

Bessemer, Alabama

January 7, 2020

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 7, 2020 at 10:00 a.m. Central Time. The meeting was called to order by Council Cynthia Donald who was Chairman of the meeting. Upon roll call, the following Council members were found to be present: Councilors Kimberly Alexander, Jarvis Collier, Ron Marshall, Jesse Matthews, Donna Thigpen, Latricia Crusoe and Cynthia Donald. Absent: None. City Clerk Wanda D. Taylor stated that a quorum was present and the meeting was opened for the transaction of business.

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

Mayor Gulley stated that he has guest here that he would like to bring to the podium. Mayor Gulley stated that Bessemer City School President Mr. Jerome Cook as well as the new superintendent Dr. Autumn Jeter. Mayor Gulley welcomed Dr. Jeter to the city of Bessemer.

Mr. Cook stated that he is here to introduce the new school superintendent to the mayor and council. Mr. Cook stated that they are elated to have Dr. Jeter.

Dr. Jeter thanks the mayor for inviting them and she is excited to be a part of Bessemer City School. Dr. Jeter stated that she doesn't think she has been this excited in a while about holding a job. Dr. Jeter stated that her official first day with the school system will be January 17, 2020 as she finishes up 2 weeks with her present school system. Dr. Jeter stated that she has been involved in the last few days with the school system making decisions. Dr. Jeter stated that she looks forward with the renewed partnership with the city and city council. Dr. Jeter stated that she is on hand and will be available for anything, also she will be in conversations with the board president always. Dr. Jeter stated that the board is having a reception in her honor on Sunday, January 12, 2020 at 3:00 p.m. at Bessemer City High School and everyone is invited and she would love to see you there.

Mayor Gulley stated that The Concerns Citizens of the Bessemer Cutoff will have their annual Martin Luther King Jr. Celebration on Monday, January 20, 2020 at 12:00 p.m. at Second Avenue Beulah Baptist Church; Reverend C. D. Patterson is the Pastor.

Mayor Gulley stated that city services will be closed on Monday, January 20, 2020 in observance of Dr. Martin Luther King Holiday.

Mayor Gulley stated that they have been in discussion with Amazon and Amazon is getting ready to start the hiring process. Mayor Gulley stated that we will have a representative from Amazon here at the next planning session on Tuesday, January 14, 2020. Mayor Gulley stated that the representative will give us an update on the hiring process. Mayor Gulley stated that Amazon has conversed with the Bessemer School System and the Bessemer Housing Authority. Mayor Gulley stated that they have been working quietly behind the scene but he thinks it's important that they come to this body to inform everyone of what their expectations are and what they'll be doing over the next eight weeks.

Councilor Donald stated that she is glad to have Dr. Jeter here in the city of Bessemer. Councilor Donald stated that she has watched her go into the new school and go into Hoover School System and make a big difference. Councilor Donald stated that she is looking forward to what Dr. Jeter is going to do in the Bessemer School System. Councilor Donald stated that she thinks she can speak for the mayor and council and say that we will support our school system.

Councilor Donald announced a weed hearing for the following weed properties and no one appeared before the council.

	Address	Parcel ID	Owner
1.	1228 Hall Avenue	38 00 0904 024 002 000	Ohara Leroy Jr. & Barbara Joyce
2.	1224 Hall Avenue	38 00 09 4 024 003 000	Ohara Barbary Joyce
3.	2490 Morgan Road	38 00 35 2 003 007 001	Cottingham Samuel Marty

Councilor Thigpen made a motion that all items incomplete be cut. Councilor Marshall seconded the motion and upon roll call the following votes were recorded. Ayes:

Councilors Alexander, Collier, Matthews, Marshall, Thigpen, Crusoe and Donald. Nays: None. The motion carries.

Councilor Marshall made a motion to place agenda item numbers 7, 10 and 10A on the consent agenda. Councilor Crusoe seconded the motion and upon roll call the following votes were recorded: Ayes: Councilors Alexander, Collier, Marshall, Matthews, Thigpen, Crusoe and Donald. Nays: None: The motion carried.

RESOLUTION NO. 001-20

A RESOLUTION RESCINDING THE APPROVAL OF A WEED LIEN

WHEREAS, on August 14, 2018, the City Council of the City of Bessemer, Alabama (the “City”) adopted Resolution No. 935-18 declaring the cost of abating or removing the weed nuisance of \$325.00 to be a weed lien (the “Lien”) on the real property located at 305 3rd Avenue East in the City of Bessemer, Alabama; and Parcel No. 38-16-4-38-4 (the “Property”); and

WHEREAS, Margie Varner obtained the Property in September 2018, from tax sale without knowledge of the Lien; and

WHEREAS, upon receiving a tax bill on the Property, Ms. Varner became aware of the Lien and submitted a request to the City to rescind the Lien; and

WHEREAS, the City desires to rescind said approval for the Lien on the Property due to Ms. Varner obtaining the Property at a tax sale and assuring the City she will keep the Property maintained.

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 does hereby rescind Resolution No. 935-18 approving the weed lien fee of \$325.00 on the Property.

This Resolution shall become effective upon its due Adoption.

ADOPTED this the 7th day of January 2020.

RESOLUTION NO. 005-20

**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 October 2019 totaling the sum of Thirty-Eight Thousand Three Hundred Eight and 99/100 Dollars (\$38,308.99) 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

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 and appropriates the sum of Thirty-Eight

Thousand Three Hundred Eight and 99/100 Dollars (\$38,308.99) to EEFS Company, P.C., Civil and Structural Engineers.

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

ADOPTED this the 7th day of January 2020.

RESOLUTION NO. 006-20

**RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT AWARDED BY
THE U.S. DEPARTMENT OF JUSTICE TO THE CITY OF BESSEMER, ALABAMA**

WHEREAS, the City of Bessemer, Alabama (the “City”) and the City of Bessemer Police Department (the “Police Department”) cooperatively submitted a grant application to the U.S. Department of Justice, Office of the Justice Programs Bureau of Justice Assistance under the Edward Byrne Memorial Justice Assistance Grant (“JAG”) Program; and

WHEREAS, JAG has awarded the City federal grant funds in the amount of Fifty-One Thousand Nine Hundred Seventy-Six and 00/100 (\$51,976.00) under the FY 19 Edward Byrne Memorial Justice Assistance Grant (JAG) Program-Local Solicitation for project title 2019 Information Technology Improvement Project (the “Project”), Project Number 2019-DJ-BX-0704, for the Project Period and Budget Period beginning October 1, 2018 to September 30, 2022; and

WHEREAS, the City will use the funds from this grant award to purchase computers for use by the Police Department; and

WHEREAS, after careful consideration, the City Council of the City of Bessemer, Alabama has determined that it is in the best interest of the health, safety, and welfare of the citizens of the City to accept this grant from the U.S. Department of Justice.

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

1. That the Mayor of the City shall be and hereby is authorized to accept on behalf of the City the federal grant awarded to the City by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance in the amount of Fifty-One Thousand Nine Hundred Seventy-Six and 00/100 (\$51,976.00) under the FY 19 Edward Byrne Memorial Justice Assistance Grant (JAG) Program-Local Solicitation for project title 2019 Information Technology Improvement Project to be used for the purchase of computers for use by the Police Department.
2. That the Mayor of the City shall be and hereby is authorized to execute such documents or to take such additional actions as are necessary and appropriate to effectuate the U.S. Department of Justice grant, Project Number 2019-DJ-BX-0704.
3. This Resolution shall become effective upon its due Adoption.

ADOPTED this the 7th day of January 2020.

Councilor Donald announced a public hearing for the property located at 1201 Powder Plant Road to be rezoned from current C-4 Arterial Services to I-1 Light

Industrial and the following citizens appeared before the council.

Mr. Jerry South of South & Associates Civil Engineers 2496 Rocky Ridge Road Vestavia stated that he is the agent for the property owner that has requested this rezoning. Mr. South stated that the current zoning of 6-4 only allows 1 building per track of land. Mr. South stated that they are interested in taking it to I-1 which will allow 3 buildings on

the site. Mr. South stated that the buildings will be office warehouses much like what is on Powder Plant Road. Mr. South stated that the occupants of these multiple station will be like an air conditioner contractor or plumber people who need temporary small offices and needs storage. Mr. South stated that one of the users in the facility at the current time is a distributor to convenience stores with items such as crackers, cookies and potato chips, which he will have a place to store those and he'll be able to pick them up on a day to day basis. Mr. South stated that the reason for the request is to get more than one building on the track of land. Mr. South stated that the land is about 10 acres.

The following ordinance was presented to the council.

ORDINANCE NO. 3595

AN ORDINANCE TO FURTHER AMEND ORDINANCE NO. 3391 OF THE CITY OF BESSEMER ENTITLED "CITY OF BESSEMER ZONING ORDINANCE" PROVIDING FOR THE ZONING PLAN OF THE CITY OF BESSEMER," AND TO AMEND THE ZONING MAP OF THE CITY OF BESSEMER AS DESCRIBED IN SECTION 1.5 OF ORDINANCE NO. 3391, AS HERETOFORE ADOPTED ON THE 16TH DAY OF SEPTEMBER, 2008, AND AS HERETOFORE AMENDED.

WHEREAS, Exit 108, LLC, an Alabama Limited Liability Company, pursuant to Section 2.11 of Ordinance No. 3391, filed an application to re-zone property situated in the City of Bessemer, Alabama, described hereinafter in Section 1 of this Ordinance from C-4 Arterial Services to I-1 Light Industrial District together with approval of Preliminary Development Plan, for the entire property described herein; and

WHEREAS, Exit 108, LLC submitted a Preliminary Development Plan with the above described zoning application in accordance with the requirements of Section 2.13 of this Ordinance; and

WHEREAS, a public hearing was scheduled and held before the Planning and Zoning Commission of the City of Bessemer, Alabama, on Tuesday, November 19, 2019, in accordance with the requirements of Ordinance No. 3391; and

WHEREAS, at said hearing, the Planning and Zoning Commission of the City of Bessemer, Alabama, considered and approved the Preliminary Development Plan submitted by Exit 108, LLC in conjunction with the re-zoning application and in accordance with the planned district requirements; and

WHEREAS, at said hearing, the Planning and Zoning Commission of the City of Bessemer, Alabama, considered the application for rezoning and issued a report to the City Council of the City of Bessemer, Alabama, in favor of re-zoning the property from C-4 Arterial Services to I-1 Light Industrial District in conformance with the approved Preliminary Development Plan, for the entire property described herein; and

WHEREAS, the City Council of the City of Bessemer has found it necessary and desirable that the zoning of the hereinafter described parcel of property, as described in Section 1 below, be considered and has set a public hearing on said Ordinance for the 7th day of January, 2020 at 7:00 p.m. in the Council Chambers located at Bessemer City Hall, 1700 3rd Avenue N., Bessemer, Alabama and has directed the City Clerk to give notice thereof, as provided by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BESSEMER, ALABAMA, that Ordinance No. 3391 of said City, as heretofore adopted, as amended, and the Zoning Map of said City of Bessemer, Alabama, be and the same hereby are amended as follows:

Section 1. That the following described parcels of real property located in the City of Bessemer, Jefferson County, Alabama, are the subject of the re-zoning application, to-wit:

1201 Powder Plant Road, Bessemer, Alabama 35022, being further described as:

Lots 4-8, according to the Survey of Academy Business Park – 3rd Revision, as recorded in Map Book 43, Page 37, in the Probate Office of Jefferson County, Alabama, Bessemer Division.

Section 2. That from and after the enactment of this Ordinance by the City Council of the City of Bessemer and its approval by the Mayor, or its otherwise becoming a law, the uses and restrictions applicable to I-1, Light Industrial District, as set out in Ordinance No. 3391 of the City of Bessemer previously adopted and as heretofore amended, subject to and in accordance with the approved Preliminary Development Plan, and as further restricted by the provisions of paragraph 1 above, shall govern and control the uses made of and permitted on the property described in Section 1 hereof.

Section 3. That if any part, provision, or section of this ordinance is declared to be unconstitutional or invalid by any court of competent jurisdiction, all other parts, provisions or sections of this ordinance not thereby affected shall remain in full force and effect.

Section 4. That this ordinance shall become effective immediately upon its passage and approval by the City Council and Mayor of the City of Bessemer, Alabama, or it's otherwise becoming a law.

ADOPTED this the 7th day of January 2020.

Councilor Thigpen made a motion to consider the ordinance. . Councilor Marshall seconded the motion and upon roll call the following votes were recorded: Ayes: Councilors Alexander, Collier, Marshall, Matthews, Thigpen, Crusoe and Donald. Nays: None: The motion carried.

Councilor Matthews made a motion to adopt the ordinance. . Councilor Crusoe seconded the motion and upon roll call the following votes were recorded: Ayes: Councilors Alexander, Collier, Marshall, Matthews, Thigpen, Crusoe and Donald. Nays: None: The motion carried.

Councilor Matthews stated that there were quite a few signs between 18th and 19th street by the freeway that has been cleaned up and now that area looks great. Councilor Matthews stated that now the signs are on Academy Drive (exit 1). Councilor Matthews stated that we need to get rid of all the signs (I buy houses/we buy houses) in the city of Bessemer. Councilor Matthews stated that today he saw signs advertising the gun show at the Bessemer Civic Center. Councilor Matthews stated that we need to be consistent with all signs. Councilor Matthews stated that we have an ordinance against theses signs and it needs to be enforced.

Councilor Donald stated that when it's a temporary sign that's one thing but when it a permanent sign that you are leaving up then that's something different. Councilor Thigpen stated that being a realtor she hates going up to intersection and seeing

somebody's sign and there's not a house anywhere. Councilor Thigpen stated that if a directional sign on the road in the neighborhood to direct you to that house than that's one thing but near the freeway like exit one for example it's pretty bad. Councilor Thigpen stated that subdivisions are very diligent they will come through like Thursdays or Fridays and put out directional signs and come back on Sunday night or Monday morning and take them down.

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

Ms. Donna Thompson 2901 Fairfax Avenue stated that she purchased a house in 2003 and December 2015 however she was told by the title company that the city of Bessemer had a second mortgage on her property. Ms. Thompson stated that she spoke with Ms. Doris Lewis and Mr. Forest Davis regarding that. Ms. Thompson stated that she was told by Mr. Davis she needs to speak to PNC in Bessemer and there was only one particular lady that she could talk to and that lady has since retired. Ms. Thompson stated that she spoke to PNC Bank and they don't have any records of this transaction. Ms. Thompson stated that she called and asks to speak with the mayor but the mayor's assistant denied her and would not allow her to speak with the mayor. Ms. Thompson stated that this happen in 2015 and now it's 2020 and she hasn't heard anything from Mr. Davis. Ms. Thompson stated that her mortgage payments are up to date.

Ms. Johnnie P. Lassiter 321 Lexington Blvd. thanks Mayor Gulley for the invite to the New Year's Eve Scholarship Ball and they had a wonderful time. Ms. Lassiter stated that they are expecting everyone to come out to the Concerned Citizen's MLK Celebration on Monday, January 20, 2020 at Second Avenue Beulah Baptist Church at 12:00 noon.

Ms. Cherita Eaton 2709 11th Avenue No. stated that she is concerned about the gun violence in her community. Ms. Eaton stated that she is currently dealing with an individual by the name of Keishawn Parker. Ms. Eaton stated that Mr. Parker fired shots into her home in June 2019 and she did press charges. Ms. Eaton stated that Mr. Parker made a video; threaten her and her family because he received paperwork showing their names as witness. Ms. Eaton stated that she is sick of this young man and she doesn't know what to do and she wants the city to get involved.

Mr. David Russell 1625 Brookfield Lane invited everyone to come to 16th Street Baptist on Monday, January 20, 2020. Mr. Russell stated that they will have a march starting from Birmingham City Hall at 12 noon and ending at 16th Street Baptist Church.

Councilor Matthews made a motion of adjourn.

**Wanda Taylor
City Clerk
City of Bessemer**

Presiding Officer