

The Council of the City of Bessemer, Alabama met in regular session in the Council's Chamber at the City Hall in said City on Tuesday, February 6, 2018 at 7:07 p.m. Central Time. The meeting was called to order by Council President Cleophus King who was Chairman of the meeting. Upon roll call, the following Council members were found to be present: Councilors Cynthia Donald, Ron Marshall, Chester Porter, David Vance, Jesse Matthews and Cleophus King. Absent: Councilor Donna Thigpen. City Clerk Wanda D. Taylor stated that a quorum was present and the meeting was opened for the transaction of business.

Nikki Jordan opened the meeting with prayer and everyone recited the pledge of allegiance.

Mayor Gulley invited Mr. Joshua Crawford and Mr. Jerome Womack of Dothan Lodge 112 and New Beginning Lodge 970 to the podium to address the council. Mayor Gulley thanks both lodges for feeding the homeless in Debardeleben Park on Thanksgiving morning. Mayor Gulley stated that the lodges gave out care packages and other needed items to the homeless. Mayor Gulley stated that the lodges do humanitarian work throughout the year. Mayor Gulley presented both lodges with a certificate of recognition.

Dr. David Talley Esq. 108 Kenner Worth Rd. Hueytown stated that they are here to present tokens and food to the Mayor and council. Mr. Talley stated that it is his duty and honor to introduce Mr. Joshua Crawford.

Mr. Joshua Crawford 4708 Avenue R presented Ms. Angela Coleman (City Council Secretary) with a plaque for all her hard work and helpfulness with everything they needed to make feeding the homeless a success. Mr. Crawford stated to Ms. Coleman that he appreciates everything she did for them.

Mr. Crawford presented Mayor Gulley with a plaque thanking him and the council. Mr. Crawford stated that they appreciate everything Mayor Gulley and council have done in showing support for their city. Mr. Crawford stated that their goal is to make feeding the homeless an annual event here in the city of Bessemer.

Ms. Angela Coleman stated that it is a honor to be recognized for doing your job and she really appreciates the recognition.

Councilor Porter commended both lodges for being so visible and active in the city of Bessemer. Councilor Porter stated hats off to the lodges for making the Marvel City a great place to live.

Councilor Matthews congratulated the lodges on a job well done and to keep up the good work.

Councilor Marshall stated that he thanks the brothers of both lodges for making a contribution to the city. Councilor Marshall stated that it takes all of us working together to make our community and city better.

Councilor Donald thanks the lodges for all they do and also helping our children to see that there is a homeless population and that they can go out and help their community. Councilor Donald stated that the children at Hard Elementary School came out to help feed the homeless on Thanksgiving Day.

Councilor King thanks the lodges and stated that he looks forward to fellowshipping with them after the council meeting.

Mayor Gulley invited Ms. Elita Whitherspoon (Bessemer Utilities) to address the council to give an update on West Highland community ability to able to tap into the water system.

Ms. Whitherspoon stated that she is here to give a brief update on the West Highland Community. Ms. Whitherspoon stated that Bessemer Utilities sent letters to 16 residents of the West Highland community and out of that 16 only 6 has responded. Ms. Whitherspoon stated 5 residents have called to have meters installed and the other one is working on his plumbing.

Mayor Gulley stated that he wanted to inform the council as to where the city stands with this project. Mayor Gulley stated that the residents were given an April deadline to tap into the system, but because of financial difficulties some residents needed more time.

Mayor Gulley stated that the city is looking into extending the deadline so that the other residents will have an opportunity to tap on.

Councilor Porter invited everyone out on Friday, February 23rd, 2018 to District 2 Black History Program. Councilor Porter stated that Miles College will be in concert. Councilor Porter stated that the event will take place at New Zion Baptist Church at 6:00 p.m.

Councilor Porter made a motion to place agenda item numbers 5, 8, 13, 14, 15, 16, 17, 18, 18A, 18B on the consent agenda. Councilor Marshall seconded the motion and upon roll call the following votes were recorded: Ayes: Councilors Donald, Marshall, Porter, Vance, Matthews and King. Nays: None: The motion carried.

The council consented to approve the minutes for January 22nd, and 30th, 2018.

Abatement of Properties

1. 2715 10th Avenue North 38-4-20-6 Debardelenben Henry David
2. 2411 11th Avenue North 38-4-1-36-8 Wells Willie Heirs of
3. 1017 Exeter Avenue 38-15-2-16-2 Allen Steve & Lorria
4. 1213 2nd Avenue North 38-9-4-26-5 Cowan-Dixon Mahalia
5. 3111 8th Avenue North 38-3-2-8-6 Kennedy Alfreida

RESOLUTION NO. 009-18

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY

OF BESSEMER TO ENTER INTO A CONTRACT WITH BOB SYKES BAR-B-Q

WHEREAS, Section 94.01 of the Alabama Constitution gives municipalities flexibility for expenditures that serve a "public purpose," provided expenditures are in "aid of or to any individual, firm, corporation, or other business entity, public or private, for the purpose of promoting the economic and industrial development of the county or the municipality"; and

WHEREAS, the City Council of the City of Bessemer, Alabama hereby determines that providing funds for the Bob Sykes Bar-B-Q & Blues Festival serves a valid and sufficient public purpose in that it has for its objective the promotion of public health, safety, morals, security, prosperity, contentment, and the general welfare of the community and, as such, serves a public purpose; and

WHEREAS, the City Council of the City of Bessemer, Alabama hereby determines that it is in the City's best interest to allow the Mayor to enter into a contract with Bob Sykes Bar-B-Q for the 9th Annual Bob Sykes Bar-B-Q & Blues Festival in the City of Bessemer, Alabama.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Bessemer, Alabama, at a regularly scheduled meeting duly assembled, with a quorum being present, as follows:

1. That the City Council of the City of Bessemer, Alabama finds and determines that it is in the best interest of the City and does declare that it is a public purpose to authorize the Mayor to enter into a contract with Bob Sykes Bar-B-Q for the 9th Annual Bob Sykes Bar-B-Q & Blues Festival in the City of Bessemer for the sum of Seven Thousand and No/100 (\$7,000.00).
2. That this resolution shall become effective immediately upon its adoption by the City Council of the City of Bessemer, Alabama as required by law.

ADOPTED this the 6th day of February, 2018.

RESOLUTION NO. 010-18

A RESOLUTION AUTHORIZING THE REFUND OF BESSEMER
MUNICIPAL AUDITORIUM DEPOSIT TO MARKETTA PORTERFIELD

WHEREAS, Marketa Porterfield paid a deposit in the amount of One Hundred and No/100 (\$100.00) Dollars towards the rental of the Bessemer Municipal Auditorium for a wedding to be held on April 14, 2018; and

WHEREAS, Ms. Porterfield requested a refund of the deposit due to being unhappy with condition of the Auditorium; and

WHEREAS, the City Council of the City of Bessemer, Alabama, having considered the request for a refund and the recommendation of Charles E. Alexander hereby determines that the full refund of said deposit is in the public interest.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Bessemer, Alabama, at a regularly scheduled meeting duly assembled with a quorum being present, hereby authorizes a full refund of One Hundred and No/100 (\$100.00) Dollars to Ms. Marketa Porterfield.

This Resolution shall become effective upon its due Adoption.

ADOPTED this the 6th day of February, 2018.

RESOLUTION NO. 011-18

A RESOLUTION AUTHORIZING PAYMENT TO
EEFS COMPANY, P.C. CIVIL AND STRUCTURAL ENGINEERS

WHEREAS, the City of Bessemer retained the engineering services of EEFS Company, P.C., Civil and Structural Engineers, including the services of Ron Gilbert as City Engineer; and

WHEREAS, EEFS Company, P.C., has submitted invoices for services rendered in the month of November, 2017 totaling the sum of Thirty-Four Thousand Seven Hundred Fifteen and 68/100 Dollars (\$34,715.68) herein attached as Exhibit "A", and the City Council of Bessemer, Alabama having reviewed the invoices have determined that payment is in the public interest; and

WHEREAS, EEFS Company, P.C., has submitted Invoice No. 24620 in the amount of Five Hundred Forty-Seven and 50/100 Dollars (\$547.50) for work performed on Bessemer City-Concord Landfill Phase II Closure Project herein attached as Exhibit "B" and the City Council having reviewed the invoices has determined that payment is in the public interest; and

WHEREAS, EEFS Company, P.C., has submitted Invoice No. 24639 in the amount of Six Thousand Four Hundred Forty-Four and 63/100 Dollars (\$6,444.63) for work performed on Recreation Center Road and Parking Area herein attached as Exhibit "C" and the City Council having reviewed the invoices has determined that payment is in the public interest; and

WHEREAS, EEFS Company, P.C., has submitted Invoice No. 24635 in the amount of One Thousand Five Hundred Thirty-Three and 54/100 Dollars (\$1,533.54) for work performed regarding the Bessemer Street Department storm water complaints herein attached as Exhibit "D" and the City Council having reviewed the invoices has determined that payment is in the public interest; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Bessemer, Alabama at a regularly scheduled meeting duly assembled with a quorum being present that the City Council hereby authorizes payment of the following listed invoices to EEFS Company, P.C., Civil and Structural Engineers:

- a. November 2017 Invoices
- b. Invoice No. 24620
- c. Invoice No. 24639
- d. Invoice No. 24635

This resolution shall become effective upon its due adoption as required by law.

ADOPTED this the 6th day of February, 2018.

RESOLUTION 012-18

WHEREAS, the City of Bessemer, Alabama (hereinafter at times referred to as City) is desirous of having certain improvements made on 1-459 within the City Limits of Bessemer, in accordance with plans prepared by the Alabama Department of Transportation and designated as Project Number: IM-1459(315) I-459 Pavement Rehab, Resurface, Cross Slope Correction, Guardrail Replacement, and Pavement Striping and Markings from South of CR-52 to CR-150.

WHEREAS, The Alabama Department of Transportation is now or may later be desirous of receiving Federal Aid for improvement of said highway; and

WHEREAS, The Federal Highway Administration, an agency of the United States of America, will not participate in any funding for the construction of said project until and unless the City will agree to certain requirements of the Federal Highway Administration. The City for the purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following resolution:

BE IT RESOLVED by the City Council of Bessemer that the plans of said project including alignment, profile, grades, typical sections and paving layouts

as submitted to this City and which are now on file in the office of the City Clerk are hereby approved and that the location of said project as staked out by the Alabama Department of Transportation and as shown by said plans referred to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction of said project in accordance with said plans.

The City by and through its Council hereby grants to the Alabama Department of Transportation the full use of and access to the dedicated widths of any existing streets for the construction of said project and hereby agrees to permit and allow the Alabama Department of Transportation to close and barricade the said project and intersecting streets for as long as necessary while the said project is being graded, drained, paved, and otherwise improved, and hereby agrees that the use of any street or highway for parking within an interchange area will not at any time be permitted.

The City hereby further agrees to adopt or pass such legally effective ordinances and/or laws as will permanently barricade and/or relocate certain intersecting streets as required by the State and to permanently deny or limit access at certain locations as required by the State along said improvements, all of which are more specifically stated as follows:

N/A- This project does not require permanent barricade or relocation of any intersecting streets:

Please refer to: Project Notes (Sheet 2!)

Please refer to: General Traffic Control Plan Notes (Sheets 2J 2Kl)

Please refer to: Sequence of Construction (Sheets 20-31)

BE IT FURTHER RESOLVED by the City Council, that for and in consideration of the Alabama

Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the City over said project, such City hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above mentioned project the City will not in the future permit encroachments upon the right of way; nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and

other laws of Alabama; nor will it permit other than parallel parking in areas where parking is permitted;

nor will it allow the placing of any informational, regulatory, or warning signs, signals, median crossover, curb and pavement or other markings, and traffic signals without written approval of the Alabama Department of Transportation and the Federal

Highway Administration, of the location, form and character of such installations. The traffic control devices and signs installed during construction, and those installed after

completion of this project shall be in accordance with the latest edition of the national

Manual on Uniform Traffic Control Devices and accepted standards adopted by the

Alabama Department of Transportation of the State of Alabama and by the Federal

Highway Administration. The City further agrees that subsequent traffic control devices

deemed necessary by it in keeping with applicable statutes, rules and regulations to

promote the safe and efficient utilization of the highway under the authority of Title 32,

Chapter 5, Code of Alabama 1975, and all other applicable laws of Alabama, shall be

subject to and must have the approval of the Alabama Department of Transportation of

the State of Alabama and of the Federal Highway Administration, prior to installation

and the City

further agrees that it will enforce traffic and control the same under the provisions of Title 32, Chapter 5,

Code of Alabama 1975, and other applicable laws of Alabama.

BE IT FURTHER RESOLVED by this City Council:

1. That the City agrees to perform all maintenance on crossroads, service drives, or relocated roads that are not designated Federal or State highways that are in the jurisdiction of the City.
2. That the City agrees to perform all maintenance on any existing road which has been replaced by a new road; or, if the existing road is not used, the City has the option of vacating same.
3. That the City agrees to perform all maintenance on interchanges to the theoretical crossing of the denied access line.
4. That the City agrees to perform all maintenance on grade separations along the roadway to the end of the bridge, or the denied access fence, whichever the case.

It is understood and agreed that no changes in this Resolution or Agreement

shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

THIS RESOLUTION PASSED, ADOPTED, AND APPROVED this the 6th day of February, 2018

RESOLUTION 013-18

WHEREAS, the City of Bessemer, Alabama (hereinafter at times referred to as City) is desirous of having certain improvements made on I-459 within the City Limits of Bessemer, in accordance with plans prepared by the Alabama Department of Transportation and designated as Project Number: RP-IM-1459(311) I-459 Pavement Rehab, Resurface, Cross Slope Correction, Guardrail, and Pavement Striping and Markings from I-59/20 Interchange to South of CR-52.

WHEREAS, The Alabama Department of Transportation is now or may later be desirous of receiving Federal Aid for improvement of said highway; and

WHEREAS, The Federal Highway Administration, an agency of the United States of America, will not participate in any funding for the construction of said project until and unless the City will agree to certain requirements of the Federal Highway Administration. The City for the purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following resolution:

BE IT RESOLVED by the City Council of Bessemer that the plans of said project including alignment, profile, grades, typical sections and paving layouts as submitted to this City and which are now on file in the office of the City Clerk are hereby approved and that the location of said project as staked out by the Alabama Department of Transportation and as shown by said plans referred to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction of said project in accordance with said plans.

The City by and through its Council hereby grants to the Alabama Department of Transportation the full use of and access to the dedicated widths of any existing streets for the construction of said project and hereby agrees to permit and allow the Alabama Department of Transportation to close and barricade the said project and intersecting streets for as long as necessary while the said project is being graded, lined, paved, and otherwise improved, and hereby agrees that the use of any street or highway for parking within an interchange area will not at any time be permitted.

The City hereby further agrees to adopt or pass such legally effective ordinances and/or laws as will permanently barricade and/or relocate certain intersecting streets as required by the State and to permanently deny or limit access at certain locations as required by the State along said improvements, all of which are more specifically stated as follows:

N/A- This project does not require pennane(banded or relocation of any intersecting streets.

Please refer to: Project Notes (Sheet 21)

Please refer to: Gener& Traffic Control Plan Notes (Sheets

2J2K)

Please refer to: Sequence of Construction and Traffic Control Plans (Sheets 20-

31)

BE IT FURTHER RESOLVED by the City Council, that for and in consideration of the Alabama Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the City over said project, such City hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above mentioned project the City will not in the future permit encroachments upon the right of way; nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and Other laws of Alabama; nor will it permit other than parallel parking in areas where parking is permitted; nor will it allow the placing of any informational, regulatory, or warning signs, signals, median crossover, curb and pavement or other markings, and traffic signals without written approval of the Alabama Department of Transportation and the Federal Highway Administration, of the location, form and character of such installations. The traffic control devices and signs installed during construction, and those installed after completion of this project shall be in accordance with the latest edition of the national Manual on Uniform Traffic Control Devices and accepted standards adopted by the Alabama Department of Transportation of the State of Alabama and by the Federal Highway Administration. The City further agrees that subsequent traffic control devices deemed necessary by it in keeping with applicable statutes, rules and regulations to promote the safe and

efficient utilization of the highway under the authority of Title 32, Chapter 5, Code of Alabama 1975, and all other applicable laws of Alabama, shall be subject to and must have the approval of the Alabama Department of Transportation of the State of Alabama and of the Federal Highway Administration, prior to installation and the City further agrees that it will enforce traffic and control the same under the provisions of Title 32, Chapter 5, Code of Alabama 1975, and other applicable laws of Alabama.

BE IT FURTHER RESOLVED by this City Council:

1. That the City agrees to perform all maintenance on crossroads, service drives, or relocated roads that are not designated Federal or State highways that are in the jurisdiction of the City.
2. That the City agrees to perform all maintenance on any existing road which has been replaced by a new road; or, if the existing road is not used, the City has the option of vacating same
3. That the City agrees to perform all maintenance on interchanges to the theoretical crossing of the denied access line.
4. That the City agrees to perform all maintenance on grade separations along the roadway to the end of the bridge, or the denied access fence, whichever the case.

It is understood and agreed that no changes in this Resolution or Agreement

shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

THIS RESOLUTION PASSED, ADOPTED, AND APPROVED this the 6th, of February 2018.

The Council approved Liquor License for Circle K 2921 Morgan Road Retail Beer License Type 050 (off premises only) & Retail Table Wine Type 070 (off premises only).

RESOLUTION NO. 014-18

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT AND LESSOR ESTOPPEL CERTIFICATE

WHEREAS, Cadence Bank (the "Lender") has agreed to make a loan to the Bessemer Airport Authority, Inc. (the "BAA") for the purpose of refinancing the BAA's existing indebtedness to Bryant Bank; and

WHEREAS, pursuant to the Loan Agreement and the Note, the Lender will simultaneously fully advance \$633,000 to refinance the BAA's existing indebtedness to Bryant Bank, under the condition that the City of Bessemer (the "City") would execute and deliver the attached Funding Agreement (the "Agreement"), attached hereto as Exhibit "A", and Lessor Estoppel Certificate, attached hereto as Exhibit "B"; and

NOW THEREFORE, BE IT RESOLVED by the City Council, of the City of Bessemer, Alabama at a regularly scheduled meeting duly assembled, with a quorum being present, as follows:

1. That the City Council of the City of Bessemer, Alabama hereby authorizes and directs the Mayor to execute the Funding Agreement, attached hereto as Exhibit "A", and Lessor Estoppel Certificate, attached hereto as Exhibit "B".
2. That the Mayor shall be and hereby is authorized to execute such other documents or to take such additional actions as are necessary and appropriate to the accomplishment of the purposes of this resolution.
3. This resolution shall become effective upon its due adoption as required by law.

ADOPTED this the 6th day of February, 2018.

The council approved Liquor License for The Mill 2000 19th Street North Lounge Retail Liquor Class 1.

Councilor Donald made a motion to grant a 30 day extension to property located at 2630 Exeter Avenue. Councilor Matthews seconded the motion and upon roll call the following votes were recorded: Ayes: Councilors Donald, Marshall, Porter, Vance, Matthews and King. Nays: None: The motion carried.

Councilor Matthews made a motion to cut property located at 2119 5th Avenue North and add it to the ad valorem tax. Councilor Matthews seconded the motion and upon roll call the following votes were recorded: Ayes: Councilors Donald, Marshall, Porter, Vance, Matthews and King. Nays: None: The motion carried.

Councilor King announced a public hearing to consider, discuss, vote and take other action authoring and approving a Project Development Agreement between the City of Bessemer and Jack's Family Restaurants, LP and the following citizen appeared before the council:

Mr. Jimmy Avery Director of Development for Jack's Family Restaurants stated that he is here seeking the council approval for a proposed development agreement for the construction of two Jack's restaurants. Mr. Avery stated that the project development agreement is sharing of sales revenue tax for ten years with a cap of seven hundred and fifty million dollars.

Attorney Shan Paden stated that Amendment 772 of the Constitution of the State of Alabama also section 940.1 of the constitution allows municipalities to enter into

development agreements that are in the best interest of the public as the council approves to share sales taxes with partners such as Jacks to encourage economic development that will be beneficial to the city.

Mr. Avery stated that Jacks will employ approximately 90 full and part time team members and 20 managers. Mr. Avery stated that Jacks will spend an estimated 3 to 4 million dollars on the two projects. Mr. Avery stated that the annual estimated sales will be around 2 million dollars per store.

Attorney Paden stated that one store will be located on Morgan Road across from the CVS distribution center and adjacent to the Shell gas station, and the other store will be located across from the Bessemer Civic Center by Town-n-County Ford.

Councilor Matthews made a motion authorizing the Mayor to enter into a Project Development with Jack's Family Restaurants, LP. Councilors Marshall and Vance seconded the motion and upon roll call the following votes were recorded: Ayes: Councilors Donald, Marshall, Porter, Vance, Matthews and King. Nays: None: The motion carried.

RESOLUTION NO. 015-18

BE IT RESOLVED by the City Council of the City of Bessemer, Alabama, as follows:

Section 1. Findings. The City Council (the "Council") of the City of Bessemer, Alabama (the "City"), which is the governing body of the City, has found and ascertained and does hereby declare as follows:

A. The Council has heretofore cause to be published in the Western Star, the newspaper having the largest circulation in the City, in its edition of Wednesday, January 17, 2018, a notice to the public announcing the holding by the Council of a public meeting beginning at 7:00 P.M. on Tuesday, February 6, 2018, for the purpose of receiving comments from interested citizens, pursuant to the provisions of the constitution and laws of the State of Alabama, including particularly Amendment No. 772 to the Constitution of Alabama of 1901, concerning the proposed authorization, execution and delivery, for and in the name and behalf of the City, of a Project Development Agreement (the "Development Agreement") (attached hereto as Exhibit "A") by and between the City and Jack's Family Restaurants, LP (collectively the "Developer"), in which the City proposes to take the actions as set forth therein and as partially described below.

B. The purpose of the project and the items set forth above is the promotion of the economic development of the City in accordance with the economic development goals and objectives of the City, the increase in tax revenues in and around the City, the increase in jobs in and around the City and the improvement of the quality of life for citizens in and around the City.

C. Any interested citizens appearing at the public hearing have been given an opportunity to make comments to the Council on the proposed project and the terms of the Development Agreement and the Council has considered such comments as may have been made

with respect thereto.

D. The public benefits sought to be achieved by the adoption of the Development Agreement are the construction and operation of restaurant facilities which are expected to generate additional tax revenues for the City, and the creation of additional full time equivalent jobs in the City, many of which will be filled by residents of the City and which will improve and enhance the overall aesthetics of the City thereby promoting economic development within the City and enhancing the quality of life for citizens of the City.

E. For purposes of Amendment No. 772 to the Constitution of Alabama of 1901, the Developer is the business entity to whom or for whose benefit the City proposes to lend its credit or grant public funds or thing of value;

F. The expenditure of public funds for the purpose specified in this resolution will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

Section 2. Approval. The Council hereby approves the authorization, execution and delivery, for and in the name and behalf of the City, of:

A. the Development Agreement by and between the City and the Developer, and the provisions set forth therein in substantially the form and of substantially the content as the said Development Agreement and presented to and considered by the City Council, with such changes or additions thereto or deletions therefrom as the Mayor of the City executing such Development Agreement to which the City is a party signatory thereto shall approve, which approval shall be conclusively evidenced by his executing the Development Agreement as herein provided.

B. The approval of the above stated Development Agreement provided for herein is contingent upon and subject to the approval of all parties to the Development Agreement and the said Development Agreement is approved in substantially the same form and substance of those presented to and considered by the City Council.

Section 3. Authorization of Related Documents and Actions. The Mayor, the City Clerk, and all other officers of the City and of the Council are hereby authorized and directed to execute, deliver, seal and attest such other agreements, undertakings, documents and certificates and to take such other actions on behalf of the City and the Council as may be necessary or desirable to consummate the execution and delivery of the Development Agreement and the undertakings of the City and the Council as set forth in the Development Agreement and to carry out fully the transactions contemplated by this resolution subject to the conditions set forth herein.

Section 4. Provisions of Resolution Severable. The various provisions of this resolution are hereby declared to be severable. In the event any provision hereof shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not affect the validity or enforceability of any other portion of this resolution.

Section 5. Effective Date. This resolution shall take effect upon its passage and adoption by the Council.

ADOPTED this the 6th day of February, 2018.

Councilor Matthews made a motion authoring the issuance of the City's Series 2018, Limited Obligation Certificate of Indebtedness with regard to the Project Development Agreement by and between the City of Bessemer and Jack's Family Restaurants, LP.
Councilors Marshall and Vance seconded the motion and upon roll call the following votes

were recorded: Ayes: Councilors Donald, Marshall, Porter, Vance, Matthews and King. Nays:

None: The motion carried.

RESOLUTION NO. 016-18

A RESOLUTION AUTHORIZING THE ISSUANCE OF THE CITY'S SERIES 2018-___ LIMITED OBLIGATION CERTIFICATE OF INDEBTEDNESS WITH REGARD TO THE PROJECT DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF BESSEMER, ALABAMA, AND JACK'S FAMILY RESTAURANTS, LP.

BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF BESSEMER, ALABAMA, (the "City"), as follows:

1. The City does hereby approve, adopt, ratify, authorize and confirm the following documents:
 - (a) the Project Development Agreement (the "Development Agreement") by and among the City and Jack's Family Restaurants, LP, a Delaware Limited Partnership (the "Developer"); and
 - (b) the form and issuance of the City's Series 2018-Limited Obligation Certificate of Indebtedness.
2. The documents described in Section 1 of this resolution (herein collectively the "Financing Documents") are approved in substantially the form and of substantially the content as the Financing Documents presented to and considered by the City Council, with such changes or additions thereto or deletions therefrom as the Mayor of the City executing those of the Financing Documents to which the City is a party signatory thereto shall approve, which approval shall be conclusively evidenced by his executing the Financing Documents as hereinafter provided.
3. The Financing Documents presented to, considered and adopted by the City Council shall be filed in the permanent records of the City.
4. The Certificate of Indebtedness evidences the obligations of the City set forth in the Development Agreement which serve to promote economic development of the City as more thoroughly described in the Development Agreement and further serve a valid and sufficient public purpose notwithstanding any incidental benefit to any private person or entity including Developer and have been found by the City Council to be in the best interests of the citizens of the City.
5. The City desires, before the issuance of the Series 2018-Limited Obligation Certificate of Indebtedness, described in the Financing Documents, to validate the legality of all proceedings had or taken in connection therewith, the validity of the means provided for the payment of the Series 2018-Limited Obligation Certificate of Indebtedness and the validity of all covenants and provisions contained in the resolution and order authorizing the issuance of the Series 2018-Limited Obligation Certificate of Indebtedness, by filing a complaint against the taxpayers and citizens of the City of Bessemer, Alabama in the Bessemer Division of the Circuit Court of Jefferson County, Alabama. A complaint to validate such Series 2018-Limited Obligation Certificate of Indebtedness, the Financing Documents, proceedings, means provided for the payment thereof, and all covenants and provisions contained in the resolution and order authorizing the issuance of said obligation shall be filed and validation proceedings shall be instituted in the name of the City and the members of the governing body of the City. Hill, Hill & Gossett, P.C. is hereby designated and appointed as the attorney of the City to file such complaint, institute such proceedings, and to take all steps necessary to complete such validation proceedings in accordance with the provisions of applicable law at the cost of the Developer. Any actions heretofore taken by such attorneys in connection with the filing of such complaint or such validation proceedings are hereby ratified and confirmed.
6. Subject to successful resolution of the Validation Proceedings, the Mayor is hereby authorized and directed to execute, acknowledge and deliver the Financing Documents for and on behalf of and in the name of the City. The City Clerk is hereby

authorized and directed to attest the same. Any prior execution of the Financing Documents by any of the aforesaid officers is hereby ratified and confirmed.

7. The Mayor and the City Clerk, or either of them, are hereby authorized and directed to: execute, deliver, file and record such related financing documents and security agreements and notices thereof as may be necessary or desirable to carry out the provisions of this resolution.

8. Any prior actions taken or documents executed by any officers of the City in connection with the Financing Documents and the transactions herein authorized and approved are hereby ratified and confirmed.

9. The City does hereby approve, adopt, ratify, and confirm the seal impressed on these minutes as and for the official corporate seal of the City and said seal shall remain in the custody of the City Clerk, who is hereby authorized to affix the same to bonds, contracts, proceedings and other documents of the City.

Duly adopted this 6th day of February, 2018.

Councilor Matthews stated that he will be attending a dinner in Washington D.C. hosted by Congress woman Terri Sewell on Monday, March 12, 2018.

Councilor Donald stated that construction has begun at 2911 Dartmouth Avenue, which is the new Dollar General. Councilor Donald stated that the Southside of Bessemer has not had a new business in 40 plus years and she hopes more businesses will follow.

Councilor Matthews stated he thanks Police Chief Roper and Police Sgt. Alexis Bruister for coming out to Pipeshop's neighborhood watch program.

Councilor Marshall stated that he is so proud of Bessemer. Councilor Marshall stated that he has heard people say that Bessemer has made a lot of progress in the last 8 years than they had in 30 plus years. Councilor Marshall stated that people working together in government that's concern about the entire city working together and making strides. Councilor Marshall stated that Bessemer is not all they want it to be but they are continuing to stride. Councilor Marshall stated that they continue to touch all those quality of life issues such as dilapidated houses, streets and things that they hope the public appreciates. Councilor Marshall stated that their goal is to do the very best they can to make Bessemer a better city. Councilor Marshall stated that people are moving in and they see what a lot of them see and that is Bessemer is wonderful, a real jewel and a Marvel City.

Councilor Porter stated that he thanks Dothan Lodge 112 for coming out and for recognizing the best secretary ever Ms. Angela Coleman.

Councilor King announced citizen's participation and the following citizens appeared before the council:

Mr. Ronald Hogan 1504 Avenue I stated that he is having problems with his utility bill and he doesn't understand why his bill is so much.

Mayor Gulley instructed Mr. Hogan to talk with Ms. Witherspoon of Bessemer Utilities and they will take a look at his bill to find out what's happening with it.

Ms. Wanda Thomas 2112 Dartmouth Avenue, Ms. Thomas stated that Dartmouth Avenue was torn up pretty bad and damaged a lot of cars. Ms. Thomas stated that the alleys on the Southside are horrible because of contractors dumping debris. Ms. Thomas stated that the historical block between 19th and 22nd is horrible. Ms. Thomas stated that she hopes General Dollar survives on the Southside, but first you need to clean up your Red Rocks and the rest of the place where they hang. Ms. Thomas stated that she is proud of Bessemer and she will be 68 years old next Monday. Ms. Thomas stated that she is proud of Bessemer but she has seen the change and she is going to her 50th class reunion at Red Mountain. Ms.

Thomas stated that she graduated from Bessemer High in 1968. Ms. Thomas stated that Bessemer is not all that it can be. Ms. Thomas stated that your better district is after you get to the duck pond and then from center street is horrible. Ms. Thomas stated that you can call it gerrymandering or drawing your lines. Ms. Thomas stated that your district; your tail end districts are the forgotten ones all up and down Fairfax, Burstall, Southside, Jonesboro and Pipershop everywhere in the 7 Districts. Ms. Thomas stated that not one district is left. Ms. Thomas stated that you are giving all the taxes to the Jack's on Morgan Road and Academy and the buses hardly go that way but that's ok she can go to the Jack's up here. Ms. Thomas stated that you have to have two things to attract business to this city, that was beautiful at one time and that's clean communities in all 7 districts and an inviting school system which is lacking too.

Ms. Nancy Wright 2826 Berkley Avenue stated that she is so happy that Jack's are opening up a new stores here in the city of Bessemer and she looks forward to them.

Councilor Matthews made a motion to adjourn the meeting. Councilor Donald seconded the motion and it carried.

There being no further business, the meeting was adjourned.

Wanda D. Taylor
City Clerk
City of Bessemer

Presiding Officer