

January 2, 2018

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, January 2, 2018 at 7:00 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, Donna Thigpen, David Vance, Jesse Matthews and Cleophus King. Absent: None. City Clerk Wanda D. Taylor stated that a quorum was present and the meeting was opened for the transaction of business.

Councilor Marshall opened the meeting with prayer and everyone recited the pledge of allegiance.

Mayor Gulley stated welcome back and wishes everyone a Happy New Year. Mayor Gulley invited his assistant Toraine Norris to address the council and introduce a special guest from the Community Foundation of Greater Birmingham.

Mr. Norris stated that Mr. Gus Heard-Hughes is from the Community Foundation of Greater Birmingham. Mr. Norris stated that the city of Bessemer is working on a Rail Trail along Highway 150. Mr. Norris stated that the city is in the process of finishing phase 1 and plans are to start on phase 2 later on this year. Mr. Norris stated that the Community Foundation of Greater Birmingham wanted to reach out to Western Jefferson County and discuss ways to partner with the city of Bessemer on initiatives. Mr. Norris stated that on December 18, 2017 the Community Foundation of Greater Birmingham announced that they were going to partner with the city of Bessemer and donate \$50,000.00 towards the completion of phase 2. Mr. Norris stated that on behalf of Mayor Gulley and the city council he wants to thank the Community Foundation of Greater Birmingham. Mr. Norris invited Mr. Heard-Hughes to the podium to address the council to explain why the Community Foundation of Greater Birmingham wanted to reach out to Western Jefferson County.

Mr. Gus Heard-Hughes (Vice President of Programs) stated that the Community Foundation of Greater Birmingham is a local foundation that is supported by the local community. Mr. Heard-Hughes stated that the Community Foundation wanted to reach out to portions of their 5 county areas that the foundation does not receive many proposals from, and to make sure that people know that they are in the area. Mr. Heard-Hughes stated that not only non-profits organization but faith-based institution and municipalities can apply for grants with the Community Foundation. Mr. Heard-Hughes stated that he met Mr. Norris at an outreach event and heard about the rail trail project and was excited. Mr. Heard-Hughes stated that he came out to visit the Recreational and Wellness Center and to see the location of the rail trail and he was very excited for this proposal to come to the Foundation. Mr. Gus Heard-Hughes stated that there is a 2 step application process to apply for the grant. Mr. Heard-Hughes stated that they brought a site review team out and the team was on fire about the proposal, and want to go ahead and fund the project. Mr. Heard-Hughes stated that he wants the community of Bessemer to know that the Community Foundation is here and they are excited to partner with the city of Bessemer. Mr. Heard-Hughes stated that he wants to encourage the organizations in Bessemer and surrounding communities to come and apply to the Community Foundation of Greater Birmingham.

Mayor Gulley stated that he thanks the Community Foundation of Greater Birmingham for partnering with the city of Bessemer. Mayor Gulley commended Mr. Norris for his work in securing this grant for the rail trail.

Mayor Gulley stated that the rail trail is a beautiful amenity in the city of Bessemer. Mayor Gulley stated that the rail trail project is a \$500,000 matching funds of which \$100,000 is the city of Bessemer part and the Community Foundation is picking up \$50,000 of the tab and the city of Bessemer is grateful for that.

Councilor Donald stated that the non-profit committee met and they will contact the non-profit organizations who applied for monies from the city of Bessemer.

Councilor Donald stated the public safety committee met today and discussed having a warming station here in the city of Bessemer. Councilor Donald stated that they have partnered with the religious community and have identified 2 sites. Councilor Donald

stated that they are meeting with Pastor Ruffin in the morning at 10:00 a.m.. Councilor Donald stated that in the meantime you can logon to her Facebook page, any councilor's Facebook page or the city of Bessemer Website for updates.

Councilor Porter made a motion to place agenda items number 7, 10, 11, 11E, and 11F on the consent agenda. Councilors Donald and Porter seconded the motion and upon roll call the following votes were recorded: Ayes: Councilors Donald, Marshall, Porter, Thigpen, Vance, Matthews and King. Nays: None. The motion carried.

The following agenda items were approved by the council:

Granted Extensions

Address	Parcel	Owner
700 7 th Street South	38-15-3-4-1	Hudson, Cheryl (I/S)

RESOLUTION NO. 001-18

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT GRANT AGREEMENT BETWEEN THE CITY OF BESSEMER AND THE COMMUNITY FOUNDATION OF GREATER BIRMINGHAM FOR PHASE II OF THE MULTI-USE RAIL-TRAIL ALONG HIGHWAY 150

WHEREAS, the City of Bessemer, Alabama (the "City") has submitted to The Community Foundation of Greater Birmingham ("CFGB") a project application for a grant of funds for the construction of Phase II of the Multi-Use Rail-Trail along Highway 150 (the "Project"); and

WHEREAS, after review of the Grant Agreement (the "Agreement"), attached hereto as Exhibit "A", the City Council of the City of Bessemer, Alabama has determined that entering into the Agreement with the CFGB is in the best interest of the City.

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 submit the Grant Agreement between the City of Bessemer and The Community Foundation of Greater Birmingham in substantial form as the agreement attached hereto as Exhibit "A".
2. That the Mayor shall be and hereby is authorized to execute and submit 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 2nd day of January, 2018.

RESOLUTION NO. 002-18

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 (\$34,715.68) Dollars 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. 24639 in the amount of Six Thousand Four Hundred Forty-Four and 63/100 (\$6,444.63) Dollars for work performed on Recreation Center Road and Parking 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. 24620 in the amount of Five Hundred Forty-Seven and 50/100 (\$547.50) Dollars for work performed on Concord Landfill Phase II Closure Project 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 (\$1,533.54) for work performed on the Jefferson County Environmental Services Project herein attached as Exhibit "D" and the City Council having reviewed the invoices has determined that payment 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 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. 24639
- c. Invoice No. 24620
- d. Invoice No. 24635

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

ADOPTED this the 2nd day of January, 2018.

RESOLUTION NO. 003-18

A RESOLUTION SETTING A PUBLIC HEARING ON THE PROPOSED ADOPTION OF A RESOLUTION REGARDING ECONOMIC INCENTIVES FOR JACK'S FAMILY RESTAURANTS, LP

WHEREAS, Jack's Family Restaurants, LP, a Delaware limited partnership (the "Developer") proposes to purchase and develop (including construction, site work, etc.) two parcels of real property located within the City of Bessemer (the "City") located at (1) Morgan Road, Bessemer and (2) 9th Avenue SW, Bessemer (the "Project Sites") and to fund the construction of building(s) on the Project Sites (the "Retail Centers") pursuant to and in accordance with plans and drawings to be submitted to the City and to thereafter operate or ensure the operation of the Retail Centers as two separate restaurant facilities (collectively "the Project"); and

WHEREAS, the above referenced development of the Project Sites and the Retail Centers and the operation of the Retail Centers as described above is expected to provide increased tax revenues for the City and provide employment opportunities for citizens of the City; and

WHEREAS, the Developer has requested that the City of Bessemer, Alabama (the "City") assist Developer with the cost of the Project by agreeing to reimburse Developer with a portion of sales tax revenue generated from the Retail Centers and the improvements included within the Project; and

WHEREAS, in accordance with Amendment No. 772, the aforementioned proposed action must be approved at a public meeting of the governing body of the City with notice being given at least seven (7) days prior to the public meeting published in the newspaper having the largest circulation in the City.

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

1. That the governing body of the City hereby sets a public hearing to be held on January 16, 2018 at 10:00 a.m. CST to consider the adoption of a resolution regarding economic incentives for Jack's Family Restaurant, LP.
2. That the governing body of the City directs the City Clerk to cause to be published, in accordance with Amendment No. 772, the public notice, attached hereto as Exhibit A, of said hearing in a newspaper having the largest circulation in the City at least seven (7) days prior to the public meeting on January 16, 2018.
3. That the governing body of the City finds and determines that the expenditure of municipal funds for the advertising expense of publishing the public notice has as its objective the promotion of the public health, safety, morals, security, prosperity, contentment and the general welfare of the community and, as such, serves a public purpose.
4. That said advertising expense is authorized to be paid by the City of Bessemer upon presentment of an invoice from the newspaper in which the public notice is placed.
5. This resolution shall become effective immediately upon its adoption as required by law.

ADOPTED this the 2nd day of January, 2018.

RESOLUTION NO.: 004-18

A RESOLUTION AUTHORIZING COUNCILOR DAVID VANCE, ALONG WITH A.R.C. FOUNDATION AND WE ARE 1 UNITED, NON-PROFIT ORGANIZATIONS, TO USE THE BESSEMER MUNICIPAL AUDITORIUM TO HOST THE DR. MARTIN LUTHER KING JR., YOUTH SYMPOSIUM EXPLOSION; AND DECLARING A PUBLIC PURPOSE

WHEREAS, Councilor David Vance, along with A.R.C. Foundation and We Are 1 United, non-profit organizations, desire to use the Bessemer Municipal Auditorium, without charge, on Monday, January 15, 2018, between the hours of 12:00 p.m. and 4:00 p.m., to host the Dr. Martin Luther King Jr., Youth Symposium Explosion, in order to promote unity among the youth throughout the City of Bessemer;

WHEREAS, the governing body of the City of Bessemer desires to permit Councilor David Vance, along with A.R.C. Foundation and We Are 1 United, non-profit organizations, desire to use the Bessemer Municipal Auditorium, without charge, as requested.

WHEREAS, the governing body of the City of Bessemer finds and determines that allowing the use Bessemer Municipal Auditorium, without charge, has as its objective the promotion of the public health, safety, morals, security, prosperity, contentment and the

general welfare of the community, confers a direct public benefit of a reasonably general character and, as such, serves a public purpose.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BESSEMER, ALABAMA, as follows:

1. Councilor David Vance, along with A.R.C. Foundation and We Are 1 United are hereby permitted use of the City of Bessemer Municipal Auditorium, at no charge, to host and conduct the Dr. Martin Luther King Jr., Youth Symposium Explosion, to promote unity among the youth in the City of Bessemer, on Monday, January 15, 2018, between the hours of 12:00 p.m. and 4:00 p.m.

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

ADOPTED this the 2nd day of January, 2018.

Councilor Matthews made a motion to table item numbers 8 and 9 until January 16th, 2018. Councilor Vance seconded the motion and upon roll call the following votes were recorded: **Ayes:** Councilors Donald, Marshall, Porter, Thigpen, Vance, Matthews and King. **Nays:** None. The motion carried.

Item #8: Public hearing on Project Development for Jack's Family Restaurant.

Item #9: Resolution authorizing Mayor to execute Project Development Agreement with Jack's Family Restaurants, LP.

Councilor Porter stated that Ms. Deloris Hunter passed away. Councilor Porter stated that Jerri Hunter (owner of Pink Icing) is the daughter of Ms. Hunter, and her grandson owns Katlyn's Restaurant.

Councilor Porter stated that nominations for the Charles A. Long Outstanding Citizen's Award are being accepted now. Councilor Porter stated that the deadline is January 11th, 2018. Councilor Porter stated that the nominations can be submitted to the Bessemer Area Chamber of Commerce. Councilor Porter stated that the banquet will take place on January 25th, 2018 at 5:00 p.m.

Councilor Matthews stated that Ms. Jimmie Dew and Mr. Rudolph Witherspoon passed away. Councilor Matthews stated that Ms. Jimmie Dew was a very active member of Antioch Baptist church and her funeral is 12 noon Saturday January 6th, 2018 at the church. Councilor Matthews stated that Mr. Witherspoon funeral is 12 noon Saturday at New Antioch Baptist Church.

Councilor King stated that Ms. Hardy who works at the Bessemer police department had a family member to depart as well. Councilor King asked everyone to keep these families in your prayers.

Councilor Vance stated that on January 15th, 2018 there will be a MLK Youth Symposium from 12 noon to 4:00 p.m. at the Bessemer City Hall Auditorium. Councilor Vance stated that teens from Bessemer and surrounding areas will be in attendance to discuss matters relating to teens.

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

Mr. David Russell 1625 Brookfield Lane Birmingham stated that he had the opportunity to serve the homeless at Legacy Arena last week. Mr. Russell stated that some of those in attendance were not homeless but were unable to pay their power bills and came to the arena to keep warm. Mr. Russell stated that a bill pass at the state legislature through Laura Hall stating that once an inmate is released from prison you have to give them a valid identification card.

Councilor Marshall made a motion to adjourn the meeting. Councilor Thigpen 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

