



**Vestavia Hills
City Council Agenda
February 24, 2025
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation - Butch Williams, Vestavia Hills Chaplain
4. Pledge Of Allegiance
5. Approval Of The Agenda
6. Announcements, Candidates and Guest Recognition
7. City Manager's Report
8. Councilors' Reports
9. Financial Reports - Zachary Clifton, Deputy Finance Director
10. Approval Of Minutes - February 10, 2025 regular meeting minutes

Old Business (Public Hearing)

11. Public Hearing - Ordinance Number 3263 - Rezoning - 4564 Pine Tree Circle; Lot 32, Topfield Subdivision; Rezone from Vestavia Hills R-1 to Vestavia Hills O-1 for construction of an office building; Andrew Noto, owner
12. Public Hearing - Ordinance Number 3264 - An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver An Agreement With Rivertree Systems, Inc. For Auditing Services For The City Of Vestavia Hills

New Business

13. Resolution Number 5549 - A Resolution declaring certain personal property as surplus and authorizing the City Manager to sell/dispose of said property
14. Resolution Number 5550 - A Resolution reappointing and appointing members to Design Review Board

New Business Requesting Unanimous Consent (Public Hearing)

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

15. Citizens Comments
16. Time Of Adjournment

PUBLIC HEARING PROCEDURES

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

- All comments shall be limited to **3 minutes**. A countdown clock will 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, including full name and address.

SPECIAL NOTICE CONCERNING CITY COUNCIL MEETINGS

If you prefer not to attend a City Council meeting or work session in person, you may participate remotely:

- **Videoconference:** To participate by videoconference, you may access the meeting via Zoom at <https://us02web.zoom.us/j/5539517181>. When the Zoom.us window opens in your browser, click "Allow" to be placed in a virtual "waiting room." The host will open the meeting and allow all participants to join the meeting 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 "video" 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. Some useful Zoom functions include: microphone Mute/Unmute; Start/Stop Video; and View Participants – opens a pop-out screen that includes the "Raise Hand" icon that you may use to raise a virtual hand.
- **Teleconference:** To participate by telephone, dial 312.626.6799 and enter the meeting ID: 5539517181. All participants will be automatically muted upon entrance to the meeting. If you wish to speak during time(s) identified for public input, unmute yourself by pressing *6 on your keypad. 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.

Meetings may be recorded. By participating in the meeting, you are consenting to be recorded.

"Zoom-bombing." 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 terminated 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.

Summary
Financial Report
December 2024-2025

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1.) Reconciled Cash Balance

The overall reconciled cash balance for the month of December was \$46,621,236 which is comprised of the following funds:

General Funds	\$36,421,181
Restricted Funds	\$10,196,975
Petty Cash	<u>\$3,080</u>
Total	<u>\$46,621,236</u>

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

Monthly Revenues	\$15,744,785	YTD Revenues	\$26,168,839
Monthly Expenses	<u>\$5,484,056</u>	YTD Expenses	<u>\$16,661,733</u>
Monthly Fund Balance	<u>\$10,260,729</u>	YTD Fund Balance	<u>\$9,507,106</u>

3.) Comparative Fund Balances:

	<u>YTD</u>	<u>Variance</u>
Actual - 2024-2025	\$9,507,106	
Budget - 2024-2025	\$7,102,266	\$2,404,840
Last Year - 2023-2024	\$9,378,807	\$128,300

Note:

The "Actual Fund Balance" is \$2,404,840 greater than the "Budgeted Fund Balance" and \$128,300 greater than "Last Year Fund Balance" .

Summary
Financial Report
December 2024-2025

MTD						YTD			Variance	
		Actual		Budget	Last Year	Actual	Budget	Last Year	Act vs. Bdgt	Act vs LY
REVENUES		15,744,785		15,367,284	14,684,365	26,168,839	24,694,917	25,390,175	1,473,922	778,665
EXPENSES		5,484,056		6,577,060	5,098,955	16,661,733	17,592,651	16,011,368	930,918	(650,365)
FUND BALANCE		10,260,729		8,790,224	9,585,410	9,507,106	7,102,266	9,378,807	2,404,840	128,300
Advalorem - Real		12,183,970		12,093,996	11,225,235	15,729,210	15,129,679	14,314,079	599,531	1,415,130
Sales Tax		2,521,688		2,343,497	2,357,440	7,457,895	6,829,303	6,898,042	628,592	559,852
Utility Franchise Fees		0		0	0	103	117	69	(14)	34
Business License		82,828		128,348	86,420	148,902	215,211	176,357	(66,309)	(27,454)
Advalorem - Personal		153,206		161,779	164,197	737,392	685,537	744,931	51,855	(7,539)
October thru December 2024 (3 months)						2024-2025				
		Actual		Budget Total	Outstanding Bal	% Received	% Outstanding	Verification		
Advalorem - Real		15,729,210		21,245,666	(5,516,456)	74.03%	25.97%	100.00%		
Sales Taxes		7,457,895		28,094,201	(20,636,306)	26.55%	73.45%	100.00%		
Utility Franchise Fees		103		2,613,571	(2,613,468)	0.00%	100.00%	100.00%		
Business License		148,902		4,374,434	(4,225,532)	3.40%	96.60%	100.00%		
Advalorem - Personal		737,392		2,319,009	(1,581,617)	31.80%	68.20%	100.00%		
DECEMBER		MTD			MTD					
				Variance	Last Year	Act vs LY				
Advalorem - Real		12,183,970		12,093,996	89,974	11,225,235	958,735			
Sales Taxes		2,521,688		2,343,497	178,191	2,357,440	164,248			
Utility Franchise Fees		0		0	0	0	0			
Business License		82,828		128,348	(45,520)	86,420	(3,593)			
Advalorem - Personal		153,206		161,779	(8,573)	164,197	(10,991)			

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**CITY OF VESTAVIA HILLS
MONTHLY CASH REPORT
"RECONCILED BALANCES"**

General Funds	Banking Institutions	APR	Dec 2023	Jan 2024	Feb 2024	Mar 2024	Apr 2024	May 2024	Jun 2024	Jul 2024	Aug 2024	Sep 2024	Oct 2024	Nov 2024	Dec 2024
General / Operational Funds	Region Bank	5.04%	8,678,758.65	11,671,643.22	20,516,193.77	18,608,623.16	15,387,719.81	14,436,292.53	12,801,155.18	9,516,369.01	4,077,735.30	2,844,714.72	1,979,485.71	4,380,644.42	4,836,106.35
Enhanced Cash Strategy	Region Bank	5.11%	10,076,629.06	10,119,135.13	10,121,913.63	10,160,280.52	10,166,247.60	10,223,363.54	10,270,541.52	10,351,509.61	10,418,980.96	10,489,627.78	8,367,221.84	8,499,882.97	8,529,641.86
Payroll Fund	Region Bank	0.25%	0.00	0.00	0.00	308.91	0.00	0.00	0.00	0.00	0.00	0.00	0.00	24,133.01	24,133.01
Emergency Reserve Fund	PNC Bank	5.37%	18,136,383.13	18,214,276.83	18,278,166.12	18,358,801.14	20,590,395.90	20,551,408.03	20,661,720.70	20,855,623.62	20,947,224.55	21,071,036.31	21,070,949.87	21,107,572.98	21,230,188.91
Court & Corrections Fund	Region Bank	0.25%	73,402.60	97,819.67	117,012.38	281,008.88	140,557.86	89,815.80	113,043.20	132,868.20	114,716.50	112,200.50	137,869.94	98,792.61	91,015.93
American Rescue Plan (COVID-19)	SouthPoint	4.40%	2,753,063.24	2,763,369.93	2,773,046.62	2,783,428.13	2,793,511.80	2,803,969.87	2,814,127.93	2,824,663.25	1,773,884.08	1,779,878.81	1,785,177.23	1,790,165.28	1,710,094.74
Total - Balance			\$39,718,236.68	\$42,866,244.78	\$51,806,332.52	\$50,192,450.74	\$49,078,432.97	\$48,104,849.77	\$46,660,588.53	\$43,681,033.69	\$37,332,541.39	\$36,297,458.12	\$33,340,704.59	\$35,901,191.27	\$36,421,180.80
Restricted Funds															
Court Cash Bonds	Regions Bank	0.25%	145,886.00	144,166.00	138,606.00	133,766.00	129,371.00	119,416.00	113,621.00	111,646.00	104,646.00	101,421.00	99,551.00	94,182.00	89,272.00
Contractors' Bonds & CDs on Hand	City Clerk's Office	n/a	4,474,038.42	4,474,038.42	4,187,938.42	4,187,938.42	4,187,938.42	4,187,938.42	4,187,938.42	4,187,938.42	4,187,938.42	4,187,938.42	4,187,938.42	4,187,938.42	4,187,938.42
Contractors' Cash Bonds	SouthPoint	0.25%	686,595.00	673,211.91	675,347.73	647,538.10	659,736.91	630,929.54	601,364.94	609,197.10	585,375.54	594,199.62	593,428.25	573,252.03	578,678.21
Confiscated Funds	SouthPoint	1.25%	290,382.81	290,690.25	58,999.32	59,061.79	59,122.30	59,184.90	59,245.54	59,308.27	59,371.06	59,431.89	59,494.81	59,555.77	61,848.74
2013 GOW - QEBC Sinking Fund	Bank of New York	2.35%	1,911,964.89	1,911,964.89	1,911,964.89	1,911,964.89	1,911,964.89	1,911,964.89	1,911,964.89	1,911,964.89	1,911,964.89	2,127,191.68	2,127,191.68	2,127,191.68	2,127,191.68
Library Campaign Fund/Donations	Pinnacle	earnings offset fees	461,230.31	464,421.95	0.00	309.20	303.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Lease Escrow Funds	Truist & Robertson		705,645.36	706,734.88	707,755.76	708,848.82	709,908.37	654,497.10	655,560.15	656,660.45	657,763.60	3,967,756.36	3,968,666.45	3,151,303.96	3,152,045.67
Total Balance			\$8,675,742.79	\$8,665,228.30	\$7,680,612.12	\$7,649,427.22	\$7,658,345.09	\$7,563,930.85	\$7,529,694.94	\$7,536,715.13	\$7,507,059.51	\$11,037,938.97	\$11,036,270.61	\$10,193,423.86	\$10,196,974.72
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	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 - 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	\$3,080.00	\$3,080.00	\$3,080.00	\$3,080.00	\$3,080.00	\$3,080.00	\$3,080.00	\$3,080.00	\$3,080.00	\$3,080.00	\$3,080.00	\$3,080.00
Grand Total - All Funds			\$48,396,959.47	\$51,534,553.08	\$59,490,024.64	\$57,844,957.96	\$56,739,858.06	\$55,671,860.62	\$54,193,363.47	\$51,220,828.82	\$44,842,680.90	\$47,338,477.09	\$44,380,055.20	\$46,097,695.13	\$46,621,235.52
Petty Cash Itemization															
City Clerk Dept.	none														
Court Dept.	\$600.00														
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	\$3,080.00														

FINANCIAL SUMMARY REPORT
"DECEMBER 2024-2025"

1	MONTH OF DECEMBER 2024							YEAR-TO- DATE THROUGH DECEMBER 2024						
	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	2024-2025	2024-2025	2023-2024	Actual to	Budget	Actual to	Last Year	2024-2025	2024-2025	2023-2024	Actual to	Budget	Actual to	Last Year
REVENUE SUMMARY	Actual	Budget	Actual	Amount	Percentage	Amount	Percentage	Actual	Budget	Actual	Amount	Percentage	Amount	Percentage
STATE REVENUE	34,492	22,307	16,945	12,185	54.62%	17,547	103.55%	61,935	49,580	44,371	12,355	24.92%	17,564	39.58%
COUNTY REVENUE	12,360,334	12,278,302	11,411,984	82,032	0.67%	948,350	8.31%	16,538,645	15,889,472	15,131,984	649,173	4.09%	1,406,660	9.30%
CITY REVENUE	3,278,698	2,994,982	3,219,237	283,716	9.47%	59,461	1.85%	9,232,315	8,507,866	9,935,940	724,449	8.52%	(703,625)	-7.08%
PARK & RECREATION	71,262	71,693	36,199	(431)	-0.60%	35,063	96.86%	335,945	247,999	277,879	87,946	35.46%	58,066	20.90%
TOTAL REVENUE	15,744,785	15,367,284	14,684,365	377,501		1,060,421		26,168,839	24,694,917	25,390,175	1,473,922		778,665	
EXPENDITURE SUMMARY														
NON DEPARTMENTAL	1,481,513	2,252,908	1,626,146	771,395	34.24%	144,633	8.89%	4,568,790	5,177,370	4,970,850	608,579	11.75%	402,059	8.09%
CITY COUNCIL	4,563	5,347	5,308	784	14.66%	745	14.03%	26,702	28,321	26,133	1,619	5.72%	(568)	-2.18%
MAYOR & ADMINISTRATION	203,874	236,360	149,237	32,486	13.74%	(54,637)	-36.61%	625,610	793,476	600,787	167,866	21.16%	(24,822)	-4.13%
CITY CLERK	51,156	56,923	41,776	5,767	10.13%	(9,381)	-22.46%	165,277	164,289	147,415	(988)	-0.60%	(17,862)	-12.12%
MUNICIPAL COMPLEX	46,819	40,148	33,045	(6,671)	-16.62%	(13,774)	-41.68%	106,699	128,356	96,239	21,657	16.87%	(10,460)	-10.87%
INFORMATION SERVICES	59,345	80,590	50,323	21,245	26.36%	(9,022)	-17.93%	180,544	210,418	187,294	29,874	14.20%	6,750	3.60%
POLICE	1,220,880	1,403,981	1,096,920	183,101	13.04%	(123,960)	-11.30%	3,717,228	3,919,006	3,362,983	201,778	5.15%	(354,245)	-10.53%
FIRE	1,159,361	1,305,976	1,058,660	146,615	11.23%	(100,701)	-9.51%	3,504,270	3,599,231	3,210,253	94,961	2.64%	(294,018)	-9.16%
INSPECTION	75,140	81,832	67,736	6,692	8.18%	(7,404)	-10.93%	229,965	227,419	212,225	(2,546)	-1.12%	(17,740)	-8.36%
PUBLIC SERVICES	474,209	472,070	435,169	(2,139)	-0.45%	(39,040)	-8.97%	1,427,225	1,431,013	1,354,949	3,788	0.26%	(72,276)	-5.33%
PUBLIC LIBRARY	232,873	283,558	222,745	50,685	17.87%	(10,128)	-4.55%	763,041	837,153	716,619	74,112	8.85%	(46,422)	-6.48%
PARKS & LEISURE SERVICES	474,324	357,367	311,892	(116,957)	-32.73%	(162,432)	-52.08%	1,346,382	1,076,599	1,125,620	(269,783)	-25.06%	(220,761)	-19.61%
TOTAL EXPENDITURES	5,484,056	6,577,060	5,098,955	1,093,004		(385,101)		16,661,733	17,592,651	16,011,368	930,918		(650,365)	
SURPLUS / (DEFICIT)	10,260,729	8,790,224	9,585,410	1,470,505		675,319		9,507,106	7,102,266	9,378,807	2,404,840		128,300	



**Vestavia Hills
City Council Minutes
February 10, 2025
6:00 PM**

1. Call to Order

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 and the City Clerk called the roll with the following:

2. Roll Call

Roll call was as follows:

MEMBERS PRESENT: Mayor Ashley Curry, Mayor Pro-Tem Rusty Weaver, City Councilor Kimberly Cook, City Councilor Paul Head, City Councilor George Pierce

MEMBERS ABSENT: None.

OTHER OFFICIALS PRESENT: Jeff Downes, City Manager; Patrick H. Boone, City Attorney; Cinnamon McCulley, Asst. City Manager; Umang Patel, Acting City Clerk/Court Director; Michael Keller, Police Captain; Jamie Lee, Director of Parks and Leisure Services; Ryan Farrell, Deputy Fire Chief; Lori Beth Kearley, Public Works Director; Ethan Fisher, City Engineer; Zachary Clifton, Asst. Finance Director

3. Invocation - David Phillips, Vestavia Hills Chaplain

4. Pledge Of Allegiance

5. Approval Of The Agenda

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

MOTION: Approve the agenda as presented. Motion By: Rusty Weaver. Seconded By: George Pierce.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce. No: None. Abstain: None. Motion passed.

6. Announcements, Candidates and Guest Recognition

- Mrs. Cook stated Jack McNeil, from the Boy Scouts is present to earn his citizenship and community merit badge.
- Mr. Pierce stated Taylor Burton from the Vestavia Hills Chamber of Commerce Board was present in person and Kelly Atchinson is attending via Zoom
- Mr. Weaver announced Planning and Zoning will have their regularly scheduled February meeting this Thursday, 13, 2025 at 6:00 pm in the council chambers
- Mr. Head announced that Park and Recreation Board will be held next Tuesday, February 18, 2025 at 7:30 am at the Civic Center

7. Proclamation for Arbor Week February 16-22, 2025

The Mayor presented a Proclamation designating the week of February 16-22, 2025 as "Arbor Week." Mr. Downes read the Proclamation aloud and the Mayor presented it to the following individuals:

In attendance:

Jamie Lee, Director, Vestavia Hills Parks & Leisure

Girl Scout Troop 26204 from Vestavia Hills:

Sarah Moody, Troop Leader

Scouts: Elena Smith-Moody

Representatives from Alabama Forestry Commission:

Katie Wiswall, Urban & Community Forestry Partnership Coordinator

Tim Roberts, Jefferson County Forester

8. City Manager's Report

Mr. Downes reported that he and Cinnamon McCulley recently attended and spoke at the Alabama County and City Managers Association Conference. During the conference, they highlighted the importance of strategic planning and praised the leadership of the City for its commitment to and active involvement in the strategic planning process. Mr. Downes announced that Vestavia Hills' 2025 Strategic Planning session will take place on February 24th and 25th. The event will be primarily held in the Council Chambers, with a portion of the session requiring staff participation in a crisis management exercise at the Police Department's Emergency Operations Center. The Strategic Planning sessions will be streamed live via Zoom, and a recording will be made available afterward. The agenda can be accessed on the City's website.

Mrs. Cook inquired whether the crisis management exercise would be open to the public.

Mr. Downes explained that, due to the nature of the exercise, it would not be accessible to the public.

Mr. Pierce shared that he had been driving around the city and was pleased to see the progress being made on various projects, including the pedestrian bridge.

Mr. Downes stated more updates would be given at the Strategic Planning regarding the various projects throughout the City.

9. Councilors' Reports

Mr. Pierce stated the monthly Vestavia Hills Chamber of Commerce Luncheon would be held tomorrow, February 11, 2025, at the Vestavia Country Club. Mr. Pierce noted the guest

speaker will be Susan Montgomery Clark, from the Megan Montgomery Foundation, to speak on the topic of domestic violence.

10. Financial Reports - Zachary Clifton, Deputy Finance Director

Zachary Clifton, Assistant Finance Director, presented the financial reports for the month ending November 2024. He read and explained the balances.

11. Approval Of Minutes - January 10, 2025 regular meeting minutes and January 27, 2025 regular meeting minutes

The Mayor announced that the minutes of the January 10, 2025 and January 27, 2025 are being presented for approval. He opened the floor for a motion.

MOTION: Approve the minutes as presented. Motion By: Kimberly Cook. Seconded By: Rusty Weaver.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce.
No: None. Abstain: None. Motion passed.

Old Business (Public Hearing)

12. Public Hearing - Resolution Number 5541 - A Resolution accepting 2024 Sidewalk Masterplan for the City of Vestavia Hills

MOTION: Approve Resolution Number 5541 as presented. Motion by: Rusty Weaver. Seconded by: Kimberly Cook.

Ethan Fisher, City Engineer, provided an update on the Master Sidewalk Plan, outlining the steps and processes that led to its current stage. He highlighted key components, including public input, the Design Review Board's involvement, and the feasibility assessments conducted.

Mrs. Cook relayed a question from Jack McNeil, inquiring whether the City of Vestavia Hills utilizes federal funding. Mr. Downes responded that the city is not currently using federal funding due to various challenges. He explained that the majority of funding comes from the City's own resources, with limited funds allocated for engineering and some work to be carried out by the Public Works staff.

Ethan Fisher further shared that the Sidewalk Masterplan includes 4.7 miles of priority sidewalks.

Mayor Curry asked if this coverage included Massey Road, to which Ethan Fisher confirmed that it does.

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

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce.
No: None. Abstain: None. Motion passed.

13. Public Hearing - Ordinance Number 3099-A - An Ordinance to amend Ordinance 3099 to add a sidewalk policy for the City of Vestavia Hills 2024 Sidewalk Masterplan

MOTION: Approve Ordinance Number 3099-A as presented. Motion by: Rusty Weaver. Seconded by: George Pierce.

Mr. Downes stated this ordinance provides a mechanism for addressing construction along priority sidewalks. It requires that individuals construct along the edge of their property or contribute funds for future sidewalk construction. This ordinance will serve as the framework for implementing these guidelines.

Mr. Pierce inquired whether this ordinance addresses parking on sidewalks. Mr. Downes clarified that it does not; there are separate ordinances governing parking on sidewalks, and this ordinance pertains solely to construction projects along designated priority sidewalk routes.

The Mayor then opened the floor for public comments.

Taylor Burton, a resident of High Bluff Road, asked about responsibility for sidewalk maintenance. Mr. Downes responded that the City will be responsible for maintaining the sidewalks.

The Mayor closed the public hearing and called for the question.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce.

No: None. Abstain: None. Motion passed.

New Business

14. Public Hearing - Resolution Number 5544 - A Resolution for an alcohol license for Iron City Spirits d/b/a Iron City Package Store; for 011 - Lounge Retail Liquor - Class II (Package) off-premise; Parvez Pyarali Mulji, executive

MOTION: Approve Resolution Number 5544. Motion by: Rusty Weaver. Seconded by: George Pierce.

Parvez Pyarali Mulji, representing Iron City Beverage, stated that he has owned a gas station in the City of Vestavia Hills for the past 15 years and that this resolution pertains to his second location, which is another gas station situated on Acton Road.

Mr. Pierce inquired about the procedures Mr. Mulji would have in place to prevent alcohol purchases by underage minors. Mr. Mulji responded that all cashiers and managers will be trained through the Responsible Vendor Program, as outlined by the ABC Board. Additionally, there will be an ID scanning requirement at the point of sale to ensure compliance.

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

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul

Head, George Pierce.
No: None. Abstain: None. Motion passed.

15. Public Hearing - Resolution Number 5545 - A Resolution approving an alcohol license for Miss Astrids LLC d/b/a Miss Astrids for an 020 - Restaurant Retail Liquor License at 3160 Pipeline Road; Richard Graham Edge, executive

MOTION: Approve Resolution Number 5544. Motion by: Rusty Weaver. Seconded by: George Pierce.

Mr. Pierce inquired about the procedures Ms. Denise Boley, representative of Miss Astrids, would have in place to prevent alcohol purchases by underage minors. Ms. Boley responded that all staff will go through the Safe Serve and Training of Intervention Procedures (TIPS) certification process.

The Mayor opened the floor for a public hearing. There being no one present to address the Council on this issue, the Mayor closed the public hearing and called for a motion to amend Resolution Number 5545 to change the address from 3160 Pipe Line Road to 3160 Cahaba Heights Road.

MOTION: Amend Resolution Number 5544. Motion by: Rusty Weaver. Seconded by: Kimberly Cook.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce.
No: None. Abstain: None. Motion passed.

MOTION: Approve Resolution Number 5544 as Amended. Motion by: Rusty Weaver. Seconded by: George Pierce.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce.
No: None. Abstain: None. Motion passed.

16. Public Hearing - Resolution Number 5546 - A Resolution approving an alcohol license for Marks Mark Vestavia LLC d/b/a Marks Mart Vestavia; for the sales of 040 - Retail Beer (on or off premises) and 060 - Retail Table Wine (on or off premises); Brian Mark King, executive

MOTION: Approve Resolution Number 5546. Motion by: Rusty Weaver. Seconded by: George Pierce.

Brian King, Representing Marks Mart, was presented and stated Marks Mart is a specialty grocery store that caters to meats, unique wines, and small-scale groceries.

Mr. Pierce inquired about the procedures Mr. King would have in place to prevent alcohol purchases by underage minors. Mr. King responded that all staff will go through the Safe Serve and have point of sales ID scanning.

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

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce.
No: None. Abstain: None. Motion passed.

17. Resolution Number 5547 - A Resolution authorizing the City Manager to execute and deliver an Intergovernmental Agreement with Jefferson County, Alabama to share in costs to pave Alta Glen Drive and Caldwell Mill Road

MOTION: Approve Resolution Number 5547. Motion by: Rusty Weaver. Seconded by: Kimberly Cook.

Mr. Downes stated that Alta Glen Drive and Caldwell Mill Road are primarily Jefferson County roads, though there are segments of both roads within the City. Both roads are included on Jefferson County's priority paving list, and the County is requesting the City's share of the project costs, as outlined in the intergovernmental agreement. The City's portion of the cost will be \$44,500, which is available in the City's paving funds budget.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce.
No: None. Abstain: None. Motion passed.

18. Resolution Number 5548 - A Resolution declaring certain personal property as surplus and authorizing the City Manager to sell/dispose of said property

MOTION: Approve Resolution Number 5548. Motion By: Rusty Weaver. Seconded By: Kimberly Cook.

Mr. Downes stated that seven police vehicles are due to be declared surplus, all of which have over 100,000 miles. He also mentioned that, as part of the City's fleet management program, some vehicles are leased through Enterprise, while others are purchased outright.

Mr. Pierce inquired whether any changes had been observed as a result of the 1-for-1 vehicle initiative.

Mr. Downes responded that the 1-for-1 initiative has provided several operational benefits, including faster response times to incidents. While there have been morale benefits as well, the operational improvements have exceeded expectations.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce.
No: None. Abstain: None. Motion passed.

New Business Requesting Unanimous Consent (Public Hearing)

The Mayor indicated that the next item requires unanimous consent for immediate consideration and action due to the prior Council Meeting being canceled. He opened the floor for a motion.

MOTION: Unanimous consent for the immediate consideration and action of Resolution Number 5543. Motion By: Rusty Weaver. Seconded By: Kimberly Cook.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce.
No: None. Abstain: None. Motion passed.

19. Public Hearing - Resolution Number 5543 - A Resolution authorizing the City Manager to execute and deliver an agreement with Sain Associates to provide civil construction documents for turn lane improvements on Rocky Ridge Road at the intersection of Rocky Ridge Road and Dolly Ridge Road in Vestavia Hills.

MOTION: Motion to Approve Resolution 5543. Motion By: Rusty Weaver. Seconded By: Kimberly Cook.

Mr. Downes stated that the project will not only facilitate a right lane flow from Rocky Ridge Road onto Dolly Ridge Drive, improving traffic flow, but it will also align the intersection with the sidewalk network that has been developed throughout the area. Since both segments are Jefferson County through roads, the City was able to prioritize the project with Jefferson County, provided the City covers the design costs. Jefferson County will be responsible for the full construction costs. The design costs amount to \$89,450.

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

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce.
No: None. Abstain: None. Motion passed.

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

20. Public Hearing - Ordinance Number 3263 - Rezoning - 4564 Pine Tree Circle; Lot 32, Topfield Subdivision; Rezone from Vestavia Hills R-1 to Vestavia Hills O-1 for construction of an office building; Andrew Noto, owner

21. Public Hearing - Ordinance Number 3264 - An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver An Agreement With Rivertree Systems, Inc. For Auditing Services For The City Of Vestavia Hills

22. Citizens Comments

None

23. Executive Session

The Mayor indicated that an Executive Session is needed for the purpose of discussing matters of trade and commerce and pending litigation matters. He stated that the Executive Session is expected to last 20 minutes and that no additional business would be discussed after that Executive Session. He opened the floor for a motion.

MOTION: Motion to go into Executive Session for the purpose of discussing matters of trade

and commerce and pending litigation matters for an estimated 20 minutes. Motion by: Kimberly Cook. Seconded by: Rusty Weaver.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce.

No: None. Abstain: None. Motion passed.

At 7:05 the Council exited the Chamber and moved into Executive Session. At 7:06 the Council re-entered the Chamber and the Mayor called the meeting/work session back to order.

24. Time Of Adjournment

There being no further business, Kimberly Cook made a motion to adjourn. The Mayor adjourned the meeting at 7:06.

Ashley C. Curry, Mayor

ATTESTED BY:

Umang Patel, Acting City Clerk



**CITY OF VESTAVIA HILLS
CITY CLERK
INTER-DEPARTMENT MEMO**

February 24, 2025

To: Jeff Downes, City Manager

From: Rebecca Leavings, City Clerk

Cc: Conrad Garrison, City Planner

RE: Public Hearing - Ordinance Number 3263 - Rezoning - 4564 Pine Tree Circle; Lot 32, Topfield Subdivision; Rezone from Vestavia Hills R-1 to Vestavia Hills O-1 for construction of an office building; Andrew Noto, owner

Background:

Property is located in an area transitioning to commercial. Request is to rezone from VH R-1 residential to VH O-1 for construction of an office building.

Recommendation:

P&Z recommendation is attached.

Fiscal Impact:

na

Attachments:

1. Ordinance 3263

ORDINANCE NUMBER 3263

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

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

4564 Pine Tree Circle
Lot 32, Topfield Subdivision
Andrew Noto, Owner(s)

BE IT FURTHER ORDAINANED, said rezoning is conditioned upon construction of an office building substantially as the one in the drawings and site plan presented with application and attached to this Ordinance Number 3263.

APPROVED and ADOPTED this the 24th of February, 2025.

Ashley C. Curry
Mayor

ATTESTED BY:

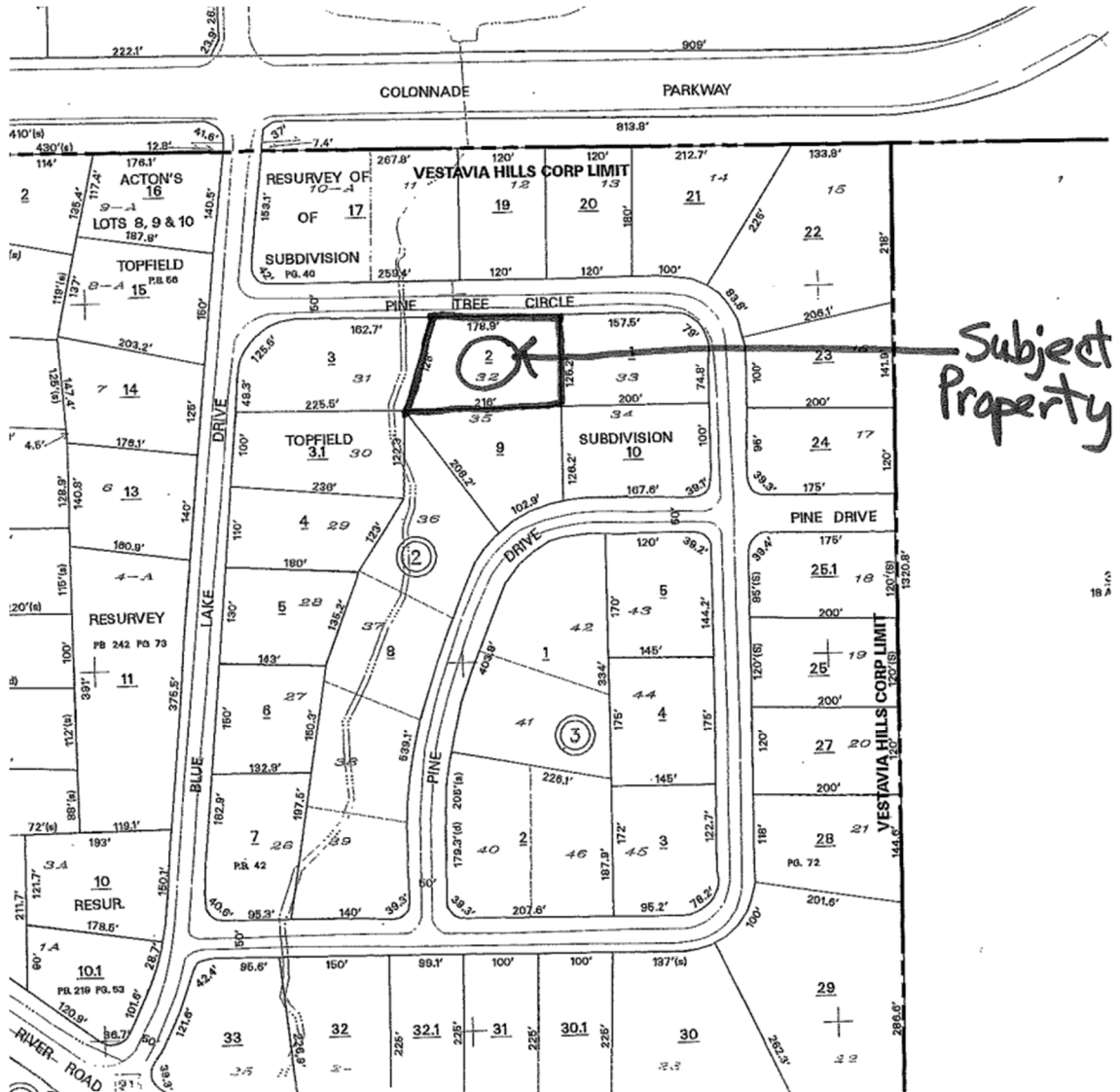
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 3263 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 24th day of February, 2025 as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, Vestavia Hills Civic Center and Vestavia Hills New Merkel House this the _____ day of _____, 2025.

Rebecca Leavings
City Clerk





City of Vestavia Hills

Planning and Zoning Commission Review and Recommendation



Case Number: RZ-24-15

Owner Name: Derek Lemke

Owner Address: 270 Doug Baker Boulevard, Birmingham,
AL 35242

Representative: Joey Miller

Rep. 3 Riverchase Ridge, Hoover, AL
Address: 35244

Project Address: 4564 Pine Tree Circle, Vestavia, AL 35243

Legal Description: Lot 32 Topfield Subdivision, Map Book 42, Page 72, Vestavia, AL

Parcel ID Number: 28-00-27-4-002.002.000

Current Zoning: R-1

Requested Zoning: O-1

Intended Purpose: Construction of Office Building

MOTION Mr. Blackenburg made a motion to recommend Rezoning for 4564 Pine Tree Cir. from Vestavia Hills R-1 to Vestavia Hills O-1 conditioned on the site plan and renderings presented in the application. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

P&Z Recommendation: Mr. Farrell – yes Mr. Romeo – yes
Mr. Honeycutt – yes Mr. Maloof – yes
Mr. Blakenburg – yes Ms. Cochran – yes
Mr. Sykes – yes Mr. Vercher – yes
Motion carried.

Date of P&Z Meeting: January 9, 2025

Authorized by:

Issued by:

Vestavia Hills Planning and Zoning Commission,
Michael Vercher, Chair
Conrad Garrison, City Planner

BUILDER IS RESPONSIBLE FOR INSTALLATION AND MAINTENANCE OF EROSION CONTROL MEASURES.
BUILDER IS RESPONSIBLE FOR PROVIDING A SITE FREE FROM DRAINAGE PROBLEMS.

300' TO BLUE LAKE DRIVE FND 1" CRIMP
PINE TREE CIRCLE

ASPHALT PAVEMENT

50' ROW

STOP FENCE AT BUILDING LINE

S89° 39' 22.00"E

180.22' M
179.83' R

5' BUFFER

30' BL

PORCH

4564 PINE TREE LANE

OFFICE BUILDING

STAKE 85.00' X

62.33' BOX

4600 SF 1ST FLOOR

1200 SF 2ND FLOOR

5800 SF TOTAL

5800 / 250 = 23 PARKING
REQUIRED

85.0'

34.43'

FIELD LINE AREA
DO NOT DISTURB

37.97'

LOT 32

24,767 SF OR 0.57 AC

10' BUFFER

216.37' M 216.0 R

N89° 42' 31.91"W

10' BUFFER

FENCE ALONG PROPERTY LINE

LOT 35

TOPFIELD SUB.

MB 42, P 72

INSTALL SILT
FENCE AS NEEDED

THIS LOT IS NOT IN A FLOODPLAIN

MAP NUMBER: 01073C0586 H

DATED: 09-24-2021

PREPARED FOR:
CLARK PARKER
EMBASSY HOMES
205-949-5527

SCALE: 1"=30'

PLOT PLAN FOR

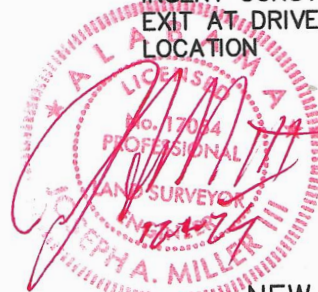
LOT 32

TOPFIELD SUBDIVISION

MAP BOOK 45 PAGE 97
CITY OF VESTAVIA, JEFFERSON COUNTY, ALABAMA

PREPARED BY
MTTR ENGINEERS 3 RIVERCHASE RIDGE, HOOVER, AL. 35244

INSERT CONSTRUCTION
EXIT AT DRIVE
LOCATION



NEW OFFICE
RIGHT DRIVE
12-04-24





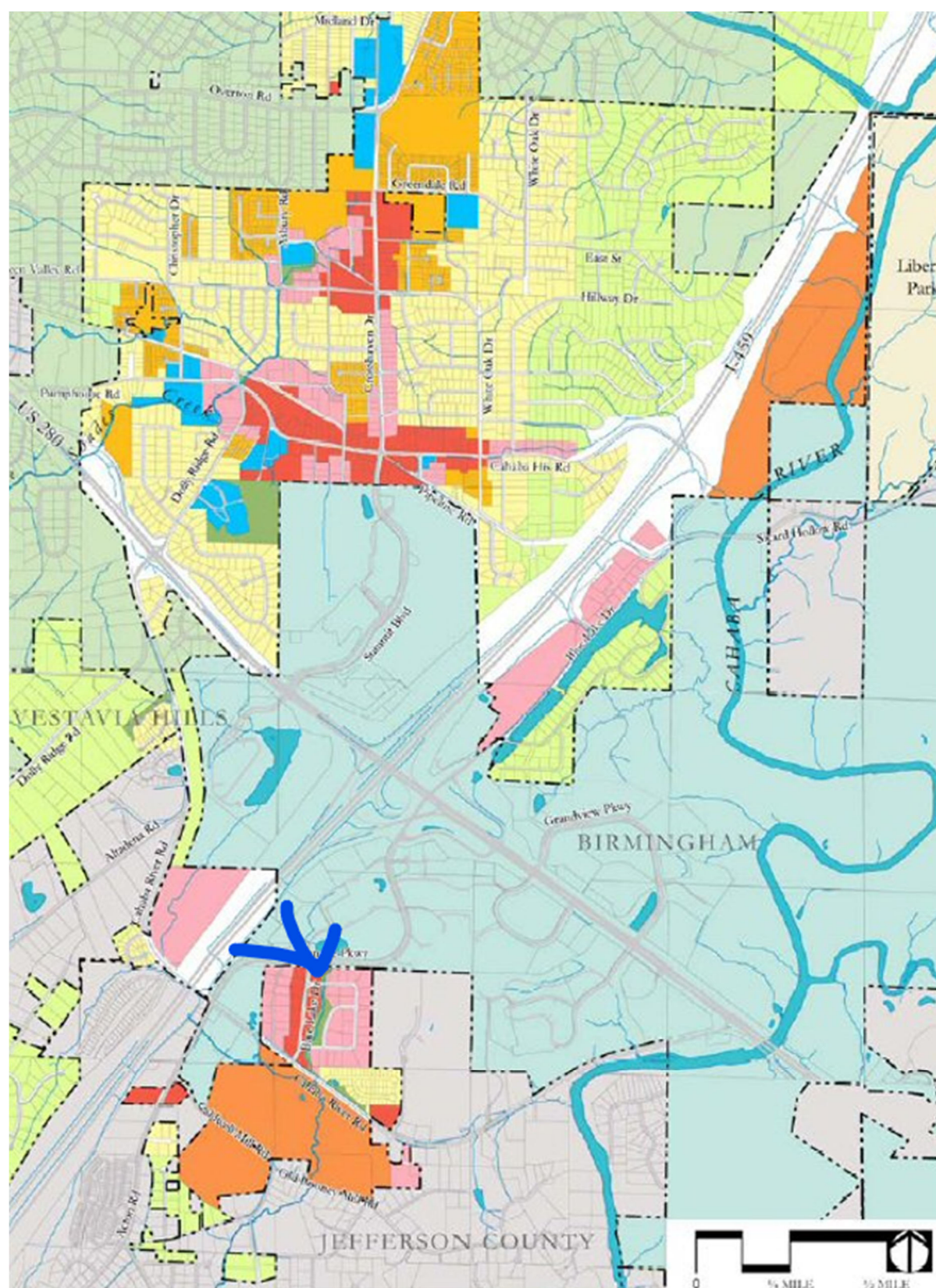


Figure 4: Future Land Use Map



**CITY OF VESTAVIA HILLS
FINANCE DEPARTMENT
INTER-DEPARTMENT MEMO**

February 24, 2025

To: Jeff Downes, City Manager

From: Zach Clifton, Asst. Finance Director

Cc: Melvin Turner, III, Finance Director

RE: Public Hearing - Ordinance Number 3264 - An Ordinance
Authorizing The Mayor And City Manager To Execute And Deliver
An Agreement With Rivertree Systems, Inc. For Auditing Services
For The City Of Vestavia Hills

Background:

The City of Vestavia Hills previously designated Rivertree Systems, Inc. ("Rivertree"), for auditing and collection services pursuant to a certain written agreement which has since expired.

The Finance Director has received a new 3-year agreement with Rivertree with amendments as required under Act No. 2016-406 of the Alabama Legislature regarding Final Assessments and Terminations. A copy of said agreement is marked as "Exhibit A" attached.

Recommendation:

The Finance Director and City Manager have reviewed and have recommended approval to continue utilization of Rivertree's services.

Fiscal Impact:

Net Revenue from audits is included in budget.

Attachments:

1. Ordinance 3264
2. Exhibit A

ORDINANCE NUMBER 3264

AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY MANAGER TO EXECUTE AND DELIVER AN AGREEMENT WITH RIVERTREE SYSTEMS, INC., FOR AUDITING SERVICES

WHEREAS, the City of Vestavia Hills City Council previously designated Rivertree Systems, Inc. (“Rivertree”), for auditing and collection services pursuant to a certain written agreement which is set has now expired; and

WHEREAS, the Finance Director has received a new 3-year agreement with Rivertree with amendments as required under Act No. 2016-406 of the Alabama Legislature regarding Final Assessments and Terminations. A copy of said agreement is marked as “Exhibit A” attached to and incorporated into this Ordinance Number 3264 as if written fully therein; and

WHEREAS, the Finance Director and City Manager have reviewed said agreement and have recommended approval to continue utilization of Rivertree’s services.

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

1. The Mayor and City Manager are hereby authorized to execute and deliver said agreement with Rivertree Systems, Inc.; and
2. This Ordinance Number 3264 shall become effective immediately upon adoption and approval.

APPROVED and ADOPTED this the 24th day of February, 2025.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



RIVERTREE SYSTEMS, INC
GOVERNMENTAL AUDITING SERVICES

AUDITORS FOR THE FOLLOWING ALABAMA CITIES AND COUNTIES:

Alabaster*Alexander City*Andalusia*Calera*Chelsea*Columbiana*Decatur*Gadsden*Gardendale
Glencoe*Gulf Shores*Hartselle*Helena*Homewood*Hueytown*Irondale*Jacksonville
Jasper*Leeds*Lincoln*Madison*Millbrook*Montevallo*Montgomery*Moody*Mountain Brook*Northport
Orange Beach*Pelham*Pell City*Prattville*Talladega*Trussville*Tuscumbia*Vestavia Hills
Colbert County & Montgomery County

January 9, 2025

City of Vestavia Hills
Attn: Melvin Turner/Zach Clifton

RE: Audit Contract

Attached is Rivertree Systems, Inc. Revenue Report for the City of Vestavia Hills for the time period January 2021 thru December 2024.

I have also attached the current authorization letter we currently have on file.

Once the contract is signed Rivertree would need an update letter with any changes that may have occurred since the previous letter was issued (Ex. Mayor/City Council changes)

The contract that was sent is the same exact contract as the previous one, there were no changes.

Please feel free to contact me with any questions at (205) 988-0331 ext. 301 or via email jimrivertree301@yahoo.com.

Thank You

A handwritten signature in dark ink, appearing to read 'James Thomas', is written over a large, faint circular stamp or watermark.

James Thomas

RiverTree Systems Audit Revenue Report
City of Vestavia Hills
January 2021 - December 2024

Year	Audit Revenue	Audit Fee
2021	\$ 57,870.31	\$ 16,331.25
2022	\$ 79,499.79	\$ 23,925.00
2023	\$ 24,633.28	\$ 7,031.25
2024	\$ 13,945.42	\$ 5,006.25
	\$ 175,948.80	\$ 52,293.75

Total Audit Revenue:	\$175,948.80
Total Audit Fee:	\$52,293.75
Net Revenue to City:	\$123,655.05

* Please Note: The above revenue figures do not include any continuing taxpayer compliance revenues resulting from RiverTree Systems audit work.

Compliance revenue is generated from taxpayers who, until audited, did not remit correctly to the City. Those taxpayers are now registered with the City and continue to produce revenues in the form of:

- Business License calculations, purchases and/or renewals
- Sales, Sellers Use, Consumer Use, Lodgings, Gas Excise, Rental/Lease Tax, etc. remittances

STATE OF ALABAMA

COUNTY OF JEFFERSON

AGREEMENT FOR EXAMINATION SERVICES

THIS AGREEMENT made and entered into on this the ____ day of _____ 2025

by and between the **CITY OF VESTAVIA HILLS**, hereinafter referred to as the "Client", and **RIVERTREE SYSTEMS, INC.**, an Alabama corporation (hereinafter referred to as "**RIVERTREE**").

1. The Client desires to provide for the collection of all local taxes and fees, regardless of the jurisdiction in which a taxpayer subject to the Client's taxing power maintains its principal office, to provide that all taxpayers are treated equally and to provide that all tax related ordinances are uniformly and consistently applied. In order to accomplish these goals and objectives, the Client desires to retain the services of a company legally qualified as a "private auditing or collecting firm" as defined in the Alabama Taxpayers' Bill of Rights and Uniform Revenue Procedures Act, Code of Alabama (1975) §40-2A-1 et seq. (hereinafter the "Taxpayers' Bill of Rights") to perform audits and examinations of such taxpayers' books and records.

2. RIVERTREE is qualified as a private auditing or collecting firm under the Taxpayers' Bill of Rights and, as such, provides collection, examining and consulting services for local governments throughout the State of Alabama. RIVERTREE has represented to the Client that (i) it is knowledgeable of all laws and regulations applicable to private auditing or collecting firms, (ii) it provides its services in full compliance with all applicable laws and

regulations, and (iii) it obtains all of the legally required certifications, fidelity bonds, and legal letters of authority to act as a private auditing or collecting firm.

3. The Client desires to retain RIVERTREE as a private auditing firm to provide tax auditing and examination services under the terms and conditions, of this Agreement.

NOW, THEREFORE, PREMISES CONSIDERED, RIVERTREE and the Client hereby agree as follows:

1. **RIVERTREE SYSTEMS, Inc.** The Client and RIVERTREE hereby agree that RIVERTREE will provide the following services:
 - a) Identify and prepare a written list of "taxpayer candidates for examination "based on objective criteria to be agreed upon by RIVERTREE and the Client in advance of such work.
 - b) Pursuant to Code of Alabama (1975) §40-2A-13(d) upon first contact with the taxpayer, RIVERTREE shall disclose in writing the identity of the Client and all other clients represented by RIVERTREE and shall provide a copy of appropriate written authorization of RIVERTREE's representation from the Client and from any such other client.
 - c) Inspect and examine on behalf of the Client, all books, records and other documents of taxpayers assigned to be examined by the Client to determine to what extent, if any, the taxpayer owes the Client sales and use taxes, occupational taxes, license fees, lease taxes, tobacco taxes, gasoline taxes, and any other city tax, plus interest, penalties and other charges thereon, as directed by Client and in accordance with the ordinances, resolutions and regulations of the Client.
 - d) RIVERTREE acknowledges that Code of Alabama (1975) §40-2A-13(f) provides that when a private examining or collecting firm represents more than one county, city or town on the date it first contacts a taxpayer, the private examining or collecting firm shall examine the taxpayer's books and records for all such counties, cities or towns simultaneously. Therefore, when conducting examinations initiated by other RIVERTREE clients (counties or other cities and towns), RIVERTREE will include Client on the list of entities for which the examination is being conducted. In the event RIVERTREE examines a taxpayer on behalf of other RIVERTREE clients who have not enacted the same taxes as Client, then RIVERTREE's audit of such taxpayer shall include all such taxes of Client.

- e) Perform examinations of taxpayer's records in accordance with "*The Minimum Standard Examination Program*" established by the Alabama Local Tax Institute of Standards and Training (the "Minimum Standards").
- f) Report to the Client that information necessary for the Client to assess the taxpayer's sales and use taxes, license fees, lease taxes, and all other County taxes, plus interest, penalties and other charges thereon for transactions which RIVERTREE reasonably believes may have resulted in an obligation of the taxpayer to pay such taxes to the Client.
- g) Prepare and present to the Client a "Findings Report," which shall include, at a minimum, all information required to prepare a written report under the Minimum Standards and a summary thereof on each examination performed. In the event RIVERTREE's audit indicates that a particular taxpayer has no tax Liability to the Client, RIVERTREE shall provide the Client a written report including the name of the taxpayer audited, the types of tax for which the taxpayer was examined and found to have no liability, and the audit period.
- h) Provide full cooperation to the Client in the preparation of any legal documents, attend any judicial, administrative, departmental, appellate or other legal hearings and be available to testify at hearings that may be required to collect any amounts due to the Client from the taxpayer.
- i) Pursuant to the Code of Alabama (1975) §40-2A-1 3(h) RIVERTREE shall notify the taxpayer if any tax overpayments are discovered and the taxpayer is due any refunds from the Client, or if the taxpayer owes any tax to the Client.
- j) Any additional or incidental services which are allowable by law and are reasonably necessary in order to carry out RIVERTREE's obligations under this Agreement.

RIVERTREE shall collect all taxes with checks payable to the CITY OF VESTAVIA HILLS.

2. Compensation. It is understood that each RIVERTREE client will only pay a prorated portion of total audit costs when RIVERTREE is conducting examinations for multiple clients at one time. Client agrees to pay RIVERTREE its prorated portion of each audit's total audit costs which shall consist of **seventy-five dollars (\$75.00) per hour**.

RIVERTREE shall be paid monthly based upon hours worked submitted to the Client by the fifteenth (15th) day of the month for the month next proceeding. The parties

acknowledge that the Code of Alabama (1975) §40-2A-6 specifically prohibits the Client from entering into any contract or arrangement with a private examining or contracting firm for the examination of a taxpayer's books on a contingency fee basis and agree that RIVERTREE's compensation under this Agreement is not in any way contingent upon or otherwise related to the amounts discovered during examinations nor contingent upon or related to amounts finally received by the Client.

Billing to Clients

1. The client will receive an Invoice Billing along with a check (made to client) for billable worked hours.
2. The client will receive a Billing Invoice on Final Assessments once a certified mail receipt is received for the Taxpayer. The audit package will be forwarded to the clients to provide an Administrative Law Judge Hearing, if self-administered, or start Legal Action. Rivertree will assist on all hearing matters.
3. Erroneously "Paid Tax" audits, Rivertree Systems will hold the "Notice of Tax Due" for 90-days to allow a refund from the "wrong jurisdiction." Once the 90-days has expired, the Refund Petition, Notice of Tax Due, tax billings, and audit work papers will be forwarded to the client to handle the "underpayment." An invoice will be attached for hours worked.
4. On Client Requested Reviews, at a minimum of 4-hours will be invoiced even if "No Findings."

3 Representations and Warranties. RIVERTREE represents and warrants as follows:

- a. RIVERTREE is a corporation valid and existing and in good standing under the laws of the State of Alabama.
- b. As of the effective date of the Agreement, RIVERTREE and any employee, agent, or independent auditor/examiner of RIVERTREE providing services under this Agreement, shall have obtained all licenses and bonds necessary or appropriate to perform RIVERTREE's obligations under this Agreement and all such licenses and bonds shall be current and in good standing, and shall be maintained throughout the term of this Agreement.
- c. RIVERTREE and its employees, agents and independent auditors/examiners agree to comply with all current and future laws, rules and regulations applicable to all services provided by RIVERTREE under this Agreement,

including, but not limited to, the Local Tax Simplification Act of 1998, the Alabama Local Tax Procedures Act of 1998 and the Taxpayers' Bill of Rights are currently in effect and hereafter amended.

- d. RIVERTREE agrees to comply with all laws and regulations relating to the employees of RIVERTREE, including, without limitation, all tax withholding requirements and worker's compensation laws.

4. **Change in Law.** The parties agree that in the event of any conflict between the requirements of any applicable law and the terms of this Agreement, then the requirements of such applicable law shall control. If any law applicable to the services provided by RIVERTREE under this Agreement shall be amended, or otherwise changed following the effective date of this Agreement, and the Client, in its sole discretion, determines that such amendment, modification or change in the law shall impair or frustrate the Client's purposes for entering into this Agreement, then the Client shall have the option to terminate this Agreement as provided in Paragraph 10 below.

5. **Requirements of Examiners.** All examiners employed by RIVERTREE shall meet all requirements of the Taxpayers' Bill of Rights and other current or future applicable law. At a minimum, all such examiners shall (i) be certified public accountants or accountants licensed by the State Board of Public Accountants, or (ii) be certified by the Alabama Local Tax Institute of Standards and Training, and (iii) maintain fidelity bonds in accordance with the Code of Alabama (1975) §40-23-30, as currently in effect and hereafter amended, and (iv) maintain a business license as required by Code of Alabama (1975) §40-12-2, as currently in effect and hereafter amended. If any assessment based on an audit by RIVERTREE is invalidated due to lack of proper certification of RIVERTREE's auditors, RIVERTREE must either provide an audit of the assessed taxpayer conducted by a certified auditor or reimburse

Client for all amounts paid to RIVERTREE in connection with the audit. RIVERTREE shall indemnify and hold Client harmless from any loss in revenues arising from or in connection with any invalidated assessment based upon an audit conducted by RIVERTREE if such invalidation is due to lack of proper certification of RIVERTREE 's auditors or due to any other fault of RIVERTREE.

6. **Inspection.** The Client reserves the right at all reasonable times to inspect the documents, information, taxpayer examination system and procedures of RIVERTREE to ensure that RIVERTREE and its employees, agents, and independent auditors/examiners are complying with the terms of this Agreement and all applicable laws. Any such inspection or any lack of inspection by the Client, however, shall not be deemed to waive the requirements of, or excuse the foregoing from complying with, the terms of this Agreement and all applicable laws.

7. **Confidentiality of Tax Information.** RIVERTREE and its employees, agents, and independent auditors/examiners shall not print, publish or divulge the return of any taxpayer or any part of a return or any information or data supplied by the Client or secured in arriving at the amount of the tax value reported and shall act in conformance with all current and future federal, state and local laws and regulations concerning the confidentiality of tax information, including, but not limited to, the Taxpayers' Bill of Rights (collectively, the "Confidentiality Laws"). All principals, officers, employees and independent auditors/examiners of RIVERTREE involved with the services provided by RIVERTREE under this Agreement, prior to undertaking such services, shall execute an agreement in form and context acceptable to the Client binding such principals, officers, employees and independent auditors/examiners to observe the Confidentiality Laws.

8. **Independent Contractor.** The parties agree that RIVERTREE is and shall at all times be considered an independent contractor and neither it nor its employees or its independent auditors/examiners shall be considered employees of the Client or entitled to any rights or benefits accorded to employees of the Client. RIVERTREE and the Client affirm that this Agreement does not create a partnership or joint venture and that no expressed, implied or apparent rights are intended to inure to any third parties under the terms and conditions herein.

9. **Term.** This Agreement shall be effective as of the date set forth in the preamble and will continue for a period of 3 year(s) from the date unless terminated as herein provided. Pursuant of the Code of Alabama (1975-40-2A-12, this Agreement shall not be renewed or extended beyond such one-year term: provided, however, that parties may negotiate a new contract concerning the subject matter of this Agreement to become effective following expiration of this Agreement.

10. **Default.** If RIVERTREE shall fail in any respect to comply with the terms of this Agreement, the Client shall notify RIVERTREE in writing of the matters with regard to which default is asserted, and RIVERTREE shall have thirty (30) days to cure such default. If RIVERTREE fails to either cure such default within said time, then the Client may terminate this Agreement at any time thereafter by giving written notice to RIVERTREE of its election to terminate.

11. **Termination.** Either party may terminate this Agreement by giving the other party written notice of termination at least ninety (90) days prior to the effective date of termination. Notwithstanding the foregoing, this Agreement shall be terminated automatically, without notice, if RIVERTREE, for any reason loses or foregoes its license

required under Code of Alabama (1975) §40-2A-13 or §40-2A-14. RIVERTREE shall provide the Client all documentation, records, reports, and examinations as of the effective date of the termination with a final itemized statement of fees due.

12. Assignment; Subcontracting of Services. Client acknowledges and agrees that RIVERTREE may retain auditors or examiners on an independent contractor basis to provide the services described in this Agreement and Client consents to RIVERTREE's retention of such auditors or examiners provided, however, that any such auditor or examiner must meet all criteria applicable to auditors and examiners under law or under this Agreement and provided further that all terms and conditions of this Agreement, including but not limited to indemnities, applicable to services provided by RIVERTREE shall apply to any work performed by such auditors and examiners. RIVERTREE shall maintain and, upon Client's request, shall provide to Client a list of all auditors and examiners authorized to provide services on behalf of RIVERTREE. Except as provided in this Paragraph 12, RIVERTREE shall not assign any of its rights or obligations under this Agreement or enter into an agreement with any person, entity or subcontractor to perform the obligations of RIVERTREE under this Agreement. Any such assignment or other agreement by RIVERTREE shall be null and void.

13. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Alabama. If a dispute arises out of or relates to this Agreement or its breach, the parties shall endeavor to settle the dispute first through direct discussions and negotiations. If the dispute cannot be settled through direct discussions or negotiations, the parties shall endeavor to settle the dispute by non-binding mediation. The location of the mediation shall be Vestavia Hills, Alabama. Either party may terminate the

mediation at any time after the session, but the decision to terminate must be delivered in person to the other party and the mediator. Engaging in mediation is a condition precedent to any other form of binding dispute resolution. If the parties cannot agree on a mutual resolution, then any disputes not resolved by mediation shall be decided in the Circuit Court of Jefferson County, Alabama and governed by the laws of the State of Alabama between the CITY OF VESTAVIA HILLS and RIVERTREE.

IN WITNESS WHEREOF, the undersigned parties, through their duly authorized officers, have executed this Agreement on the year and day first above written.

CITY OF VESTAVIA HILLS

CITY OF VESTAVIA HILLS

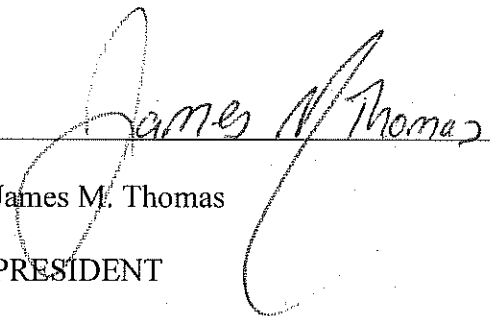
By: _____

By: _____

Title: _____

Title: _____

RIVERTREE SYSTEMS, INC.



 James M. Thomas
 PRESIDENT



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

February 24, 2025

To: Jeff Downes, City Manager

From: Michael Swann, Building Maintenance

Cc: Lori Beth Kearley, Public Services Director

RE: Resolution Number 5549 - A Resolution declaring certain personal property as surplus and authorizing the City Manager to sell/dispose of said property

Background:

Please request that the City Council deem the following vehicles as surplus at the next meeting and authorize the City Manager to sell/dispose of said vehicles.

Recommendation:

1. 2005 Ford F-750
VIN Number - 3FRNW75F65V190706
Mileage - 34,860
Department - Public Services
2. 2017 Ford Explorer
VIN Number - 1FM5K8B81HGB71212
Mileage - 78,845

Department - I.T.

3. 2017 Ford Explorer
VIN Number - 1FM5K8B8XHGC37210
Mileage - 54,290
Department - Building Safety
4. 2017 Ford Fusion
VIN Number - 3FA6P0G70HR267293
Mileage - 72,000
Department - Parks and Leisure
5. 2017 Ford F-450
VIN Number - 1FD0W4GT0HEC57143
Mileage - 102,745
Department - Public Services
6. 2019 Ford F-150
VIN Number - 1FTEX1C51KKC99925
Mileage - 59,770
Department - Parks and Leisure

Fiscal Impact:

n/a

Attachments:

1. Resolution 5549

RESOLUTION NUMBER 5549

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

WITNESSETH THESE RECITALS

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

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

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

1. The City Manager is hereby authorized to sell or dispose of the above-referenced surplus personal property; and
2. This Resolution Number 5549 shall become effective immediately upon adoption and approval.

DONE, ORDERED, APPROVED and ADOPTED on this the 24th day of February, 2025.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

EXHIBIT A

- 1. 2005 Ford F-750
VIN Number - 3FRNW75F65V190706
Mileage - 34,860
Department - Public Services
- 2. 2017 Ford Explorer
VIN Number - 1FM5K8B81HGB71212
Mileage - 78,845
Department - I.T.
- 3. 2017 Ford Explorer
VIN Number - 1FM5K8B8XHGC37210
Mileage - 54,290
Department - Building Safety
- 4. 2017 Ford Fusion
VIN Number - 3FA6P0G70HR267293
Mileage - 72,000
Department - Parks and Leisure
- 5. 2017 Ford F-450
VIN Number - 1FD0W4GT0HEC57143
Mileage - 102,745
Department - Public Services
- 6. 2019 Ford F-150
VIN Number - 1FTEX1C51KKC99925
Mileage - 59,770
Department - Parks and Leisure

RESOLUTION NUMBER 5550

A RESOLUTION APPOINTING AND/OR REAPPOINTING MEMBERS TO THE VESTAVIA HILLS DESIGN REVIEW BOARD

WHEREAS, the Mayor has recommended the reappointment of Mae Coshatt Vestavia Hills Design Review Board in a memorandum dated February 18, 2025. The Mayor also recommended the appointment of Philip Kennedy, a registered architect, to replace Robert Thompson on the Board. A copy of said memorandum is marked as Exhibit A and is attached to and incorporated into this Resolution Number 5550 as though written fully therein; and

WHEREAS, the appointment of Mae Coshatt will expire on December 31, 2026 and the appointment of Philip Kennedy will expire on April 30, 2028; and

WHEREAS, the Council concurs with the Mayor's recommendation.

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

1. Mae Coshatt is hereby reappointed to the Vestavia Hills Design Review Board effective immediately; and
2. Philip Kennedy is appointed to the Design Review Board effective May 1, 2025; and
3. Said appointments shall expire on December 31, 2026 and April 30, 2028 as detailed above; and
4. This Resolution Number 5550 shall become effective upon approval and adoption.

APPROVED AND ADOPTED this the 24th day of February, 2025.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



VESTAVIA HILLS

MEMORANDUM

TO: Rebecca Leavings, City Clerk

FROM: Ashley C. Curry, Mayor *acc*

DATE: February 18, 2025

RE: Recommendation for appointments to the Design Review Board

The terms for Robert Thompson and Mae Coshatt on the Design Review Board expired on December 31, 2024.

I recommend the reappointment of Mae Coshatt, a resident of Vestavia Hills, for a 2-year term ending December 31, 2026.

I recommend the appointment of Philip Kennedy, a registered architect, to a three-year term effective May 1 and expiring on April 30, 2028.

I would like to make these recommendations at the City Council meeting on February 24, 2025.

CC: Conrad Garrison



CITY OF VESTAVIA HILLS

INTER-DEPARTMENT MEMO

February 24, 2025

To: Jeff Downes, City Manager

From:

Cc:

RE: Citizens Comments

Background:

Recommendation:

Fiscal Impact:

Attachments:

None