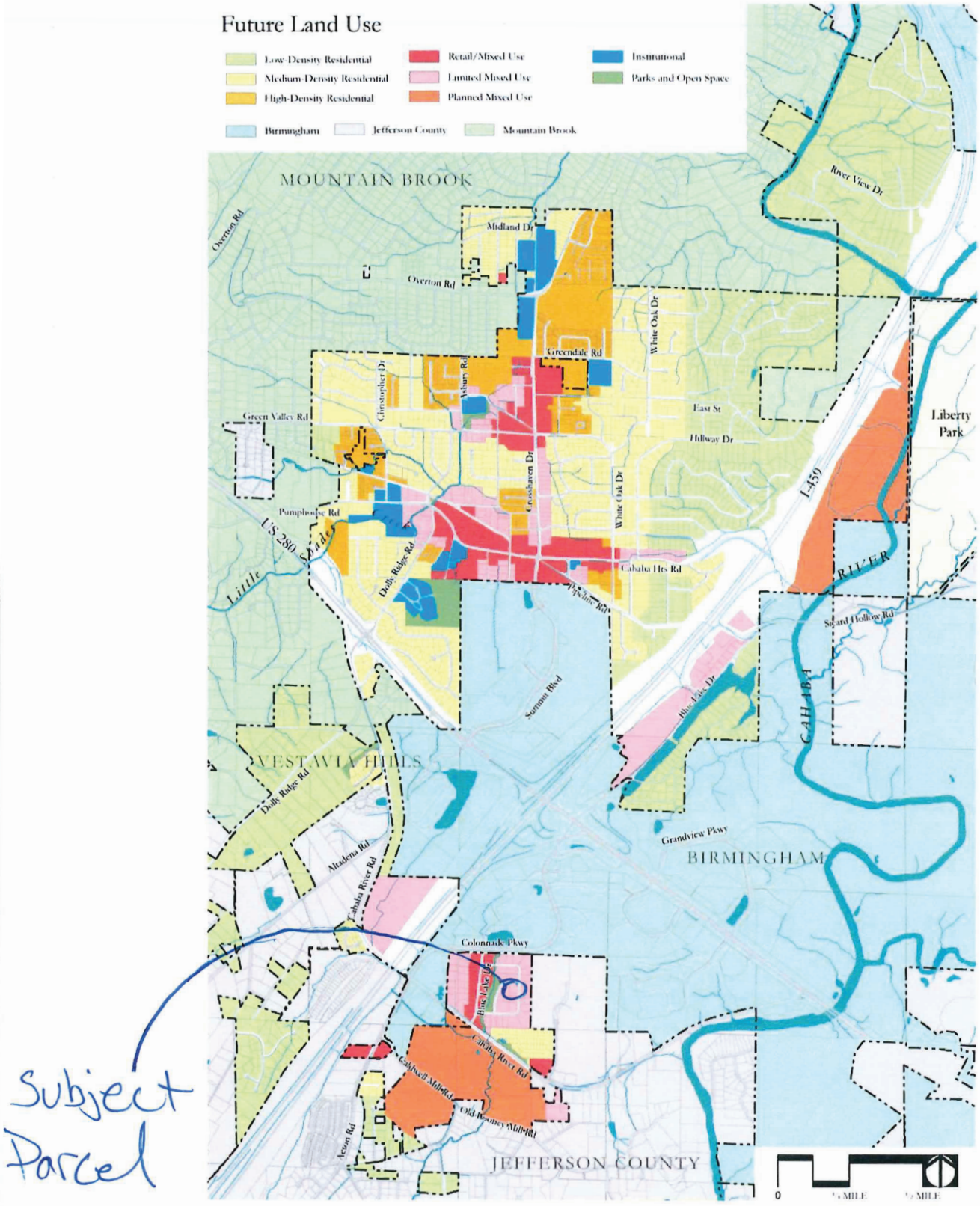


Figure 4: Future Land Use Map

CITY OF VESTAVIA HILLS
OFFICE OF THE CITY MANAGER
INTER-DEPARTMENT MEMO

May 22, 2023

To: Mayor and City Council

Cc:

From: Jeff Downes, City Manager

RE: Public Hearing - Ordinance Number 3178 - An Ordinance Amending Ordinance Number 2776 Extending the Existing Video Services Agreement with Direct TV (formerly Bellsouth d/b/a AT&T)

Background:
At the request of Direct TV representatives, the City has evaluated an extension to the existing video services agreement with Direct TV for four years (December 31, 2023 - December 31, 2027). There are no changes to the existing agreement outside of the extension of the aforementioned dates.

Recommendation:
Upon review of the City Attorney, it is recommended that the video services agreement be extended for the benefit of our residents.

Fiscal Impact:
There is no financial impact associated with this extension.

Attachments:
1. Ordinance 3178
2. Vestavia Hills AL Video Agreement Addendum to extend

3. PH Boone Legal Opinion to City Manager April 19 2023

ORDINANCE NUMBER 3178

AN ORDINANCE AMENDING ORDINANCE NUMBER 2776 TO AUTHORIZE THE MAYOR AND CITY MANAGER TO EXECUTE AND DELIVER A SECOND ADDENDUM TO VIDEO SERVICES AGREEMENT WITH DIRECTV, LLC (FORMERLY BELLSOUTH TELECOMMUNICATIONS, LLC D/B/A AT&T ALABAMA)

RECITALS

WHEREAS, City of Vestavia Hills and BellSouth Telecommunications, LLC d/b/a AT&T Alabama ("AT&T Alabama") entered into an agreement styled Agreement ("Agreement") on December 23, 2013 regarding the provision by AT&T Alabama of its integrated Internet Protocol ("IP") enabled broadband platform of voice, data and video services ("IP Network"), the video component of which is a switched, two-way, point-to-point and interactive service ("IP Video Service") to expire December 31, 2018; and

WHEREAS, The City of Vestavia Hills and BellSouth Telecommunications, LLC d/b/a AT&T Alabama, ("AT&T Alabama") entered into an addendum to said video services on July 23, 2018 to extend the expiration date to December 31, 2023; and

WHEREAS, on or about July 31, 2021, AT&T Alabama completed the transfer of its interest in the amended Video Services Agreement ("Agreement") with the City regarding the provision of the U-verse IPTV video service to its affiliate, DIRECTV, LLC ("DIRECTV"); and

WHEREAS, the City and DIRECTV now desire to extend the term of the Agreement through December 31, 2027, and agree that there is sufficient mutual consideration for renewing and extending the term of the Agreement; and

WHEREAS, DIRECTV has submitted a Second Addendum to Video Services Agreement ("Second Agreement") to the City Manager to request the term of the Agreement to December 31, 2027 along with one other modification changing the assignment to DIRECTV. A copy of the Second Agreement is marked as Exhibit A, attached to and incorporated into this Ordinance Number 3178 as if written fully therein; and

WHEREAS, the City Manager has reviewed said Second Agreement and recommended approval; and

WHEREAS, the Mayor and City Council feel it is in the best public interest to accept the City Manager's recommendation to accept the Second Agreement with the extension of expiration to December 31, 2027 and one other modification.

NOW, THEREFORE, 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 authorized to execute and deliver the Second Addendum to Video Services Agreement with DIRECTV, LLC as detailed in the attached Exhibit A; and
2. This Ordinance shall become effective immediately upon approval and posting/publication as required by Alabama law.

ADOPTED and APPROVED this the 22nd day of May, 2023.

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 # 3178 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 22nd day of May, 2023, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2023.

Rebecca Leavings
City Clerk

SECOND ADDENDUM TO VIDEO SERVICES AGREEMENT

THIS SECOND ADDENDUM TO VIDEO SERVICES AGREEMENT ("Second Addendum") is made on this _____day of_____, 2023, by and between DIRECTV, LLC (“DIRECTV”) and the City of Vestavia Hills, Alabama (“City").

RECITALS

WHEREAS on or about July 31, 2021, BellSouth Telecommunications, LLC d/b/a AT&T Alabama (“AT&T Alabama”) completed the transfer of its interest in the Video Services Agreement (“Agreement”) with the City regarding the provision of the U-verse IPTV video service to its affiliate, DIRECTV; and

WHEREAS the initial Agreement with the City was entered on December 23, 2013 for a term expiring December 31, 2018, but allows for extending the Agreement upon written mutual request of the parties; and

WHEREAS the parties to the initial Agreement entered into an addendum on July 23, 2018 to extend the expiration date to December 31, 2023;

WHEREAS the City and DIRECTV now desire to extend the term of the Agreement through December 31, 2027, and agree that there is sufficient mutual consideration for renewing and extending the term of the Agreement; and

WHEREAS DIRECTV and the City of Vestavia Hills desire to make one other modification to the terms of the Agreement, which is fully set forth herein below and agree that there is sufficient mutual consideration for renewing and extending the term of the Agreement through December 31, 2027.

AGREEMENTS

NOW, THEREFORE, in consideration of the mutual covenants contained herein and in the original Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, DIRECTV and the City of Vestavia Hills agree as follows:

1. Paragraph 1 of the Agreement is hereby amended and acknowledged to read as follows

   Term. The term of this Agreement shall be from the Effective Date of this Agreement through December 31, 2027. The term may be extended upon mutual agreement of the parties in writing.

2. The "Notices" paragraph of the Agreement is amended by changing the address for AT&T Alabama to the following:

   DIRECTV
   Legal/External Affairs
   2260 E. Imperial Hwy.
   El Segundo, CA 90245

   e-mail: scott.alexander@directv.com

3. Unless amended by the terms of this Addendum, all other terms and conditions of the Agreement, shall remain unchanged and in full force and effect throughout the extended term. In the event the terms and conditions of the Agreement conflict with the terms of this Addendum, this Addendum shall be deemed to supersede and override the terms of the Agreement.

4. This Addendum incorporates and includes all prior and contemporaneous negotiations, correspondence, conversations, agreements and understandings between the parties concerning the subject matter hereof. No deviation from the terms hereof shall be predicated upon any prior or contemporaneous representations, agreements or understanding, whether oral or written.

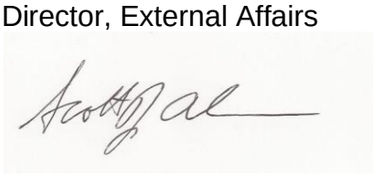
IN WITNESS WHEREOF, DIRECTV and the City of Vestavia Hills have caused this Addendum to be duly executed on their behalf by their duly authorized representative, as of the date first above written.

(Signature page immediately follows)

DIRECTV, LLC (DIRECTV)

Printed Name: Scott J. Alexander

Title: Senior Director, External Affairs



Signature: _____

Date: **April 27, 2023**

City of Vestavia Hills Alabama

Printed Name: _____

Title: CITY MANAGER

Signature: _____

Date: _____

Printed Name: _____

Title: MAYOR

Signature: _____

Date: _____

ATTEST

Name: _____

Title: _____

Date:_____

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

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

E-Mail: patrickboone@bellsouth.net

April 19, 2023

By Electronic Mail

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

In Re: BellSouth Telecommunications, LLC d/b/a AT&T Alabama
Now DIRECTV, LLC

Dear Mr. Downes:

On April 13, 2023, you provided to me via electronic mail a proposed Addendum to Video Services Agreement by and between BellSouth Telecommunications, LLC d/b/a AT&T Alabama ("AT&T Alabama") now DIRECTV, LLC and the City of Vestavia Hills ("City") with a request that I review the same and provide you with my legal opinion. The purpose of this letter is to comply with your request.

I. BACKGROUND

AT&T Alabama has operated a business within the City of Vestavia Hills by providing broadband platform of voice, data and video services for the period beginning May 21, 2008 until July 31, 2021. Since then, DIRECTV, LLC has operated the business.

The City and AT&T Alabama have had the following agreements:

Ordinance or Resolution No.	From	To
Resolution No. 3847	May 21, 2008	December 31, 2013

The original Agreement dated May 21 2008 provides,

> "14. Assignment. AT&T Alabama may not assign or transfer this Agreement or any interest therein without the prior consent of City except to any affiliate of AT&T Alabama."

Ordinance No. 2476	December 23, 2013	December 31, 2018
Ordinance No. 2776	December 31, 2018	December 31, 2023

The City was advised on April 10, 2023 that AT&T Alabama transferred its interest to its affiliate, DIRECTV, LLC. DIRECTV, LLC has operated the business since July 31, 2021 and now wishes to extend the contract for a term of five (5) years beginning December 31, 2023 and ending December 31, 2023.

DIRECTV, LLC has submitted to you a proposed Addendum to Video Services Agreement, which would allow DIRECTV, LLC to continue doing business in the City for an additional five (5) years beginning December 31, 2023 and ending December 31, 2028.

II. LEGAL OPINION

I have reviewed the proposed Addendum pursuant to your request. It is my legal opinion that the Addendum is consistent with the present Agreement and complies with state and federal laws.

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

Sincerely,

Patrick H. Boone
Vestavia Hills City Attorney

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

CITY OF VESTAVIA HILLS
CITY CLERK
INTER-DEPARTMENT MEMO

May 22, 2023

To: Jeff Downes, City Manager

Cc:

From: Rebecca Leavings

RE: Public Hearing - Ordinance Number 3179 - An Ordinance Establishing a Public Record Policy for the City of Vestavia Hills, Alabama

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Background:
Alabama's Public Records laws do not clearly define a public record. It is an important task to maintain and make available public records in order to safeguard the rights to allow citizens to request and view. This proposed Ordinance establishes the type of documents which meet the threshold of public records. It was drafted following study of different city policies, the Secretary of State's office and review/revisions by the City Attorney. This Ordinance establishes a policy for requesting public records of the City, identifies and defines public records, clearly defines exemptions from public records policies and allows for expedient turnaround of records.

Recommendation:
This ordinance has been reviewed, revised and recommended for approval by City Department Heads, the City Manager and the City Attorney.

Fiscal Impact:

NA

Attachments:

1. Ordinance 3179
2. PH Boone Legal Opinion to City Clerk January 13, 2023

ORDINANCE NUMBER 3179

AN ORDINANCE ESTABLISHING A PUBLIC RECORD POLICY FOR THE CITY OF VESTAVIA HILLS, ALABAMA

WHEREAS, the Alabama Open Records Act ("ORA") at §36-12-40, *Code of Alabama, 1975*, states that every citizen has a right to inspect and take a copy of any public writing, except for (1) registration and circulation records and information concerning the use of public libraries (except for a parent inspecting the records of his or her child); (2) records concerning security plans, procedures, assessments, measures or systems, and any other records relating to or having an impact upon the security or safety of persons, structures, facilities or other infrastructures including critical infrastructure and critical energy infrastructure, whose disclosure could reasonably be detrimental to public safety and welfare and the best interests of the public; and (3) as otherwise expressly provided by statute; and

WHEREAS, §36-12-41, *Code of Alabama, 1975,* states that every public officer having the custody of a public writing which a citizen has a right to inspect is bound to give said citizen, on demand, a certified copy of it, on payment of the legal fees therefor; and

WHEREAS, ORA does not define the terms "public writing" or "public records"; and

WHEREAS, the Alabama Legislature in §41-13-1, *Code of Alabama, 1975,* defines a public record to include all written, typed or printed books, papers, letters, documents and maps made or received in pursuance of law by the public officers of the state, counties, municipalities and other subdivisions of government in the transactions of public business and any record authorized to be made by any state law belonging or pertaining to any court of record or any other public record authorized by law or any paper, pleading, exhibit or other writing filed with, in or by any such court, office or officer; and

WHEREAS, The Supreme Court of Alabama decided the case of *Stone v. Consolidated Publishing Company,* 404 So.2d 678, in 1981 and defined the term "public writing" when it wrote,

> "We have carefully considered the issue raised by appellants on this appeal, particularly with reference to our statutes. Construing these statutes *in pari materia,* we hold that the 'public writing' spoken of in Code 1975, §36-12-40, is such a record as is *reasonably necessary* to record the business and activities required to be done or carried on by a public officer so that the status and

> condition of such business and activities can be known by our citizens."; and

WHEREAS, the Alabama Supreme Court decided the case of *Allen v. Barksdale,* 32 So.3d 1264, in 2009 and wrote, "We doubt the Legislature intended to make a distinction between a 'public writing' and a 'public record'"; and

WHEREAS, the Supreme Court of Alabama decided the case of *Stone v. Consolidated Publishing Company,* 404 So.2d 678, in 1981 and held that recorded information received by a public officer in confidence, sensitive personnel records, pending criminal investigations and records the disclosure of which would be detrimental to the best interests of the public are some of the areas which may not be subject to public disclosure; and

WHEREAS, not all documents received by a public official are "public writings" subject to inspection and copying by citizens under ORA. The Supreme Court of Alabama also wrote in the case of *Stone v. Consolidated Publishing Co., supra,* that,

> "This is not to say, however, that any time a public official keeps a record, though not required by law, it falls within the purview of §36-12-40."; and

WHEREAS, the Alabama Supreme Court in the case of *Blankenship, et al v. City of Hoover, et al,* 590 So.2d 245 (Ala.1991), held that a custodian of public records may require the person seeking access to show that he or she has a direct, legitimate interest in the document or information sought, for there is no right of inspection when it is sought to satisfy a whim or to create scandal or for any other improper or useless purpose, and no right to demand to see public records without showing why he or she is interested; and

WHEREAS, a municipality may set reasonable restrictions on the time and place of inspection and may charge a reasonable fee for providing requested public documents, including City staff research, preparation and time in fulfilling the request; and

WHEREAS, the Mayor and City Council feel it is in the best public interest to establish a policy and procedure for the City of Vestavia Hills, Alabama for a citizen to request to inspect and/or copy public records and for the City to respond to that request.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, THAT THE FOLLOWING IS ADOPTED AS THE "CITY OF VESTAVIA HILLS' PUBLIC RECORD POLICY":

Section 1. Statement of Policy.

The City of Vestavia Hills recognizes and supports the public's right to inspect and make copies of public records in accordance with Alabama law. Public records are available for public inspection and copying on a reasonable basis, subject to the policy and procedure set forth in this Ordinance. All responses to requests concerning public records will be made in such a way that will not interfere with the normal operation of the City or the job duties of the employee.

Section 2. Confidential Records.

Municipal records fall into different categories, most of which are available to the public. Some records or portions of records are determined to be confidential and not subject to public disclosure, including, but not limited to, the following:

1. Any specific exception found in the above cited sections of *Code of Alabama*, *1975*, as amended; and
2. All confidential written materials submitted to or from any officer or employee and an attorney for the City; and
3. Plans, evaluations or studies relating to safety and security of municipal employees and facilities; and
4. Certain personnel records relating to city employees, including W-2 forms (employees have the right to be notified of requests to access information contained in their personnel file); and
5. Medical records and other personal health information pertaining to employees, unless authorized by the employee; and
6. Test materials given to applicants for employment or promotion with the city, including the results of any such test; and
7. Certain personal identifying information, such as home address, telephone number, closest living relative information, social security number, taxpayer identification number, etc.; and
8. Information regarding gross receipts or tax payments of licensed businesses; and
9. Internal audit work papers and internal audit reports, including system security information; and
10. All court documents pertaining to the execution of warrants; and
11. Electronic data including phone call data, cellular call data, text, email, and or any other messenger or messenger device sent or received by City employees, elected officials, etc., which technologically cannot be produced; and
12. Any information concerning pending court cases; and

13. Any information submitted to or received from the NCIC/ACJIC facilities; and
14. Emergency medical reports prepared by the fire department, unless authorized by the victims or pursuant to court process; and
15. Records pertaining to ongoing fire investigations; and
16. Fire inspection reports may be given to owner or occupant of the premises, if authorized by the property owner; and
17. Records pertaining to confidential investigations of the police department, including but not limited to criminal investigations and internal affairs investigations; and
18. Confidential informant files; and
19. Crime scene information including photographs, videos, physical evidence and such other similar materials; and
20. Any digital data produced by the Vestavia Hills Police department, including, but not limited to any video or audio recording produced from a police department vehicle, body-worn camera, audio recorder or building-based recording depicting the police department, jail or City Hall or grounds.*

If there is uncertainty as to the confidential status of a record, the matter shall be referred to the city legal counsel for guidance and advice.

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*Footnote Citation:

Alabama Supreme Court Case entitled *Something Extra Publishing v Huey Hoss Mack, Anthony Lowery and Michael Gaull, Special Term, 2021* and §36-12-40, 12-15-134, , 32-10-11, 32-10-8, 32-10-7, 41-13-6, 41-13-1, *Code of Alabama, 1975*.

Section 3. Submission of Requests.

All persons requesting to view or obtain copies of public records shall be referred to the Office of the City Clerk, subject to the exceptions listed below. The City Clerk's office will provide an application form and/or receive completed written requests.

Exceptions:

1. The plotter of the City's GIS department may provide copies of maps and other large format documents, with set fees according to the size and type of paper, number of copies, etc.; and
2. The municipal court office may provide information regarding court records to individuals and other courts; and
3. The police department records office may provide copies of certain reports, which are subject to the fees set by the respective department in the day-to-day operations such as routine dissemination of incident, offense or accident reports to victims, reporting persons or involved parties; and
4. The fire department may provide copies of certain reports, which are subject to fees set by the respective department, in the day-to-day operations such as routine dissemination of incident, inspection reports, etc., and
5. This ordinance does not restrict the police department records office from producing routine law enforcement documentation pursuant to lawful subpoena; and
6. Information or records may be provided for auditing purposes, other governmental entities, or the news media at no cost.

Section 4. Processing of Requests.

Completed Request for Access to Public Records form, once submitted to the City Clerk, shall be processed as soon as practical and within a reasonable time as follows:

1. The City Clerk shall review the request for informational purposes to determine if the records request is complete and specific; and
2. The City Clerk shall notify the appropriate department with specifics of the request and determine from the appropriate the estimated time needed to provide said records and the time needed in order to produce said records; and
3. The Department Head of the appropriate Department shall notify the City Clerk of the cost of production of said records, the production format and the estimated turn around for production; and
4. The City Clerk shall notify the requester the estimated cost and time for production of records or whether or not the request has been deemed to be records either exempt of beyond the records disposition schedule and cannot be produced; and
5. When the records are submitted and ready for review or purchase, the City Clerk shall notify the requester and request payment for pickup and/or review of said records; and
6. If the requested document is not a "public record" within the meaning of this ordinance, then the document shall not be produced for inspection and copying, and the City Clerk shall so advise the citizen who made the request; and

7. Should the requested document be an exception to the ORA under Alabama law, then in such event the requested document shall not be produced for inspection or copying, and the City Clerk shall so advise the citizen who made the request.

Section 5. Requests to view specific records or documents.

1. Anyone desiring to review specific files or records located in the City Clerk's office may do so by appointment during normal business hours.
2. When requests to review specific files or records not located in the City Clerk's office are received, the Clerk's office will contact the other office(s) to make the necessary arrangements. The applicant will then be notified of the time when and location where the records may be viewed.
3. Requests to obtain copies of specific records or documents (no research, preparation or compilation required):
    a. For records located in the Clerk's office, the applicant may receive immediate information concerning the cost and estimated time to provide said copies.
    b. For records not located in the Clerk's office, additional time may be necessary to obtain information concerning the cost and estimated time to provide said copies.
    c. The cost shall be determined at the time of submission based upon the cost per page to the City.
    d. Cost for requests that require minimal time and resources may be waived by the City Clerk

Section 6. Requests to view or obtain copies of records that are not specific in nature and/or require compilation of data.

Response to requests of this nature may require additional time, since research may be necessary to locate the records, review their status, or determine the complexity of the request. Charges for time may be necessary for records that are bound, require removal of staples, etc., or require editing to maintain the confidential status of portions of the material. The feasibility of providing access to records that are not of a standard size or format or are voluminous in nature must be determined.

Section 7. Calculation of Costs/Payments.

No charges will be assessed for research that is necessary to evaluate and determine feasibility of the request. Applicant will be given an estimate of the time and cost involved in providing the requested records or information. Applicant will be required to pay the estimated amount before the actual work or research is performed. The actual cost will be determined upon completion, and adjustments to the payment will be made if necessary. There the cost will be

calculated at the pay rate per hour of the employee who is performing said research in order to reimburse the City of said expense for needed research and/or copying of said records and the cost of production of the record itself (cost of copy, thumb drive, etc.) or portion thereof.

Section 8. Exemptions:

1. The Vestavia Hills Library in the Forest has a public records policy as adopted and amended by the Vestavia Hills Library Board. Any request to the Library in the Forest shall be exempt from this Ordinance and shall be handled solely under the Library's adopted policy, as amended; and
2. This Ordinance shall not prevent any City department from producing daily reports in the normal course of business at fees set by said department; and
3. Any production of records pursuant to a legal subpoena issued by a court of competent jurisdiction and served upon the City shall be exempt from the requirement of any payment as set forth in this Ordinance.

Section 9. Severability:

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

Section 10. Repealer:

All Ordinances or part of Ordinances, in any manner, conflicting herewith are hereby repealed; and

Section 11. Effective Date:

This Ordinance Number 3179 shall become effective immediately following publishing and/or posting in accordance with Alabama law.

ADOPTED and APPROVED this the 22nd day of May, 2023.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, hereby certify that the above and foregoing copy of one Ordinance Number 3179 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 22nd day of May, 2023, as same appears in the official records of the City.

Posted at the Vestavia Hills City Hall, Vestavia Hills Library in the Forest, Vestavia Hills New Merkel House and the Vestavia Hills Recreation Center on this the ____ day of _____, 20____.

Rebecca Leavings
City Clerk

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

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

E-Mail: patrickboone@bellsouth.net

January 13, 2023

By Electronic Mail

City Clerk Rebecca Leavings
Vestavia Hills Municipal Center
P. O. Box 660854
Vestavia Hills, Alabama 35266-0854

In Re: An Ordinance Establishing a Public Record Policy for the City of Vestavia Hills, Alabama

Dear Mrs. Leavings:

On January 10, 2013, you sent to me via electronic mail a proposed Ordinance Establishing a Public Record Policy for the City of Vestavia Hills, Alabama ("the Ordinance"). You requested that I provide you with my written legal opinion and any recommendations for additions, deletions, changes and/or corrections. The purpose of this letter is to comply with your request. It is my legal opinion that the Ordinance as written is valid under Alabama law. I base my opinion upon the case of *Blankenship v. Hoover,* 590 So.2d 245 (Ala.1991).

I have prepared and forward to you a redline (deletions) blue ink (additions) version of the Ordinance setting forth my recommendations. Also attached is the modified version in "Word" format. I would like to meet with you at your office the next time I am at City Hall in order for us to pow-wow and put the Ordinance in final form. I compliment you on an excellent job in the preparation of this Ordinance.

Sincerely,

Patrick H. Boone
Vestavia Hills City Attorney

PHB:gp
Enclosure
cc: City Manager Jeffrey D. Downes (by e-mail w/encl.)

ORDINANCE NUMBER ////

AN ORDINANCE ESTABLISHING A PUBLIC RECORD POLICY FOR THE CITY OF VESTAVIA HILLS, ALABAMA

WHEREAS, the Alabama Open Records Act ("ORA") at §36-12-40, *Code of Alabama, 1975*, states that every citizen has a right to inspect and take a copy of any public writing, except for (1) registration and circulation records and information concerning the use of public libraries (except for a parent inspecting the records of his or her child); (2) records concerning security plans, procedures, assessments, measures or systems, and any other records relating to or having an impact upon the security or safety of persons, structures, facilities or other infrastructures including critical infrastructure and critical energy infrastructure, whose disclosure could reasonably be detrimental to public safety and welfare and the best interests of the public; and (3) as otherwise expressly provided by statute; and

WHEREAS, §36-12-41, *Code of Alabama, 1975,* states that every public officer having the custody of a public writing which a citizen has a right to inspect is bound to give ~~him~~ said citizen, on demand, a certified copy of it, on payment of the legal fees therefor; and

WHEREAS, ORA does not define the terms "public writing" or "public records" ; and

WHEREAS, the Alabama Legislature in §41-13-1, *Code of Alabama, 1975,* defines a public record to include all written, typed or printed books, papers, letters, documents and maps made or received in pursuance of law by the public officers of the state, counties, municipalities and other subdivisions of government in the transactions of public business and any record authorized to be made by any state law belonging or pertaining to any court of record or any other public record authorized by law or any paper, pleading, exhibit or other writing filed with, in or by any such court, office or officer; and

WHEREAS, The Supreme Court of Alabama decided the case of *Stone v. Consolidated Publishing Company,* 404 So.2d 678, in 1981 and defined the term "public writing" when it wrote,

> "We have carefully considered the issue raised by appellants on this appeal, particularly with reference to our statutes. Construing these statutes *in pari materia,* we hold that the 'public writing' spoken of in Code 1975, §36-12-40, is such a record as is *reasonably necessary* to record the business and activities required to be done or carried on by a public officer so that the status and

condition of such business and activities can be known by our citizens."; and

WHEREAS, the Alabama Supreme Court decided the case of *Allen v. Barksdale,* 32 So.3d 1264, in 2009 and wrote, "We doubt the Legislature intended to make a distinction between a 'public writing' and a 'public record'"; and

WHEREAS, the Supreme Court of Alabama decided the case of *Stone v. Consolidated Publishing Company,* 404 So.2d 678, in 1981 and held that recorded information received by a public officer in confidence, sensitive personnel records, pending criminal investigations and records the disclosure of which would be detrimental to the best interests of the public are some of the areas which may not be subject to public disclosure; and

WHEREAS, not all documents received by a public official are "public writings" subject to inspection and copying by citizens under ORA. The Supreme Court of Alabama also wrote in the case of *Stone v. Consolidated Publishing Co., supra,* that,

> "This is not to say, however, that any time a public official keeps a record, though not required by law, it falls within the purview of §36-12-40."; and

WHEREAS, ~~courts have~~ the Alabama Supreme Court in the case of *Blankenship, et al v. City of Hoover, et al,* 590 So.2d 245 (Ala.1991), held that a custodian of public records may require the person seeking access to show that he or she has a direct, legitimate interest in the document or information sought, for there is no right of inspection when it is sought to satisfy a whim or to create scandal or for any other improper or useless purpose, and no right to demand to see public records without showing why he or she is interested; and

WHEREAS, a municipality may set reasonable restrictions on the time and place of inspection and may charge a reasonable fee for providing requested public documents, including City staff research, preparation and time in fulfilling the request; and

WHEREAS, the Mayor and City Council feel it is in the best public interest to establish a policy ~~for public records~~ and procedure for the City of Vestavia Hills, Alabama for a citizen to request to inspect and/or copy public records and for the City to respond to that request.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, THAT THE FOLLOWING IS ADOPTED AS THE CITY OF VESTAVIA HILLS' "PUBLIC RECORD POLICY":

Section 1. Statement of Policy. The City of Vestavia Hills recognizes and supports the public's right to inspect and make copies of public records in accordance with Alabama law. Public records are available for public inspection and copying on a reasonable basis, subject to ~~this~~ the policy and procedure set forth in this Ordinance. All responses to requests concerning public records will be made in such a way that will not interfere with the normal operation of the City or the job duties of the employee.

Section 2. Confidential Records. Municipal records fall into different categories, most of which are available to the public. Some records or portions of records are determined to be confidential and not subject to public disclosure, including, but not limited to, the following:

1. Any specific exception found in the above cited sections of *Code of Alabama, 1975*, as amended; and
2. All confidential written materials submitted to or from any officer or employee and an attorney for the City; and
3. Plans, evaluations or studies relating to safety and security of municipal employees and facilities; and
4. Certain personnel records relating to City employees, including W-2 forms (employees have the right to be notified of requests to access information contained in their personnel file); and
5. Medical records and other personal health information pertaining to employees, unless authorized by the employee; and
6. Test materials given to applicants for employment or promotion with the City, including the results of any such test; and
7. Certain personal identifying information, such as home address, telephone number, closest living relative information, social security number, taxpayer identification number, etc.; and
8. Information regarding gross receipts or tax payments of licensed businesses; and
9. Internal audit work papers and internal audit reports, including system security information; and
10. All court documents pertaining to the execution of warrants; and
11. Electronic data including cellular call data, text, email, and/or any other messenger or messenger device sent by City employees, elected officials, etc., which technologically cannot be produced; and
12. Any information concerning pending court cases; and
13. Any information submitted to or received from the NCIC/ACJIC facilities; and
14. Emergency medical reports prepared by the fire department, unless authorized by the victims or pursuant to court process; and
15. Records pertaining to ongoing fire investigations; and
16. Fire inspection reports may be given to owner or occupant of the premises, if authorized by the property owner; and
17. Records pertaining to confidential investigations of the police department, including but not limited to criminal investigations and internal affairs investigations; and
18. Confidential informant files; and

19. Crime scene information including photographs, videos, physical evidence and such other similar materials; and
20. Any digital data produced by the Vestavia Hills Police Department, including, but not limited to any video or audio recording produced from a police department vehicle, body-worn camera, audio recorder or building-based recording depicting the police department, jail or City Hall or grounds.*

If there is uncertainty as to the confidential status of a record, the matter shall be referred to the City legal counsel for guidance and advice.

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*Footnote Citation:

Alabama Supreme Court Case entitled *Something Extra Publishing v Huey Hoss Mack, Anthony Lowery and Michael Gaull, Special Term, 2021* and §36-12-40, 12-15-134, , 32-10-11, 32-10-8, 32-10-7, 41-13-6, 41-13-1, *Code of Alabama, 1975*.

Section 3. Submission of Requests. All persons requesting to view or obtain copies of public records shall be referred to the Office of the City Clerk, subject to the exceptions listed below. The City Clerk's office will provide an application form and/or receive completed written requests.

Exceptions:

1. The plotter of the City's GIS department may provide copies of maps and other large format documents, with set fees according to the size and type of paper, number of copies, etc.; and
2. The municipal court office may provide information regarding court records to individuals and other courts; and
3. The police department records office may provide copies of certain reports, which are subject to the fees set by the respective department in the day-to-day operations such as routine dissemination of incident, offense or accident reports to victims, reporting persons or involved parties; and
4. The fire department may provide copies of certain reports, which are subject to fees set by the respective department, in the day-to-day operations such as routine dissemination of incident, inspection reports, etc., and
5. This ordinance does not restrict the police department records office from producing routine law enforcement documentation pursuant to lawful subpoena; and
6. Information or records may be provided for auditing purposes, other governmental entities, or the news media at no cost.

Section 4. Processing of Requests. Completed ~~record of requests~~ Request for Access to Public Records form, once submitted to the City Clerk, shall be processed as soon as practical and within a reasonable time as follows:

1. The City Clerk shall review the request for informational purposes to determine if the records request is complete and specific; and
2. The City Clerk shall notify the appropriate department with specifics of the request and determine from the appropriate the estimated time needed to provide said records and the time needed in order to produce said records; and
3. The Department Head of the appropriate Department shall notify the City Clerk of the cost of production of said records, the production format and the estimated turn around for production; and
4. The City Clerk shall notify the requester the estimated cost and time for production of records or whether or not the request has been deemed to be records either exempt of beyond the records disposition schedule and cannot be produced; and

5. When the records are submitted and ready for review or purchase, the City Clerk shall notify the requester and request payment for pickup and/or review of said records; and
6. If the requested document is not a "public record" within the meaning of this ordinance, then the document shall not be produced for inspection and copying, and the City Clerk shall so advise the citizen who made the request; and
7. Should the requested document be an exception to the ORA under Alabama law, then in such event the requested document shall not be produced for inspection or copying, and the City Clerk shall so advise the citizen who made the request.

Section 5. Requests to view specific records or documents.

1. Anyone desiring to review specific files or records located in the City Clerk's office may do so by appointment during normal business hours.
2. When requests to review specific files or records not located in the City Clerk's office are received, the Clerk's office will contact the other office(s) to make the necessary arrangements. The applicant will then be notified of the time when and location where the records may be viewed.
3. Requests to obtain copies of specific records or documents (no research, preparation or compilation required):
    a. For records located in the Clerk's office, the applicant may receive immediate information concerning the cost and estimated time to provide said copies.
    b. For records not located in the Clerk's office, additional time may be necessary to obtain information concerning the cost and estimated time to provide said copies.
    c. The cost shall be determined at the time of submission based upon the cost per page to the City.
    d. Cost for requests that require minimal time and resources may be waived by the City Clerk

Section 6. Requests to view or obtain copies of records that are not specific in nature and/or require compilation of data. Response to requests of this nature may require additional time, since research may be necessary to locate the records, review their status, or determine the complexity of the request. Charges for time may be necessary for records that are bound, require removal of staples, etc., or require editing to maintain the confidential status of portions of the material. The feasibility of providing access to records that are not of a standard size or format or are voluminous in nature must be determined.

Section 7. Calculation of Costs/Payments. No charges will be assessed for research that is necessary to evaluate and determine feasibility of the request. Applicant will be given an estimate of the time and cost involved in providing the requested records or information. Applicant will be required to pay the estimated amount before the actual work or research is performed. The actual cost will be determined upon completion, and adjustments to the payment will be made if necessary. There the cost will be calculated at $25 per hour or portion thereof.

Section 8. Exemptions:

1. The Vestavia Hills Library in the Forest has a public records policy as adopted and amended by the Vestavia Hills Library Board. Any request to the Library shall be exempt from this Ordinance and shall be handled solely under the Library's adopted policy, as amended; and
2. This Ordinance shall not prevent any City department from producing daily reports in the normal course of business at fees set by said department; and
3. Any production of records pursuant to a legal subpoena issued by a court of competent jurisdiction and served upon the City shall be exempt from the requirement of any payment as set forth in this Ordinance.

Section 9. Severability: If any part, section or provision of this Ordinance shall hereafter be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity or any other section or provisions of this Ordinance, which shall continue in full force and effect notwithstanding such holding; and

Section 10. Repealer: All Ordinances or part of Ordinances, in any manner, conflicting herewith are hereby repealed; and

Section 11. Effective Date: This Ordinance Number //// shall become effective immediately following publishing and/or posting in accordance with Alabama law.

ADOPTED and APPROVED this the _____ day of _____, 202___.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, hereby certify that the above and foregoing copy of one Ordinance Number //// is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the _____ day of _____, 20_____, as same appears in the official records of the City.

Posted at the Vestavia Hills City Hall, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and the Vestavia Hills Recreation Center on this the ____ day of _____, 20____.

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS
OFFICE OF THE CITY MANAGER
INTER-DEPARTMENT MEMO

May 22, 2023

To: Mayor and City Council

Cc: Cinnamon McCulley

From: Jeff Downes, City Manager

RE: Public Hearing - Ordinance Number 3180 - An Ordinance authorizing the City Manager to expend funds to design and construct an exhibit honoring an important public leader and authorize the Mayor and City Manager to execute any necessary documents to facilitate such exhibit

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Background:
In honor of long-serving public servant State Senator Jabo Waggoner, a preliminary design for an exhibit recognizing his service to our community has been completed by contractor Method-1 and is included in this agenda packet. Its planned location is outside of the administrative offices on the second floor of Vestavia Hills City Hall. Given the cost of the project along with the unique nature of the design and construction services, this project is not subject to the competitive bid laws. Method-1 has provided a complete proposal for the turn-key delivery of the exhibit and has agreed to use the City's template public works contract form (less than $50k). The proposed and estimated project cost is $28,581.55.

Recommendation:

It is recommended that the City proceed to contracting with Method-1 for this project utilizing resources from the City's General Fund.

Fiscal Impact:
It is requested that the City Council grant authorization to spend funds for the stated proposal plus a 10% contingency for a total not to exceed $31,500.

Attachments:
1. Ordinance 3180
2. Vestavia Hills - Proposal Summary
3. VestaviaHillsCityHall_JWDisplay
4. FORM CONTRACT PWP LESS THAN $50,000 as of 5-1-23

ORDINANCE NUMBER 3180

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS TO DESIGN AND CONSTRUCT AN EXHIBIT HONORING AN IMPORTANT PUBLIC LEARDER AND AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS TO FACILITATE SUCH EXHIBIT

WHEREAS, Alabama State Senator Jabo Waggoner, a long-standing resident of the City of Vestavia Hills, was recently honored by the Mayor and City Council for outstanding leadership and his dedicated service to his community and to the State of Alabama; and

WHEREAS, Senator Waggoner was recognized as having the longest service record of any legislator in Alabama's history serving from 1966 to present day; and

WHEREAS, the planned location for said exhibit is outside of the administrative offices on the second floor of Vestavia Hills City Hall and

WHEREAS, a preliminary design for an exhibit recognizing his service to the City of Vestavia Hills as well as the State of Alabama has been completed by contractor Method-1, a copy of which is marked as Exhibit A, attached to and incorporated into this Ordinance Number 3180 as if written fully therein; and

WHEREAS, it is noted with the cost of the project along with the unique nature of the design and construction services, that this project is not subject to the competitive or public works bid laws; and

WHEREAS, Method-1 has provided a complete proposal for the turn-key delivery of the exhibit at an estimated project cost is $28,581.55 with a 10% contingency for a total not to exceed $31,500; and

WHEREAS, the City of Vestavia has a template contract for public work projects less than $50k drafted and approved by the City Attorney, a copy of which is marked as Exhibit B, attached to and incorporated into this Ordinance Number 3180 as if written fully therein which Method-1 has agreed to use; and

WHEREAS, the Mayor and City Council feel it is in the best public interest to accept said design and authorize the City Manager to expend said funding in an amount not to exceed $31,500.

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

1. That the design submitted by Method-1 is hereby accepted as detailed in attached Exhibit A; and
2. The Mayor and City Manager are hereby authorized to execute and deliver all documents necessary to complete construction of said exhibit including, but not limited to, said contract template as detailed in the attached Exhibit B; and
3. Funding for said project shall be expensed to the City's General Fund; and
4. This Ordinance Number 3180 is effective immediately following approval and publishing/posted pursuant to Alabama law;

DONE, ORDERED, ADOPTED and APPROVED this the 22nd day of May, 2023.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
Mayor

Vestavia Hills
Jabo Waggoner Display
FABRICATION PROPOSAL

- **Wall Display** - Custom fabricated curved wall panel with embedded monitor with playback unit.
- **Display Case** - Custom fabricated display case with LED lighting.
- **Display Pedestal** - Custom fabricated display pedestal.
- **Delivery and Installation** - Final Field Measure and Installation of built components and graphics

Total Cost for above Method-1 Scope: $28,581.55 (Delivered and Installed)

Method-1 Pricing Includes:
- Field Measurement, Coordination and Verification
- Production Design, Engineering, Production Management
- Graphic Prepress and proofing
- Fabrication and Graphics Production
- Preview at Method-1 Facility (Birmingham, AL)
- Teardown and Packing for Delivery
- Delivery and Installation, Walkthrough, Punch, and Completion

Client Provided Items:
- *Client to provide content for initial presentation on monitor*

Does Not Include:
- *Applicable sales taxes*
- *Graphic Design (client to supply print-ready artwork.) We can quote graphic design as needed.*
- *Furniture and other decor not specifically listed in the Method-1 SoW. We can quote furniture as needed.*
- *Electrical, plumbing, paint, flooring or other required site work not specifically listed in the Method-1 SoW.*

VESTAVIA HILLS

JABO WAGGONER DISPLAY

CONCEPT DEVELOPMENT • 03.27.2023

method-1™
BRANDED INTERIORS

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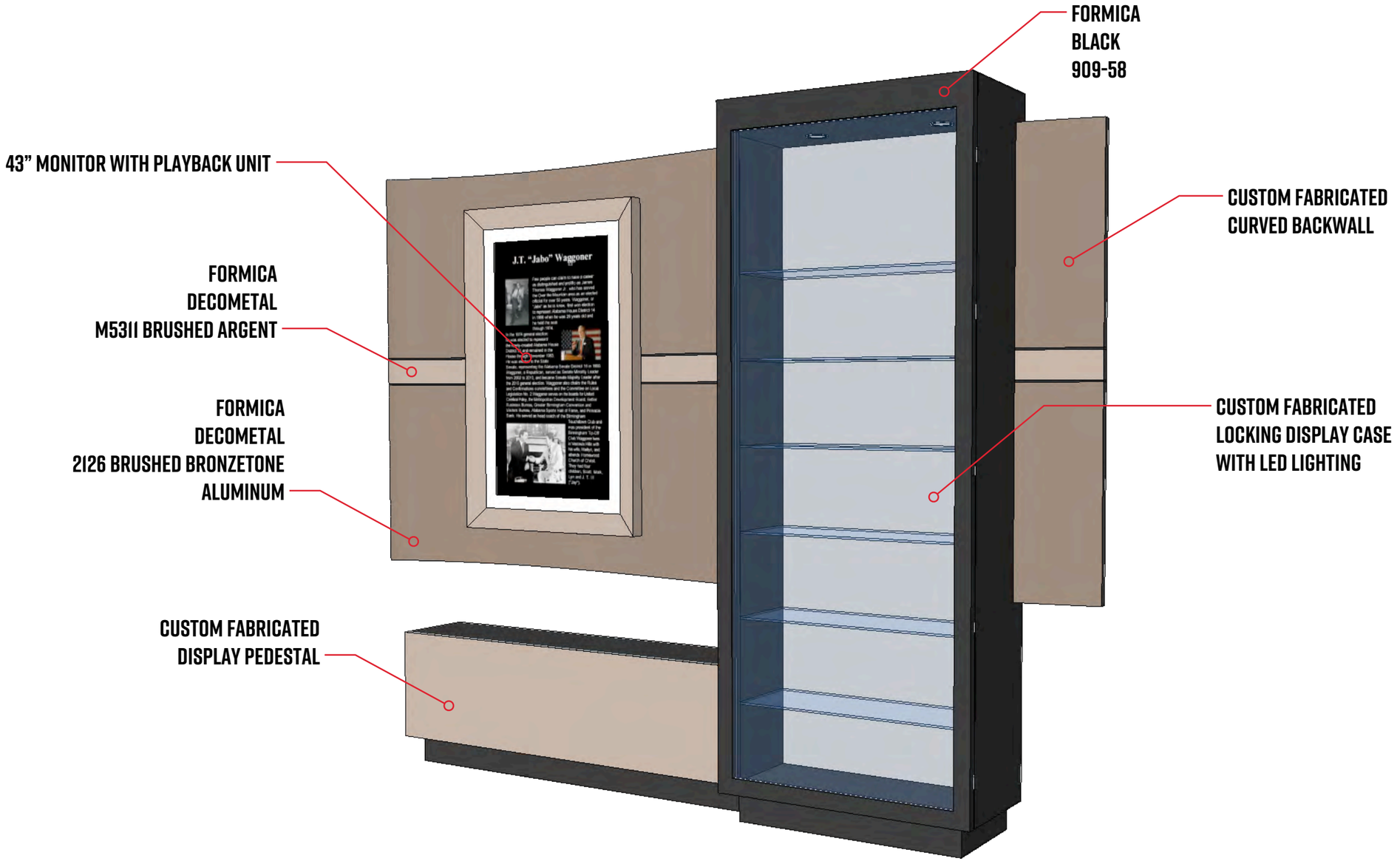

PERSPECTIVE
N/A

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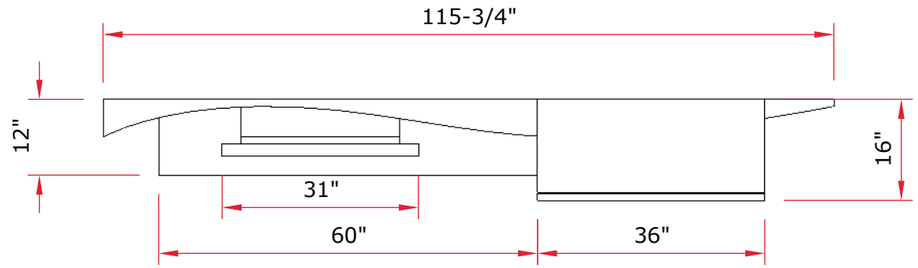
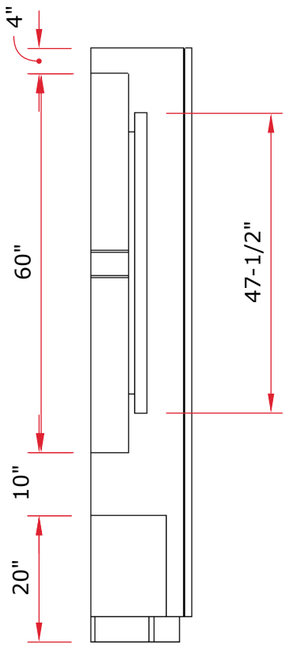
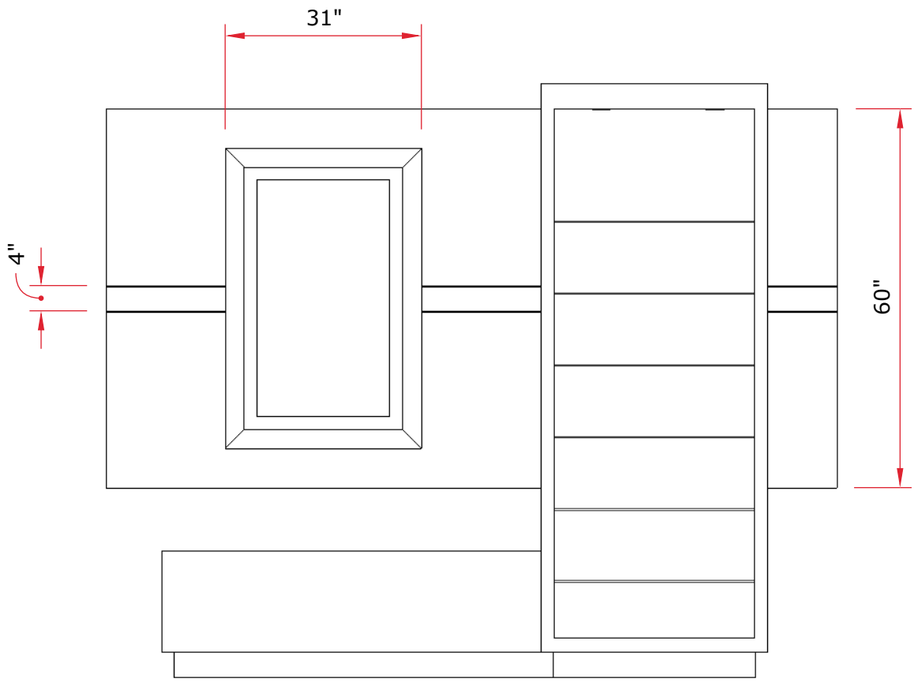


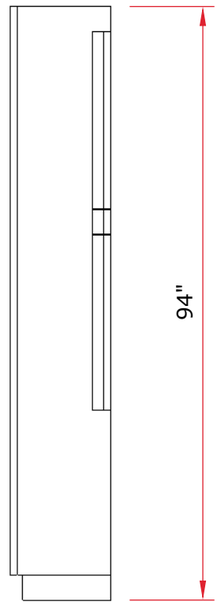
TOP VIEW
2
SCALE: 1/2" = 1'



LEFT VIEW
3
SCALE: 1/2" = 1'



FRONT VIEW
4
SCALE: 1/2" = 1'



RIGHT VIEW
5
SCALE: 1/2" = 1'

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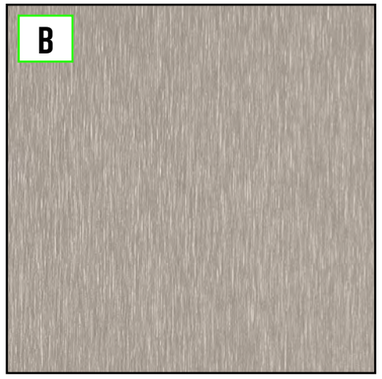
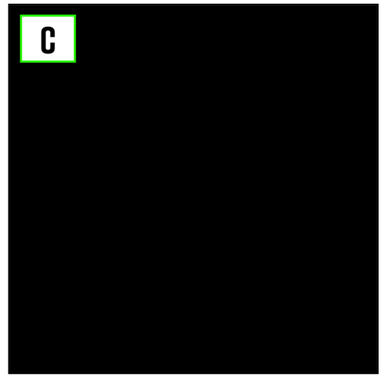
method-1™ BRANDED INTERIORS

LAMINATES

FORMICA BRUSHED BRONZETONE
ALUMINUM (2126)

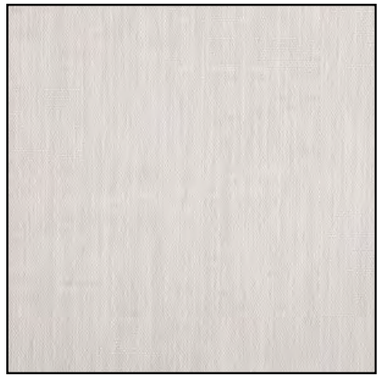


FORMICA BRUSHED ARGENT (M531I)



FORMICA BLACK (909-58)

VARIOUS FINISHES



CASE BACKWALL
LINEN FABRIC

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PUBLIC WORKS CONSTRUCTION CONTRACT
WITH A CONTRACT PRICE OF $50,000.00 OR LESS

STATE OF ALABAMA
JEFFERSON COUNTY

CONSTRUCTION CONTRACT

WITNESSETH THIS PUBLIC WORKS CONSTRUCTION CONTRACT ("Contract"), made and entered into on this the ____ day of _____, 202__, by and between the City of Vestavia Hills, Alabama, a municipal corporation, organized, existing and operating pursuant to the laws of the State of Alabama situated at 1032 Montgomery Highway, Vestavia Hills, Alabama 35216, hereinafter referred to as the "City", and *insert name of Contractor*_____, an Alabama *insert identification of entity (i.e. corporation, LLC, etc.)*, hereinafter referred to as the "Contractor," whose principal place of business is situated at _____.

WITNESSETH THESE RECITALS:

WHEREAS, Alabama law regarding the letting, execution and administration of public improvement contracts by municipalities at Title 39-1-1, et seq. and Title 39-2-1, et seq., *Code of Alabama, 1975* ("Alabama Public Works Law") provides, among other things, that the term "public works" is defined as follows:

> "(6) **PUBLIC WORKS**.-- The construction, installation, repair, renovation, or maintenance of public buildings, structures, sewers, waterworks, roads, curbs, gutters, side walls, bridges, docks, underpasses, and viaducts as well as any other improvement to be constructed, installed, repaired, renovated, or maintained on public property and to be paid, in whole or in part, with public funds or with financing to be retired with public funds in the form of lease payments or otherwise." (Title 39-2-1(6), *Code of Alabama, 1975);* and

WHEREAS, Alabama Public Works Law provides that a municipality may let contracts for public works involving Fifty Thousand Dollars ($50,000.00) or less without advertising for sealed bids (Title 39-2-2(b)(1), *Code of Alabama, 1975);* and

WHEREAS, Alabama Public Works Law also provides that a performance bond for work, materials and payment bond are not required to secure public works projects in an amount less than Fifty Thousand Dollars ($50,000.00) (Title 39-1-1(e), *Code of Alabama, 1975);* and

WHEREAS, the City is in need of work, labor and materials for a public works construction/repair project and requested proposals from various contractors; and

WHEREAS, the Contractor submitted a proposal for the completion of said public works project, which the City has determined to be the lowest, best and most responsible and responsive proposal received; and

WHEREAS, a copy of the Proposal is attached hereto, marked as Exhibit 1 and is incorporated into this Contract by reference as though set out fully herein; and

WHEREAS, the City has negotiated the proposal of the Contractor; and

WHEREAS, the City and the Contractor have agreed that it is in the best interests of the parties that this contract be reduced to writing.

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

I. RECITALS

The recitals set forth above are incorporated herein by reference as though set out fully herein.

II. EXHIBITS

Exhibits 1, 2 and 3 are attached hereto and are incorporated verbatim by reference as though set out fully herein.

III. REQUIREMENT FOR LICENSED GENERAL CONTRACTOR

Contractor represents, covenants and warrants that it is a licensed General Contractor within the meaning of Title 34-8-1, *Code of Alabama, 1975*. Said Contractor further represents that it is duly licensed and qualified to furnish the materials and supplies and perform the work of the public works project described in this Contract.

IV. SCOPE OF THE WORK

The Contractor shall furnish all labor, materials, equipment, machinery, supplies, tools, power, utilities, transportation, fuel and services to perform all labor necessary for the work described in Exhibit 1 (consisting of _____ pages), which is attached hereto and incorporated into this contract by reference as though set out fully herein.

ADDITIONAL DESCRIPTION OF WORK, IF NECESSARY: _____

_____

_____

_____

V. CONTRACT AMOUNT

The City shall pay to the Contractor for the faithful performance of this Contract and the completion of the work described in section IV above in the amount of _____ _____Dollars ($_____) as the Contract amount.

VI. PAYMENT OF CONTRACT AMOUNT

The City shall pay to the Contractor the contract amount in full upon completion of the work described in section IV hereof.

VII. CONTRACT TIME

The contract time shall be _____ (_____) days.

A. The work shall commence on _____, 202__; provided, however, that the work shall not be commenced by Contractor until after the Contractor has delivered to the City the certificates of insurance policy coverages described in section IX and section X of this contract.

B. The work shall be completed on or before _____, 202___.

VIII. INDEMNIFICATION

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

IX. INSURANCE

The Contractor shall purchase and maintain insurance policy coverages with liability limits of not less than as set forth below.

A. WORKERS' COMPENSATION AND EMPLOYER'S LIABILITY INSURANCE:

1. Workers' Compensation coverage shall be provided in accordance with the statutory coverage required in Alabama. A group insurer must submit a certificate of authority from the Alabama Department of Industrial Relations approving the group insurance plan. A self-insurer must submit a certificate from the Alabama Department of Industrial Relations stating the Contractor qualifies to pay its own workers' compensation claims.

2. Employer's Liability Insurance limits shall be at least:

(a)	Bodily Injury by Accident--	$1,000,000 each accident
(b)	Bodily Injury by Disease--	$1,000,000 each employee

B. COMMERCIAL GENERAL LIABILITY INSURANCE:

1. Commercial Geneal Liability Insurance, written on an ISO Occurrence Form (current edition as of the date of this Contract) or equivalent, shall include, but need not be limited to, coverage for bodily injury and property damage arising from premises and operations liability, products and completed operations liability, blasting and explosion, collapse of structures, underground damage, personal injury liability and contractual liability. The Commercial General Liability Insurance shall provide at minimum the following limits:

Coverage	Limit
(a) General Aggregate	$2,000,000.00 per project
(b) Products, Completed Operations Aggregate	$2,000,000 per project
(c) Personal and Advertising Injury	$1,000,000 per occurrence
(d) Each Occurrence	$1,000,000

2. Additional Requirements for Commercial General Liability Insurance:

(a) The policy shall name the City, its City Manager, Mayor and other public officials and employees, as Owner, as additional insureds, state that this coverage shall be primary insurance for the additional insureds; and contain no exclusions of the additional insureds relative to job accidents.

(b) The policy must include separate per project aggregate limits.

C. COMMERCIAL BUSINESS AUTOMOBILE LIABILITY INSURANCE:

1. Commercial Business Automobile Liability Insurance which shall include coverage for bodily injury and property damage arising from the operation of any owned, non-owned or hired automobile. The Commercial Business Automobile Liability Insurance Policy shall provide not less than $1,000,000.00 Combined Single Limits for each occurrence.

2. The policy shall name the City, its City Manager, Mayor and other public officials and employees, as Owner, as additional insureds.

D. COMMERCIAL UMBRELLA LIABILITY INSURANCE:

1. Commercial Umbrella Liability Insurance to provide excess coverage above the Commercial General Liability, Commercial Business Automobile Liability and the Workers' Compensation and Employer's Liability to satisfy the minimum limits set forth herein.

2. Minimum Combined Primary Commercial General Liability and Commercial/Excess Umbrella Limits of:

(a) $5,000,000 per occurrence

(b) $5,000,000 aggregate

3. Additional Requirements for Commercial Umbrella Liability Insurance:

(a) The policy shall name the City, its City Manager, Mayor and other public officials and employees, as Owner, as additional insureds.

(b) The policy must be on an "occurrence" basis.

X. ADDITIONAL INSUREDS

The Contractor shall cause all of the insurance policy coverages described in Section IX of the Contract above (except for the Worker's Compensation coverages) to include:

A. The City of Vestavia Hills, Alabama, a municipal corporation, its City Manager, Mayor and its elected public officials and employees, as additional insureds for claims caused in whole or in part by the Contractor's negligent acts or omissions during the Contractor's operations and/or performance of the work; and

B. The City of Vestavia Hills, Alabama, a municipal corporation, its City Manager, Mayor and its elected public officials and employees, as additional insureds for claims caused in whole or in part by the Contractor's negligent acts or omissions during the Contractor's completed operations and/or performance of the work; and

C. The insurance policy coverages shall state that these coverages shall be primary insurance for the additional insureds; and

D. Contain no exclusions of the additional insureds relative to job accidents; and

E. The policies must be on an "occurrence" basis; and

F. CERTIFICATES OF INSURANCE POLICY COVERAGES: The Contractor shall deliver to the City insurance certificates to evidence that all insurance policies and coverages described in section IX and section X of this Contract are in full force and effect. Delivery of said certificates by the Contractor to the City shall be made prior to the commencement of the work by the Contractor. In other words, Contractor shall not begin work unless and until the Contractor has delivered the insurance certificates to the City.

XI. INDEPENDENT CONTRACTOR

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

XII. ASSIGNMENT

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

XIII. PERMITS, LAWS, CODES AND ORDINANCES

The Contractor shall give all notices required by and comply with all applicable laws, ordinances and codes of the local, state and federal governments.

XIV. COMPLIANCE WITH APPLICABLE LAWS

Contractor shall comply with the provisions of any and all state, federal and local laws, statutes, codes, rules, regulations and ordinances that are applicable to the performance of this contract between the City and Contractor, including specifically Ordinance Number 2769, 2770 and 2771 enacted by the City Council of the City of Vestavia Hills, Alabama on June 11, 2018.

XV. PROTECTION OF UNDERGROUND UTILITIES

Contractor shall be responsible for contacting the appropriate utility company for location of any underground services which are in the work area and could be damaged in the course of operations and performance of the work. If the Contractor damages any utility equipment or apparatus during the performance of the work, then in such event the Contractor shall be solely liable for the repair or payment of repair for said damages.

XVI. REMOVAL OF DEBRIS AND CLEANING

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

XVII. INSPECTION

All materials and workmanship shall be subject to inspection, examination or test by the City at any and all times during installation or construction and at any and all places where such manufacture or construction is carried on. The City shall have the right to reject defective materials and workmanlike and/or require its correction. Unacceptable workmanship shall be satisfactorily corrected. Rejected material shall be promptly segregated and removed from the project area and be replaced with material of specified quality without charge therefor. If the

Contractor fails to proceed at once with the correction of rejected workmanship or defective material, the City may contract for or otherwise have the defects remedied or rejected materials removed from the project area and charge the cost of the same against any moneys which may be due the Contractor, without prejudice to any other rights or remedies of the City.

XVIII. GENERAL GUARANTY BY CONTRACTOR

Neither the final certificate of payment nor any provision in the Contract nor partial or entire use of the improvements embraced in this Contract by the City or the public shall constitute an acceptance of work not done in accordance with the Contract or relieve the Contractor of liability in respect to any express warranties of responsibility for faulty materials or workmanship. The Contractor shall promptly remedy any defects in the work and pay for any damage to other work resulting therefrom which shall appear within a period of twelve (12) months from the date of final acceptance of the work. The City will give notice of defective material and work with reasonable promptness.

XIX. SALES TAX

The Contractor and the Owner shall avoid the payment of sales, use and similar taxes by using the process outlined in Act Number 2013-205 now codified at Title 40-9-14.1, *Code of Alabama, 1975.* Notwithstanding the fact that this Contract (with a contract amount of $50,000.00 or less) was not required to be bid (Title 39-2-2(b)(1), *Code of Alabama, 1975),* the City and Contractor agree that the attached DCM Form C-3 (Exhibit 2) and DCM Form C-3A (Exhibit 3) shall be used by the contracting parties so that no sales, use and similar taxes will be required to be paid. Copies of those forms are attached hereto, marked as Exhibit 2 and Exhibit 3 and are incorporated into this Contract by reference as though set out fully herein.

XX. IMMIGRATION LAW

By signing this Contract, the contracting parties affirm, for the duration of the Agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.

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

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

XXII. MISCELLANEOUS:

A. **NON WAIVER**: The failure of the City (Owner) to insist, in any one or more instances, upon a strict performance of any of the covenants of this contract, or to exercise any option herein contained, shall not be construed as a waiver, or a relinquishment for the future of such covenant or option, but the same shall continue and remain in full force and effect.

B. **WAIVER OF MODIFICATION**: Any waiver, alteration or modification of any of the provisions of this agreement or cancellation or replacement of this agreement shall not be valid unless in writing and signed by the parties hereto. This agreement may be amended at any time by written agreement of the parties signatory hereto.

C. **NOTICES**: Any and all notices required or permitted to be given under this agreement will be sufficient if furnished in writing and sent by Registered Mail to the parties' last known address.

D. **GOVERNING LAW**: This agreement shall be interpreted, construed and governed to the laws of the State of Alabama.

E. **ARTICLE AND SECTION HEADINGS**: The article and section headings and captions contained herein are included for convenience only, and shall not be considered a part hereof or affect in any manner the construction or interpretation hereof.

F. **CONSTRUCTION OF TERMS**: Any ambiguities of this contract shall be construed fairly and equitably regardless of the participation of either party in drafting this contract. The reference in terms to gender and number shall be modified as may be appropriate.

G. **EXECUTION IN COUNTERPARTS**: The contract may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

H. **BINDING EFFECT**: The contract shall inure to the benefit of, and shall be binding upon City and Contractor and their heirs, successors and assigns.

I. **SEVERABILITY:** In the event any provision of this contract shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

J. **ENTIRE AGREEMENT**: This written contract contains the entire agreement between the City and the General Contractor.

IN WITNESS WHEREOF, the City of Vestavia Hills, Alabama, a municipal corporation, and *insert name of Contractor*_____, an Alabama *insert identification of entity (i.e. corporation, LLC, etc.)*, have caused this agreement to be executed by

their duly authorized officers and their respective seals to be affixed hereto on the date first above written.

OWNER:
CITY OF VESTAVIA HILLS, ALABAMA
A Municipal Corporation

By_____
Ashley C. Curry
Its Mayor

By_____
Jeffrey D. Downes
Its City Manager

ATTESTED

By_____

CONTRACTOR:
*Insert name of company*_____

By_____
Its _____

ATTESTED:

By_____

STATE OF ALABAMA
JEFFERSON COUNTY

ACKNOWLEDGMENT

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Ashley C. Curry, whose name as Mayor of the City of Vestavia Hills, Alabama, a municipal corporation, is signed to the foregoing Construction Contract, and who is known to me, acknowledged before me on this day that, being informed of the contents of the contract, he, as such officer and with full authority, executed the same voluntarily for and as the act of said City of Vestavia Hills, Alabama.

Given under my hand and official seal, this the _____ day of _____, 202__.

_____
Notary Public

My Commission Expires:

_____
SEAL

STATE OF ALABAMA
JEFFERSON COUNTY

ACKNOWLEDGMENT

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Jeffrey D. Downes, whose name as City Manager of the City of Vestavia Hills, Alabama, a municipal corporation, is signed to the foregoing Construction Contract, and who is known to me, acknowledged before me on this day that, being informed of the contents of the contract, he, as such officer and with full authority, executed the same voluntarily for and as the act of said City of Vestavia Hills, Alabama.

Given under my hand and official seal, this the _____ day of _____, 202__.

_____
Notary Public

My Commission Expires:

_____
SEAL

STATE OF ALABAMA
JEFFERSON COUNTY

CORPORATE ACKNOWLEDGMENT

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that _____ whose name as _____ of _____, an Alabama _____, is signed to the foregoing Construction Contract, and who is known to me, acknowledged before me on this day that, being informed of the contents of the contract, (s)he, as such officer and with full authority, executed the same voluntarily for and as the act of said _____

Given under my hand and official seal, this the _____ day of _____, 202__.

_____
Notary Public

My Commission Expires:

_____
SEAL

CITY OF VESTAVIA HILLS
PUBLIC SERVICES
INTER-DEPARTMENT MEMO

May 22, 2023

To: Jeff Downes, City Manager

Cc: Lori Beth Kearley, Asst. City Engineer

From: Christopher Brady, City Engineer

RE: Resolution Number 5460 - A Resolution establishing an easement for electrical service to the new tennis courts at Wald Park, Phase III

Background:
Alabama Power is requesting an easement across a portion of City-owned property at Wald Park to provide electrical service to the new tennis facility area. I have reviewed and see no conflicts with the location of this easement.

Recommendation:
I find no concerns with this request and recommend City approval.

Fiscal Impact:
none

Attachments:
1. Resolution 5460
2. City of Vestavia Tennis Court Pavilion
3. A617306B723

RESOLUTION NUMBER 5460

A RESOLUTION GRANTING ALABAMA POWER COMPANY A UTILITY EASEMENT FOR CONNECTION OF ELECTRICAL SERVICE

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

1. The City Manager is hereby authorized to sign an agreement with Alabama Power Company to grant an easement, right and privilege as described in said Exhibit A, attached to and incorporated into this Resolution Number 5460 as if written fully therein; and
2. Resolution Number 5460 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 22nd day of May, 2023.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

APC Document #: _____

EASEMENT – DISTRIBUTION FACILITIES

STATE OF ALABAMA

COUNTY OF JEFFERSON

This instrument prepared by: Dean Fritz

Alabama Power Company
2 Industrial Park Dr
Pelham, AL 35124

KNOW ALL MEN BY THESE PRESENTS That the undersigned **City of Vestavia Hills, Alabama,** (hereinafter known as "Grantor", whether one or more) for and in consideration of One and No/100 Dollar ($1.00) and other good and valuable consideration paid to Grantor in hand by Alabama Power Company, a corporation, the receipt and sufficiency of which are hereby acknowledged, do hereby grant to said Alabama Power Company, its successors and assigns (hereinafter the "Company"), the following easements, rights, and privileges:

Overhead and/or Underground. The right from time to time to construct, install, operate and maintain, upon, over, under and across the Property described below, all poles, towers, wires, conduits, fiber optics, cables, communication lines, transclosures, transformers, anchors, guy wires, and other facilities useful or necessary in connection therewith (collectively, "Facilities"), for the overhead and/or underground transmission and distribution of electric power and communications, along a route selected by the Company, as determined by the location(s) in which the Company's facilities are to be installed. The width of the Company's right of way will depend on whether the Facilities are underground or overhead: for underground, the right of way will extend five (5) feet on all sides of said Facilities as and where installed; for overhead Facilities, the right of way will extend fifteen (15) feet on all sides of said Facilities as and where installed (hereinafter referred to as the "Easement Area").

The Company is further granted all the rights or privileges necessary or convenient for the full enjoyment and use of said right of way for the purposes above described, including, without limitation, the right of ingress and egress to and from said Facilities, as applicable, the right to excavate for installation, replacement, repair and removal of said Facilities, the right to install, maintain, and use anchors and guy wires on land adjacent to said right of way, the right in the future to install intermediate poles and facilities on said right of way, and also the right to cut, remove, and otherwise keep clear any and all trees, undergrowth, structures, obstructions, or obstacles of whatever character, on, under and above said right of way, as applicable. Further, with respect to overhead Facilities, the Company is also granted the right to trim and cut, and keep trimmed and cut, all dead, weak, leaning or dangerous trees or limbs outside of the aforementioned right of way that, in the opinion of the Company, may now or hereafter endanger, interfere with, or fall upon any of said overhead Facilities.

The easements, rights and privileges granted hereby shall burden the "Easement Area", which is located within the real property more generally described in Deed Book 3274, Page 2, in the Office of the Judge of Probate of the above-named county in Alabama.

If, in connection with the construction or improvement of any public road or highway, it becomes necessary or desirable for the Company to move any of the Facilities, Grantor hereby grant to the Company the right to relocate the Facilities and, as to such relocated Facilities, to exercise the rights granted above; provided, however, the Company shall not relocate said Facilities on the Property at a distance greater than ten feet (10') outside the boundary of the right of way of any such public road or highway as established or re-established from time to time.

This grant and agreement shall be binding upon and shall inure to the benefit of Grantor, the Company and each of their respective heirs, personal representatives, successors and assigns and the words "Company" and "Grantor" as used in this instrument shall be deemed to include the heirs, personal representatives, successors and assigns of such parties.

TO HAVE AND TO HOLD the same to the Company, its successors and assigns, forever.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed by _____, its authorized representative, as of the _____ of _____, 20____.

ATTEST (if required) or WITNESS:

City of Vestavia Hills, Alabama
GRANTOR:

_____
Signature

_____
Signature

_____
Title

_____
Title

----------For Alabama Power Company Corporate Real Estate Department Use Only----------

W.E. #: A6173-06-B723 **Tax ID #:** **28 00 30 3 013 001.000**

¼, ¼ STR: SE ¼ of the SW ¼ of Section 30, Township 18 South, Range 2 West

All Facilities on Grantor: [Yes] Electronically Filed: [ ]

APC Document #: _____

CORPORATION NOTARY

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public, in and for said County in said State, hereby certify that _____, whose name as _____ of City of Vestavia Hills, Alabama, is signed to the foregoing instrument,and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument, as such officer and with full authority executed the same voluntarily for and as the act of said city.

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

[SEAL]

_____
Notary Public

My commission expires: _____

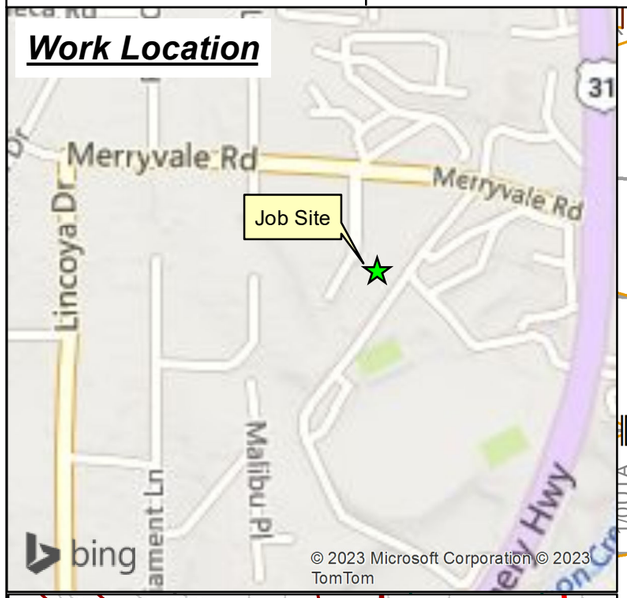
SKETCH OF PROPOSED WORK - SIMPLIFIED W.E.

Map Center UTM: 1704064 12136930 **Map Center LatLon:** 33.4333 -86.791304

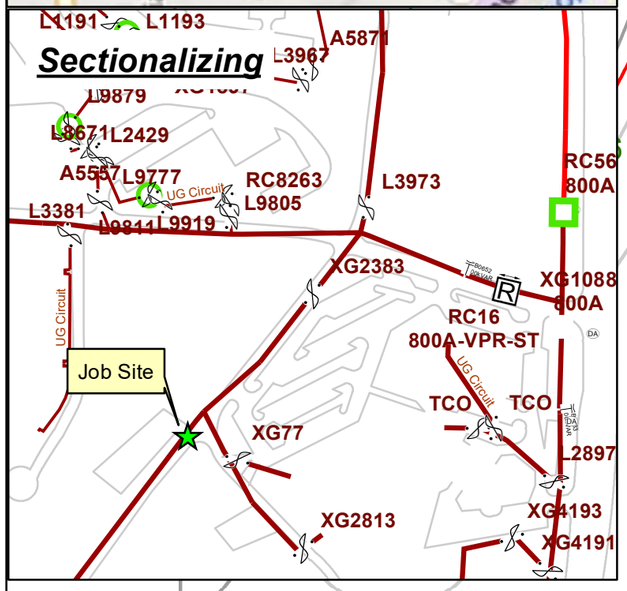
1 inch = 60 feet

Customer	Location	Cmted. Svc Date	County	Section	Township	Range		Estimate No.
WALD PARK PHASE III	1957 MERRYVALE RD		Jefferson	30	18S	2W	PAGE 1 OF	A6173-06-B723
Division	**District**	**Town**	**UserID**	**Created:**	**PATTON CHAPEL DS**			**MISALL #**
PD Birmingham	Metro South	Vestavia Hills	alcoffey	5/17/2023	X- 04916	Y- XG2383		

Work Location



Sectionalizing



1. I: 45/4 CCA
   I: 3PH P&N TAN ON 2PH BKT AND PCP
   I: 3-25KVA XFMR,120/208V (49KVA NEW LOAD)
   I: NEW STA # T03BH1
   I: ENH GRND & SIGN
   I: 500UQA SVC 70' IN CUST. CONDUIT
   I: 500UQA RISER

N W E S

Energized Work Permit Info

Sub 04916

OCB/OCR RC16

Loc	Transformer Loading
T03BH1	49KVA NEW

INSTALLING 3PH BANK, POLE AND UG SERVICE TO NEW TENNIS COURT BUILDING. 400A 3PH 120/208V

VOLTAGE DROP
AT XFMR: 1.35%
AT SERVICE: 2.09

Voltage	
Pri	7.2kV
Sec	120/208V
Meter Information	
	400A 3PH

SHORT CIRCUIT

3Ø ###
2Ø ###
ØG ###
ØG-R ###

H15529
37.5A

100A QA

H889
15C

45/4 6920 150W HPS

40/5

45/4 6923 150W HPS

40/5 6927 150W HPS

6925 150W HPS
45/4

6922 150W HPS
45/4

6926 150W HPS
45/4

CBA

I: STA # T03BH1

I: 500 UQA 70'

45/4 XG77
60A QA

3-1/0AXNJ 12.47kV

VESTAVIA HILLS ELEMENTARY SCHOOL WES
H12887
500ABC

T01A4F
15B

LS7PD6
297W LED

T006MA
300ABC

-G-

ALEX COFFEY
APCo Engineer

Tel 205-226-1738
Radio 205-361-3025
alcoffey@southernco.com

CITY OF VESTAVIA HILLS
POLICE DEPARTMENT
INTER-DEPARTMENT MEMO

May 22, 2023

To: Jeff Downes, City Manager

Cc: Jason Hardin, Asst. Police Chief

From: Dan Rary, Police Chief

RE: Resolution Number 5461 - A Resolution approving a liquor license for Young Kookie, Inc., d/b/a The Standard for an 020 - Restaurant Retail Liquor License for the on-premise sale of alcohol; Young Soo Shin, executive

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Background:
This is a request for an 020 - Restaurant Liquor license for Young Kookie, Inc., d/b/a The Standard, a new restaurant located in the City Center at 700 Montgomery Hwy, Ste. 164.

Recommendation:
I have reviewed the available background information on the attached referenced applicant and submit the following to the City Council:
(XX) **Application cleared by P.D.** *This indicates that there are **NO** convictions for drug trafficking, convictions regarding arrest involving danger to children, weapon charges, violent felony crimes against persons, felony sexual offenses or habitual alcohol related arrests.*
( ) **Needs further review.** *This indicates that the Police Chief has found records of some convictions of alcohol-related arrests.*
( ) **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.

-Jason Hardin

Fiscal Impact:
na

Attachments:
1. Resolution 5461
2. ABC License Application Confirmation

RESOLUTION NUMBER 5461

A RESOLUTION APPROVING ALCOHOL LICENSE FOR YOUNG KOOKIE, INC., D/B/A THE STANDARD; YOUNG SOO SHIN, EXECUTIVES

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for Young Kookie, Inc., d/b/a The Standard, located at 700 Montgomery Hwy; Suite 164, Vestavia Hills, Alabama, for the on-premise sale of 020 - Restaurant Retail Liquor; Young Soo Shin, executives.

APPROVED and ADOPTED this the 22nd day of May, 2023.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20230502143012471

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

Type License: **State:** **County:**

Trade Name: THE STANDARD **Filing Fee:** $50.00

Applicant: YOUNG KOOKIE INC **Transfer Fee:**

Location Address: 700 MONTGOMERY HIGHWAY ; SUITE 164 VESTAVIA HILLS, AL 35216

Mailing Address: 3608 COURTYARD LANE VESTAVIA HILLS, AL 35216

County: JEFFERSON **Tobacco sales:** NO **Tobacco Vending Machines:**

Product Type: **Type Ownership:** CORPORATION

Book, Page, or Document info: 324-848

Do you sell Draft Beer?:

Date Incorporated: 12/29/2014 **State incorporated:** AL **County Incorporated:** JEFFERSON

Date of Authority:

Federal Tax ID: 47-2595715 **Alabama State Sales Tax ID:** R009121241

Name:	Title:	Date and Place of Birth:	Residence Address:
YOUNG SOO SHIN 6747846 - AL	OWNER	07/08/1980 SEOUL, SOUTH KOREA	3608 COURTYARD LANE 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? 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: YOUNG SHIN
Business Phone: 205-783-1333
Fax:

Home Phone: 205-240-2830
Cell Phone: 205-240-2830
E-mail: THESTANDARDBHM@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: 20230502143012471

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 603-472-1157
What is lessors primary business? LEASING DIRECTOR
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: 1700 Display Square Footage:
Building seating capacity: 27 Does Licensed premises include a patio area? NO
License Structure: SHOPPING CENTER License covers: ENTIRE STRUCTURE
Number of licenses in the vicinity: Nearest:
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:

STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20230502143012471

Initial each — **Signature page**

Initial each	
Y.S	In reference to law violations, I attest to the truthfulness of the responses given within the application.
Y.S	In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.
Y.S	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.
Y.S	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.
Y.S	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.
Y.S	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): Young Shin

Signature of Applicant: Young Shin

Notary Name (print): Anna Washington

Notary Signature: [signature]

Commission expires: 3/22/2027

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:**

Alabama Alcoholic Beverage Control Board
Licensing Division

Memorandum of Understanding for Restaurant Retail Liquor License

Restaurant Retail Liquor Licenses shall be issued only to reputable persons for locations which are **"habitually and principally"** used for the purpose of preparing and serving meals for the public to consume on the licensed premises during normal and reasonable dining hours. Only those locations whose customary and primary business is preparing and serving meals to the public will be issued a Restaurant Retail Liquor License.

Restaurant Retail Liquor Licenses applicants shall comply with all pertinent and related requirements of State, County, and where applicable, Municipal health departments prior to licensing and shall remain in compliance thereafter for as long as said license shall remain valid.

All Restaurant Retail Liquor Licensees shall have a fully equipped and operational kitchen on the licensed premises. The Licensee shall maintain and operate said kitchen and shall, upon order of a customer, prepare and serve all food items shown on its menu during normal and reasonable dining hours. Exceptions shall be made where there is a known and provable shortage or temporary unavailable supply of a food item.

Any applicant or Licensee shall, upon request, provide to the ABC Board, any records, books, ledgers, menus, receipts, or other documentation necessary to demonstrate compliance with this regulation.

In addition to the above Rule and Regulation, Title 28-3-1(23) defines a meal as a "diversified selection of food some of which is not susceptible of being consumed in the absence of at least some articles of tableware and which cannot be conveniently consumed while one is standing or walking about".

Additionally, Title 28-3A-13 states that a Restaurant Retail License is "for on premise consumption" and does not allow sales for off-premises consumption with the exception of re-corked wine conforming to 28-3A-20.1.

By signing this memorandum of understanding, the Licensee agrees and understands the requirements of obtaining and maintaining a Restaurant Retail Liquor License. Any deviation from these requirements will prohibit the ABC Board from issuing this type of License. Furthermore, failing to follow these requirements after obtaining a Restaurant Retail Liquor License could result in the protest of the renewal of this type license.

Signature Young Shin Date 5/4/2023

Print Name Young Shin Position Held _____

Receipt Confirmation Page

Receipt Confirmation Number: 20230502143012471

Application Payment Confirmation Number: 91603856

Payment Summary	
Payment Item	**Fee**
Application Fee for License 020	$50.00
Total Amount to be Charged	$50.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	**County Fee**	**State Fee**	**Total Fee**
020 - RESTAURANT RETAIL LIQUOR	$300.00	$300.00	$600.00
			$0.00
Total Amount to be Charged	$300.00	$300.00	$600.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 020 - RESTAURANT RETAIL LIQUOR
License Type 2:
License County: JEFFERSON
Business Type: CORPORATION
Trade Name: **THE STANDARD**
Applicant Name: **YOUNG KOOKIE INC**
Location Address: 700 MONTGOMERY HIGHWAY ; SUITE 164
VESTAVIA HILLS, AL 35216
Mailing Address: 3608 COURTYARD LANE
VESTAVIA HILLS, AL 35216
Contact Person: YOUNG SHIN
Contact Home Phone: 205-240-2830
Contact Business Phone: 205-783-1333
Contact Fax:
Contact Cell Phone: 205-240-2830
Contact Email Address:
Contact Web Address:

CITY OF VESTAVIA HILLS
CITY CLERK
INTER-DEPARTMENT MEMO

May 22, 2023

To: Jeff Downes, City Manager

Cc:

From: Rebecca Leavings

RE: Ordinance Number 3176 - An Ordinance authorizing the Jefferson County Tax Assessor and Collector to assess and collect municipal taxes for the City of Vestavia Hills (Annual Tax Ordinance)

Background:
Alabama law requires municipalities to authorize County Tax Assessors/Collectors to assess and collect municipal tax levies and authorizes the County to withhold 1/2 of 1% of those revenues as compensation for said services. This Ordinance will authorize the assessment and collection of municipal taxes by the County and is required to be adopted annually.

Recommendation:
Recommend approval and that the Ordinance be forwarded to Jefferson County.

Fiscal Impact:
Failure to receive municipal ad valorem taxes would have a significant impact on the City's general fund.

Attachments:

1. Ordinance 3176

ORDINANCE NUMBER 3176

AN ORDINANCE TO AMEND ORDINANCE 3096 PROVIDING FOR LEVYING OF MUNICIPAL TAXES FOR THE CITY OF VESTAVIA HILLS, ALABAMA, AND FOR ASSESSMENT AND COLLECTION THEREOF.

WITNESSETH THESE HISTORICAL RECITALS:

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

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

and;

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

General Municipal Purposes	10.275
Garbage Collection	10.275
West Elementary - Warrants	3.150
High School and Operations	15.100
TOTAL	**38.800** and;

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

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

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

1.	State of Alabama: Sixty-five cents on each One Hundred dollars ($100.00) of assessed value of such property.	$ 0.65
2.	Jefferson County: One and 35/100 Dollars on each One Hundred Dollars ($100.00) of the assessed value of such property.	1.35
3.	Jefferson County Schools: Eighty-two cents on each One Hundred Dollars ($100.00) of the assess value of such property.	0.82
4.	Special School District Tax: Ninety-six cents on each One Hundred Dollars ($100.00) of the assessed value of such property.	0.96

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

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

General Municipal Purposes	0.821
Garbage Collection	0.821
West Elementary - Warrants	0.252
High School and Operations	1.206
TOTAL	**3.100** and;

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

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

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

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

WHEREAS, the Vestavia Hills Board of Education has requested the City Council to return the ad valorem millage tax rates that affect the Vestavia Hills School System to those rates in force and effective immediately prior to the adoption of Ordinance Number

633 on November 15, 1982, by reinstating Thirty-Seven Cents ($0.37) on each One Hundred Dollars ($100.00) of the assessed value of property so that the rates when adjusted will be as follows:

1. The 12.06 High School mills ($1.206 on each $100.00 of assessed value) be adjusted to 15.1 mills ($1.51 on each $100.00 of assessed value).

2. The 2.52 West Elementary mills ($0.252 on each $100.00 of assessed value) be adjusted to 3.15 mills ($0.315 on each $100.00 of assessed value); and

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

1. Reinstatement of 3.7 mills (0.37 on each One Hundred dollars of assessed value).

2. Established that the aggregate local millage for general municipal purposes and local school district tax rates are Three and 47/100 Dollars ($3.47) per One Hundred Dollars ($100.00) of the assessed value of said property.

3. That the $3.47 local millage consists of the following:

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

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

State of Alabama	$	0.65
Jefferson County		1.35
Jefferson County Schools		0.82
Special School District Tax		0.96
Special School District Tax		0.55
General Municipal Purpose Tax		1.96
Special Municipal School Tax		1.51
TOTAL	**$**	**7.80**

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

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

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

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

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

WHEREAS, on May 4, 1987, the City Council of the City of Vestavia Hills, Alabama, approved and adopted Ordinance Number 901, which established the ad valorem

tax rate of Eight and 21/100 Dollars ($8.21) per One Hundred Dollars ($100.00) of assessed value as shown in the schedule immediately above; and

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

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

Shall the ad valorem tax presently being levied in the City of Vestavia Hills, Alabama, pursuant to provisions of the Constitution and the laws of the State of Alabama, including the election held in the City on April 28, 1970, at the rate of One Dollar and Fifty-one Cents on each One Hundred Dollars worth of taxable property in the City be increased to the rate of Two Dollars and Fifty-six Cents on each One Hundred Dollars worth of taxable property in the City (an increase of One Dollar and Five Cents on each One Hundred Dollars worth of taxable property, or ten and one-half mills); such additional ten and one-half mill tax to be levied and collected for each year beginning with the levy for the tax year October 1, 1989, to September, 1990 (the tax for which year will be due and payable October 1, 1990) and ending with the levy for the tax October 1, 2016, to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) and to be used by the City Board of Education of the City of Vestavia Hills for public schools purposes?

_____ For Proposed Taxation

_____ Against Proposed Taxation

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

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

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

1.	State of Alabama	$	0.650
2.	Jefferson County		1.350
3.	Jefferson County Schools		0.820
4.	Special School District Tax		0.960
5.	Special School District Tax		0.550
6.	Local General Municipal Purpose Tax		2.055
7.	Special Municipal School Tax		2.560
8.	West Elementary		0.315
	TOTAL	**$**	**9.260**

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

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

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

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

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

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

WHEREAS, a referendum was held in the City of Vestavia Hills, Alabama, on Tuesday, May 9, 2023, at which election the qualified electors of the city voted on the following issue:

SPECIAL MUNICIPAL TAX ELECTION
9.8 MILL INCREASE IN EXISTING 25.6 MILL SCHOOL TAX
FOR PUBLIC SCHOOL PURPOSES IN THE
CITY OF VESTAVIA HILLS, ALABAMA

MAY 9, 2023

PROPOSITION

Shall the City of Vestavia Hills be authorized to levy and collect, at the rate of 3.54% (or 35.4 mills on each dollar) of the assessed value of taxable property in the City (being an increase of 9.8 mills), the special ad valorem tax authorized at elections held on April 28, 1970, May 8, 1990, and March 11, 2014, and now being levied at the rate of 25.6 mills; said tax at the increased rate of 35.4 mills to be levied and the proceeds thereof used by the Vestavia Hills City Board of Education for public school purposes in the City; said increase to be effective for each tax year of the City commencing with the tax year for which taxes of the City will become due and payable on October 1, 2023, and continuing for each successive tax year thereafter, without limit as to time?

( )	FOR said proposed 9.8 mill increase in existing 25.6 mill tax, resulting in said 3.54% (or 35.4 mills) additional rate of taxation commencing with the tax year for which municipal taxes will become due and payable in the City of Vestavia Hills on October 1, 2023, and for each consecutive tax year thereafter, the proceeds of which shall be used by the Vestavia Hills City Board of Education for public school purposes.
( )	AGAINST said proposed 9.8 mill increase in existing 25.6 mill tax, resulting in said 3.54% (or 35.4 mills) additional rate of taxation commencing with the tax year for which municipal taxes will become due and payable in the City of Vestavia Hills on October 1, 2023, and for each consecutive tax year thereafter, the proceeds of which shall be used by the Vestavia Hills City Board of Education for public school purposes.

_____ For Proposed Increase

_____ Against Proposed Increase

The majority of the qualified electors voted “Against Proposed Taxation”. The specific totals were:

For Proposed Taxation	3,201
Against Proposed Taxation	4,203

Following the referendum vote on May 8, 1990, the aggregate ad valorem tax rate on each One Hundred Dollars ($100.00) of assessed value of property in the City of Vestavia Hills, Jefferson County, Alabama, remained unchanged:

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

SECTION ONE - TAX LEVY: Taxes are hereby levied for the City tax year commencing on the first (1st) day of October 2023, on all real and personal property and other properties and franchises in the City of Vestavia Hills, Alabama, subject to taxation by the laws of the State of Alabama, based on the valuation of said property as assessed for County taxation, as shown by the books of assessment for the State and County tax year ending on the 30th day of September, 2024, as follows:

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

B. A tax for public school purposes of Two and 56/100 Dollars ($2.56) on each One Hundred Dollars ($100.00) of the assessed value of such property.

C. In summary, the aggregate local millage for general municipal purposes and local school district tax rates are Four and 93/100 Dollars ($4.93) per One Hundred Dollars ($100.00) of the assessed value of such property.

D. The local millage, for City accounting purposes, shall be allocated as follows:

General Municipal Purposes	1.0275
Garbage Collection	1.0275
West Elementary - Warrants	.3150
High School and Board Operations	2.5600
TOTAL	**4.9300**

SECTION TWO - SPECIAL DISTRICT TAXES: In addition to the taxes levied in SECTION ONE above, taxes are hereby levied for the City tax year commencing on the 1st day of October, 2023, on all real and personal property and other properties and franchises in the City of Vestavia Hills, Alabama, subject to taxation by the laws of the State of Alabama, based on the valuation of said property as assessed for County taxation,

as shown by the books of assessment for the State and County tax year ending on the 30th day of September, 2024, as follows:

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

B. A further tax of Eighty-two Cents ($0.82) of each One Hundred Dollars ($100.00) of the assessed value of such property, to be used solely and only for public school purposes pursuant to the Constitution of the State of Alabama.

Should the City Council of Vestavia Hills, Alabama, have no legal authority to provide for the levy, assessment and collection of the said Special School District Taxes as described in this SECTION TWO, then in such event, this SECTION TWO shall be considered as the City's support of the Vestavia Hills Board of Education.

SECTION THREE - TAX BASIS AND WHEN DUE: On and after the 1st day of October, 2023, all municipal taxes due the City of Vestavia Hills, Alabama, shall be based and due on all County assessments of the property within the limits of said County for the preceding year, and shall be due and delinquent at the time when State and County taxes for the preceding year are due and delinquent.

SECTION FOUR - EFFECTIVE DATE AND LIEN: The levy of taxes made herein shall go into force and effect as of October 1, 2023, and shall on said date become a lien on the property subject thereto.

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

SECTION SIX - CONFLICTS: That all Ordinances, or parts of Ordinances, including Ordinance Number 3176, heretofore, adopted by the City Council of the City of Vestavia Hills, Alabama, in conflict with the provisions hereof are hereby expressly repealed.

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

SECTION EIGHT - INTENT: It is the intent of the City of Vestavia Hills, Alabama, with the passage of this Ordinance Number 3176, that the aggregate local millage for general municipal purposes and local school district tax rates be Four and 93/100 Dollars ($4.93) per One Hundred Dollars ($100.00) of the assessed value of such property and consist of the following:

Special High School Tax and Operations	$	2.560
General Municipal Including Garbage		2.055
West Elementary		.315
TOTAL	**$**	**4.930**

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

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

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

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

ADOPTED and APPROVED this the 22nd day of May, 2023.

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 # 3176 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 22nd day of May, 2023, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2023.

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS
CITY CLERK
INTER-DEPARTMENT MEMO

May 22, 2023

To: Jeff Downes, City Manager

Cc:

From: Rebecca Leavings

RE: Ordinance Number 3177 - An Ordinance Authorizing the Shelby County Tax Assessor/Collector to assess and collect ad valorem taxes for the City of Vestavia Hills

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Background:
Alabama law requires municipalities to authorize County Tax Assessors/Collectors to assess and collect municipal tax levies and authorizes the County to withhold 1/2 of 1% of those revenues as compensation for said services. This Ordinance will authorize the assessment and collection of municipal taxes by the County and is required to be adopted annually.

Recommendation:
Recommend approval and the Ordinance be forwarded to the County.

Fiscal Impact:
Failure to collect municipal ad valorem taxes would significally affect they City's general fund.

Attachments:
1. Ordinance 3177

ORDINANCE NUMBER 3177

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

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

SECTION ONE - TAX LEVY: Taxes are levied for the City tax year commencing on the first (1st) day of October, 2023, on all real and personal property and other properties and franchises in the City of Vestavia Hills, Alabama, subject to taxation by the laws of the State of Alabama, based on the valuation of said property as assessed for State taxation as shown by the books of assessment for the State and County tax year ending during the preceding year, as follows:

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

B. A tax for Public School purposes of Two and 56/100 Dollars ($2.56) on each One Hundred Dollars ($100.00) of value of such property;

C. In summary, the aggregate local millage for general Municipal purposes and Municipal School tax rates are Four and 93/100 Dollars ($4.93) per One Hundred ($100.00) of the value of such property;

D. The local millage for the City's accounting purposes shall be allocated as follows:

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

SECTION TWO - SHELBY TAX LEVY: Taxes are hereby levied by the Shelby County Commission §40-7-42, Code of Alabama, 1975 for the City tax year commencing on the first day of October, 2023, on all real and personal property and other properties and franchises in the City of Vestavia Hills, Alabama, subject to taxation by the laws of the State of Alabama, based on the valuation of said property as assessed for County

taxation, as shown by the books of assessment for the State and County tax year ending on the 30th day of September, 2024, as follows:

A. A tax of Fifty Cents ($0.50) on each One Hundred Dollars ($100.00) of the value of such property for general fund purposes;

B. A tax of One Dollar and Sixty Cents ($1.60) on each One Hundred Dollars ($100.00) of the value of such property for school districts;

C. A tax of Twenty-five Cents ($0.25) for each One Hundred Dollars ($100.00) of the value of such property for roads and bridges;

D. In summary, the aggregate County millage for general purposes, countywide school taxes, and road and bridges is Two and 35/100 Dollars ($2.35) per One Hundred Dollars ($100.00) of the value of such property.

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

State of Alabama	0.650
Shelby County	0.500
Shelby County School Countywide	1.600
Shelby County Road and Bridge	0.250
General Municipal Purpose Tax	2.055
Special Municipal School Tax	2.560
West Elementary Warrants	0.315
Total	7.930

SECTION THREE - TAX BASIS AND WHEN DUE: On and after the 1st day of October, 2023, all municipal taxes due the City of Vestavia Hills, Alabama, shall be based and due on all County assessments of the property within the limits of said County for the preceding year, and shall be due and delinquent at the time when State and County taxes for the preceding year are due and delinquent.

SECTION FOUR - EFFECTIVE DATE AND LIEN: The levy of taxes made herein shall go into force and effect as of October 1, 2023, and shall on said date become a lien on the property subject thereto.

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

SECTION SIX - CONFLICTS: That all Ordinances, or parts of Ordinances, including Ordinance Number 3177, heretofore, adopted by the City Council of the City of Vestavia Hills, Alabama, in conflict with the provisions hereof are hereby expressly repealed.

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

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

ADOPTED AND APPROVED this the 22nd day of May, 2023.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 3177 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 22nd day of May, 2023, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, and Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2023.

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 5462

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 11th day of October, 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 5462 as if written therein; (1) 1663/1671 Crossgate Drive, (2) 2581 Crossgate Place and (3) 1704 Crosswood Lane; and

WHEREAS, a sign was erected on the ROW and the surrounding property owners were notified of the request and contact information on April 21, 2023 and a public hearing to be held on June 12, 2023 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) 1663/1671 Crossgate Drive, (2) 2581 Crossgate Place and (3) 1704 Crosswood Lane as detailed in the supporting information marked as Exhibit A, attached to and incorporated into this Resolution 5462 as if written fully therein; and
2. This Resolution shall become effective immediately upon adoption and approval.

DONE, ORDERED, ADOPTED and APPROVED this the 12th day of June, 2023.

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

May 15, 2023

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. June 12, 2023 Monday
PLACE OF HEARING:	Vestavia Hills City Hall 1032 Montgomery Highway
BOARD:	Vestavia Hills City Council
ACTION REQUESTED:	Consideration of Installation of 35' Black Metal Utility Pole with 5'6" embedment to be placed within the public right-of-way for Node Placement, Small Cell Wireless Facility
LOCATION OF PROPERTY:	ROW adjacent to 1663 & 1671 Crossgate 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.

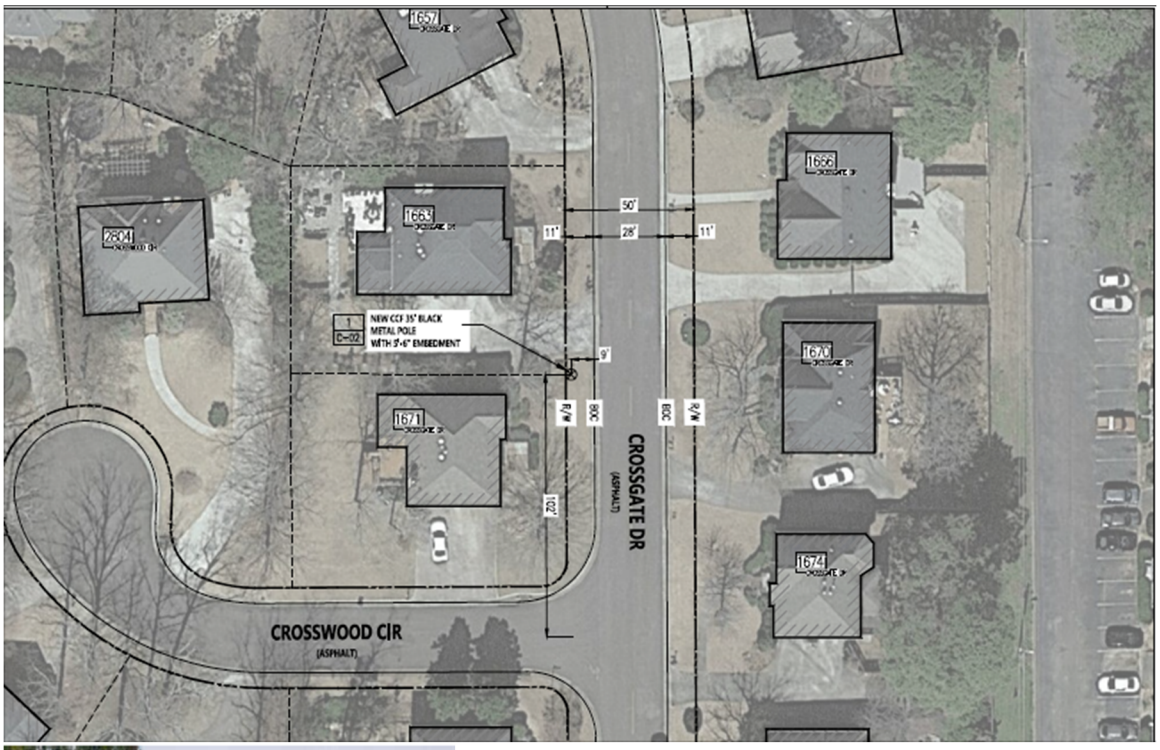


PHOTO SIMULATION

EXCEEDED

(3) NEW ERICSSON 6705 5G ANTENNAS ATTACHED TO MOTHERTOP MOUNT

NEW QUBE MOTHERTOP ANTENNA MOUNT INSTALLED ON POLE TOP

TOP OF ANTENNA MOUNT – EL 34'–11"

5G RAD CENTER – EL 33'–03"

TOP OF MOUNT CONE – EL 31'–09"

TOP OF POLE – EL 29'–06"

BOTTOM OF MOUNT CONE – EL 28'–04"

NEW POWER SERVICE TO 5G ANTENNAS RAN INSIDE POLE

NEW FIBER SERVICE TO 5G ANTENNAS RAN INSIDE POLE

NEW COYOTE DTC NID - EL 12'-00"

NEW 240V/100A AC DISCONNECT - EL 06'-07"

NEW RING STYLE, SINGLE PHASE, TERMINAL 100/125 AMP METER BASE EL 05'-00"

NEW UNDERGROUND POWER SERVICE

REFERENCE EL 0'–0"

GRADE LEVEL

9.0'

STREET LEVEL

NEW $\frac{5}{8}$" x 10' GROUND ROD

EMBEDMENT – 05'–06"

Equipment
ant may vary
ility or condition.

PROPOSED POLE DETAIL
LOOKING NORTH

VESTAVIA HILLS

A LIFE ABOVE

ASHLEY C. CURRY
Mayor

REBECCA LEAVINGS
City Clerk

April 21, 2023

RE: Small Cell/Fiber Deployment

Dear Property Owner:

A new technology for cellular phone data and fiber internet is currently being deployed across the USA. Crown Castle, one of the companies deploying this technology, has indicated a need to locate a small micro-site cellular pole in the City of Vestavia Hills right-of-way adjacent/near your property and has submitted application for a 35' metal pole to be erected there. (See attached for location information.)

Small micro-site cellular poles are located in strategic areas which help to offload the larger macro cell towers as the need for cellular data increases in urban areas. Additional information concerning this technology is available on the City of Vestavia Hills website at https://vhal.org/small-cell-technology.

Please note that this request has not been approved by the City Council, but City staff is in the process of evaluating this request from Crown Castle and a public hearing on this matter will be held in approximately two months. Please review the included information along with the information on our website. If you need additional information, have questions or would like to discuss any concerns that you may have, please contact me at rleavings@vhal.org or call 205.978.0184. If I am unable to assist you, I will share your contact information with a Crown Castle representative and have them contact your directly.

Thank you in advance for your attention to this request.

Sincerely,

Rebecca Leavings
City of Vestavia Hills City Clerk

VESTAVIA HILLS CITY HALL
1032 Montgomery Highway | Vestavia Hills, AL 35216
P. O. Box 660854 | Vestavia Hills, AL 35266-0854
205.978.0131 | VHAL.ORG

CITY OF VESTAVIA HILLS

1032 MONTGOMERY HIGHWAY
VESTAVIA HILLS, ALABAMA 35216

OFFICIAL NOTICE OF A PUBLIC HEARING

May 15, 2023

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. June 12, 2023 Monday
PLACE OF HEARING:	Vestavia Hills City Hall 1032 Montgomery Highway
BOARD:	Vestavia Hills City Council
ACTION REQUESTED:	Consideration of Installation of 35' Black Metal Utility Pole with 5'6" embedment to be placed within the public right-of-way for Node Placement, Small Cell Wireless Facility
LOCATION OF PROPERTY:	ROW adjacent to 2581 Crossgate Place; 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.

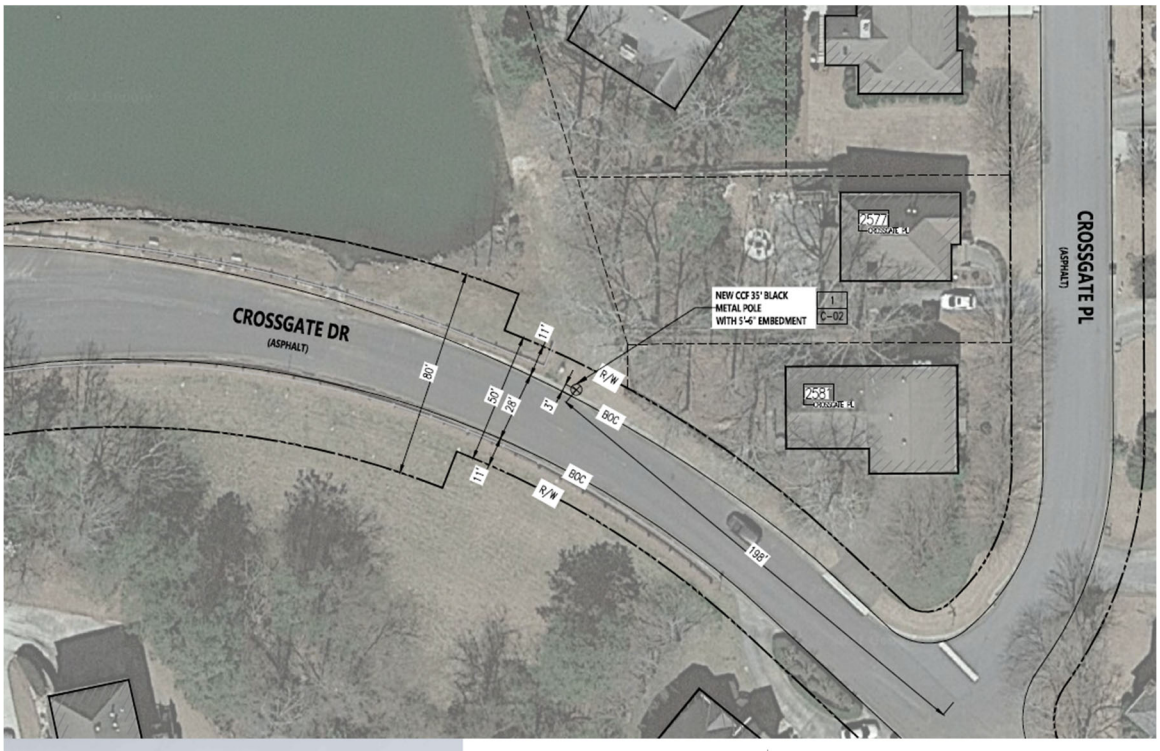
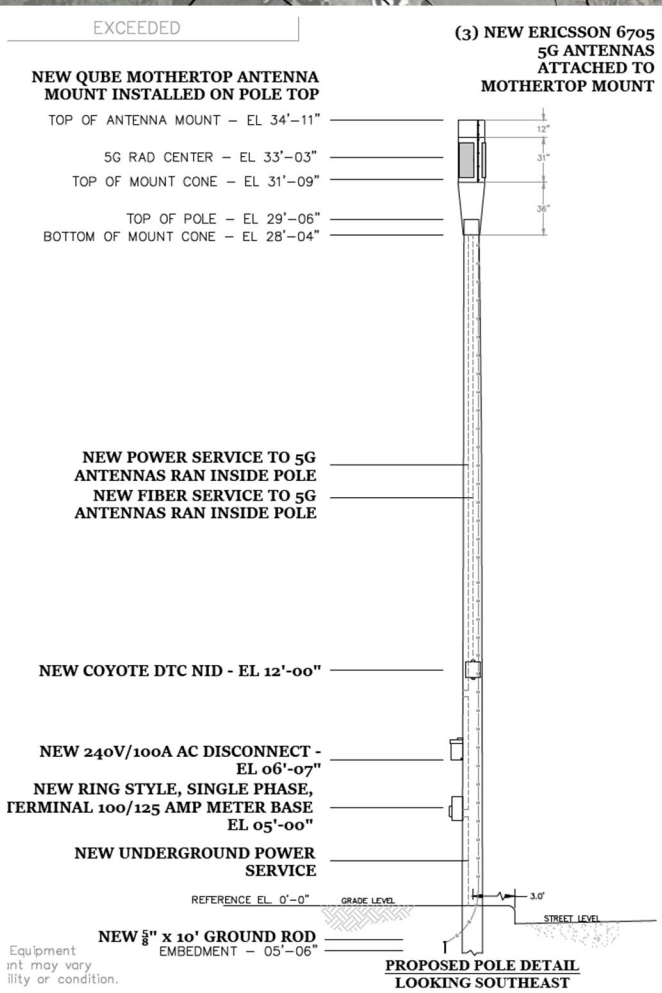


PHOTO SIMULATION



Equipment
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lity or condition.

PROPOSED POLE DETAIL
LOOKING SOUTHEAST

VESTAVIA HILLS

A LIFE ABOVE

ASHLEY C. CURRY
Mayor

REBECCA LEAVINGS
City Clerk

April 21, 2023

RE: Small Cell/Fiber Deployment

Dear Property Owner:

A new technology for cellular phone data and fiber internet is currently being deployed across the USA. Crown Castle, one of the companies deploying this technology, has indicated a need to locate a small micro-site cellular pole in the City of Vestavia Hills right-of-way adjacent/near your property and has submitted application for a 35' metal pole to be erected there. (See attached for location information.)

Small micro-site cellular poles are located in strategic areas which help to offload the larger macro cell towers as the need for cellular data increases in urban areas. Additional information concerning this technology is available on the City of Vestavia Hills website at https://vhal.org/small-cell-technology.

Please note that this request has not been approved by the City Council, but City staff is in the process of evaluating this request from Crown Castle and a public hearing on this matter will be held in approximately two months. Please review the included information along with the information on our website. If you need additional information, have questions or would like to discuss any concerns that you may have, please contact me at rleavings@vhal.org or call 205.978.0184. If I am unable to assist you, I will share your contact information with a Crown Castle representative and have them contact your directly.

Thank you in advance for your attention to this request.

Sincerely,

Rebecca Leavings
City of Vestavia Hills City Clerk

VESTAVIA HILLS CITY HALL
1032 Montgomery Highway | Vestavia Hills, AL 35216
P. O. Box 660854 | Vestavia Hills, AL 35266-0854
205.978.0131 | VHAL.ORG

CITY OF VESTAVIA HILLS

1032 MONTGOMERY HIGHWAY
VESTAVIA HILLS, ALABAMA 35216

OFFICIAL NOTICE OF A PUBLIC HEARING

May 15, 2023

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. June 12, 2023 Monday
PLACE OF HEARING:	Vestavia Hills City Hall 1032 Montgomery Highway
BOARD:	Vestavia Hills City Council
ACTION REQUESTED:	Consideration of Installation of 35' Black Metal Utility Pole with 5'6" embedment to be placed within the public right-of-way for Node Placement, Small Cell Wireless Facility
LOCATION OF PROPERTY:	ROW adjacent to 1704 Crosswood Ln; See Enclosed Details for location and visual
NAME OF APPLICANT:	Crown Castle Fiber LLC
REPRESENTED BY:	Acquanetta Love

Sincerely,

Rebecca Leavings
City Clerk

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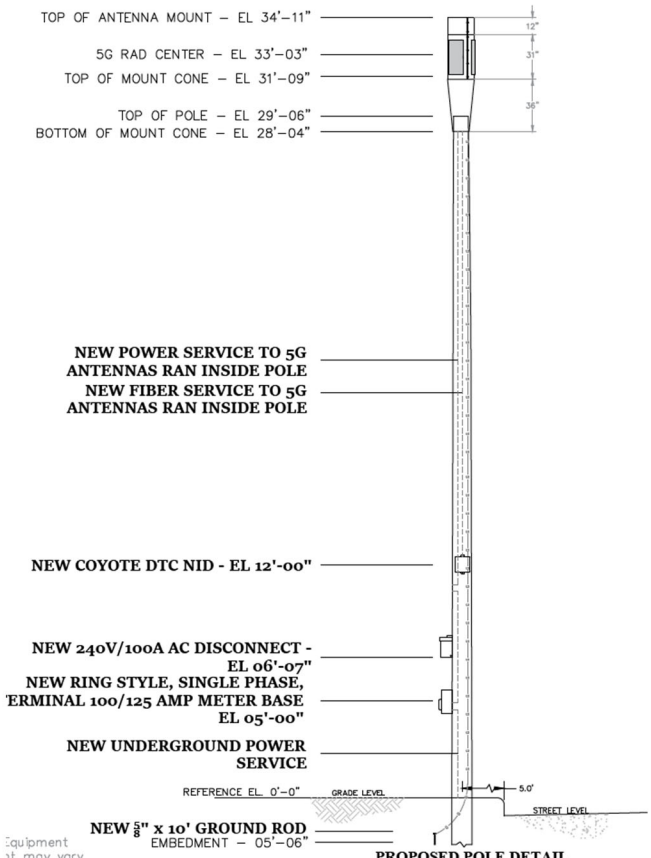
EXCEEDED

PHOTO SIMULATION

(3) NEW ERICSSON 6705
5G ANTENNAS
ATTACHED TO
MOTHERTOP MOUNT

NEW QUBE MOTHERTOP ANTENNA
MOUNT INSTALLED ON POLE TOP



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CITY OF VESTAVIA HILLS

INTER-DEPARTMENT MEMO

May 22, 2023

To: Jeff Downes, City Manager

Cc:

From:

RE: Citizens Comments

Background:

Recommendation:

Fiscal Impact:

Attachments:
None