

June 16, 2020

The Council of the City of Bessemer, Alabama met in regular session via teleconference at the City Hall in said City on Tuesday, June 16, 2020 at 10:00 a.m. Central Time. The meeting was called to order by Council President 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 and Cynthia Donald. Absent: Councilor Latricia Crusoe. City Clerk Wanda D. Taylor stated that a quorum was present and the meeting was opened for the transaction of business.

The meeting was opened with a silent prayer.

The minutes from June 2, 2020 were presented to the council.

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

The council set a hearing date to July 21st, 2020 at 10:00 a.m. for the following weed properties.

	Address	Parcel	Owner
1.	2613 6th Avenue North	38 00 03 3 003 004.000	Wilson Anna Estate of
2.	2621 6th Avenue North	38 00 03 3 003 002.000	Merriweather Thomas E
3.	514 26th Street North	38 00 03 3 009 012.000	BMB Social Savings Club Juniors
4.	503 26th Street North	38 00 03 3 003 010.000	Teele A Rental Holdings LLC
5.	2517 6th Avenue North	38 00 03 3 009 003.000	Ray Ora D Heirs of
6.	2511 6th Avenue North	38 00 03 3 009 004.001	Townsend Hattie & Gowdy Dan
7.	2515 6th Avenue North	38 00 03 3 009 004.000	Dawson, Deardres D
8.	613 24th Street North	38 00 03 3 010 013.000	Miller Elfreda Heirs of C/O Manuel Miller
9.	1600 6th Avenue North	38 00 09 1 031 013.000	Epperson Joseph Dudley Jr &
10.	504 Ridge Avenue	38 00 17 1 003 024.000	Clark Earl N & Frances V Heirs

11.	509 West Lake Drive	38 00 17 1 001 017.000	Stonecrest Income And Opportunity Fund LLC
12.	513 West Lake Drive	38 00 17 1 001 015.000	Hardy Benjamine E (A)
13.	430 West Lake Drive	38 00 17 1 005 001.000	Naugher Bobbie J
14.	410 West Lake Drive	38 00 17 1 005 014.000	Elason Inc
15.	200 Lexington Boulevard	30 00 34 1 005 010.000	Patton John L & Anita
16.	202 Lexington Boulevard	30 00 34 1 005 011.000	Hardy Willie L Jr (A)
17.	319 Lexington Boulevard	30 00 34 1 006 012.000	Williams Willie B C/O Johnnie Peterson
18.	329 Lexington Boulevard	30 00 34 1 006 007.000	Drake Derrick (R/S)
19.	507 Charleston Drive	30 00 34 1 006 021.000	Wealth Builders Capital Inc Profit Sharing Plan
20.	502 Charleston Drive	30 00 34 1 007 026.000	Luster Windfred W
21.	512 Selma Road	30 00 34 1 009 030.000	Hubbard Robert V (I/S)
22.	500 Brewer Drive	30 00 35 2 017 100.000	Campbell Legacy LLC
23.	112 Houston Drive	30 00 35 2 006 008.000	Chow Stefanie K C/O Karl Grimm
24.	119 Houston Drive	30 00 35 2 007 025.000	Home Solution Partners IV REO
	Address	Parcel	Owner
25.	135 Houston Drive	30 00 35 2 005 001.000	Greenwood Christopher (R/S)
26.	143 Houston Drive	30 00 35 2 005 005.000	Riza Investments LLC (R/S)
27.	145 Houston Drive	30 00 35 2 005 006.000	Clyde Beaver Properties LLC
28.	2629 12th Avenue North	338 00 04 1 025 002.000	Odis Larry D Sr
29.	2531 10th Avenue North	38 00 04 1 034 003.000	Holifield Geneva
30.	909 26th Street North	38 00 04 1 023 013.000	Leshoure Reginald Sr
31.	2607 10th Avenue North	38 00 04 1 023 009.000	Teele A Projects LLC
32.	1029 10th Avenue North	38 00 09 3 014 001.000	Karcher David A
33.	315 32nd Street South	38 00 02 3 008 013.000	Wright Joseph Lee
34.	3305 Dartmouth Avenue	38 00 02 2 002 005.000	Peterson Carl
35.	3227 Avenue B	38 00 02 3 013 002.000	Long Tequila & Edward Jerome
36.	3205 Avenue B	38 00 02 3 013 006.000	McCall George & Phyllis
37.	718 32nd Street South	38 00 02 3 018 001.001	Dawson Jessie Mae (A)
38.	3119 Avenue B	38 00 02 3 018 001.000	Davis Margaret Heirs of
39.	3109 Avenue B	38 00 02 3 018 002.000	Dawson Jessie Davis
40.	3117 Avenue B	38 00 02 3 018 003.000	Hines Maerene

41.	3117 Holbrook Avenue	38 00 02 3 031 001.000	Hamilton Cheryl
42.	808 28th Terrace S	38 00 11 2 007 001.000	Ford K. Arthur Heirs of
43.	3012 Granville Avenue	38 00 02 3 026 015.000	Coates Roosevelt Jerald Jr
44.	3012 Granville Avenue	38 00 02 3 026 016.000	Mickens Construction LLC
45.	3001 Exeter Avenue	38 00 02 3 025 003.000	ABCDE Enterprises LLC
46.	2906 Granville Avenue	38 00 02 3 034 009.000	Gates Evitta Nollie & Sandra
47.	2830 Granville Avenue	38 00 02 3 037 021.000	Durr Patricia Ann Heirs of C/O Darius Durr (Son)
48.	2811 Exeter Avenue	38 00 03 4 025 003.000	Brooks Emily
	Address	Parcel	Owner
49.	2809 Exeter Avenue	38 00 03 4 025 004.000	Woods Rolanda
50.	2823 Fairfax Avenue	38 00 02 3 037 017.000	Pettie Darrell
51.	2113 Fairfax Avenue	38 00 10 1 017 004.000	Greene Julia &
52.	2104 Cumberland Drive SE	38 00 27 1 003 030.000	Guardian Tax AL LLC (I/S) Justice Charles E & Morales Kaila
53.	2044 Morgan Road	38 00 27 1 002 015.000	Ashley
54.	908 Borah Avenue	38 00 15 1 001 022.000	English Bertha
55.	904 Borah Avenue	38 00 15 1 001 021.000	Abbott Alice Faye
56.	144 Willowbrook Circle	38 00 20 1 001 060.001	Gents Homes LLC
57.	1621 Dartmouth Avenue	38 00 10 3 018 003.000	Maddox Kenneth L C/O Maddox Vicki Martindale
58.	1619 Dartmouth Avenue	38 00 10 3 018 004.000	Martinez Susana
59.	2332 Dartmouth Avenue	38 00 10 1 013 021.000	ZLS Homes LLC
60.	2316 Dartmouth Avenue	38 00 10 1 013 026.000	T&J Real Estate Equities LLC (R/S W Deed)
61.	1807 Fairfax Avenue	38 00 10 4 009 004.000	Nebraska Alliance Realty Company
62.	1811 Fairfax Avenue	38 00 10 4 009 003.000	Dickerson Terry Edward &
63.	622 Owen Avenue	38 00 16 1 020 014.000	Dalton Mary
64.	610 Owen Avenue	38 00 16 1 020 012.000	Talley Jonathon & Mandy C/O Quicken Loans Inc
65.	201 Griffin Avenue	38 00 16 3 049 005.000	Maxwell Robert Corey
66.	200 Griffin Avenue	38 00 16 3 048 004.000	Sutterlin Properties LLC
67.	100 Griffin Avenue	38 00 16 3 047 004.000	Stanford Santonia S
68.	100 Clifton Street	38 00 16 3 047 001.001	Baca Cristina & Colin Miguel Angel Miranda
69.	100 Black Avenue	38 00 16 3 046 016.000	Wiley Donald Jr
70.	100 Ash Avenue	38 00 16 3 050 005.000	Jason Dennis

	Address	Parcel	Owner
71.	825 Carolina Avenue	38 00 16 1 013 007.000	Johnson Joe III
72.	1200 18th Avenue North	38 00 08 1 022 011.000	Castillo Luis
73.	1628 13th Street N	38 00 08 1 019 004.000	Blair Robert L (D) & Linda C/O Linda Blair (POA)
74.	1627 13th Street North	38 00 08 1 010 007.000	Shadowrock Inc
75.	1701 Short 14th Street North	38 00 05 4 045 015.000	McDonald Eunie Heirs of
76.	1729 14th Street North	38 00 05 4 040 007.002	Robinson Eddie Heirs of & Lula
77.	1804 15th Street North	38 00 05 4 041 002.000	Patton Aaron
78.	1808 15th Street North	38 00 05 4 041 003.000	Mosley Jabari & Beville Herbert
79.	1812 15th Street North	38 00 05 4 041 004.000	Robinson James J Jr Estate of
80.	1816 15th Street North	38 00 05 4 041 005.000	Harper Carrie Mae &
81.	1826 15th Street North	38 00 05 4 041 007.000	Cooper Yvonne
82.	1800 16th Street North	38 00 05 4 032 001.000	Holston Beverly
83.	1802 16th Street North	38 00 05 4 032 003.001	Harris Naylan (I/S)
84.	1808 16th Street North	38 00 05 4 032 003.000	Harris Naylan (I/S)
85.	1221 Norris Drive	38 00 08 3 012 006.000	Blair Robert

Councilor Thigpen made a motion to approval the hearing date July 21st 2020 at 10:00 a.m. Councilor Marshall seconded the motion and upon roll call the following votes were recorded: Ayes: Councilors Alexander, Collier, Marshall, Matthews, Thigpen and Donald. Nays: None: The motion carried.

Councilor Crusoe arrived at the council meeting at 10:05 a.m.

The council approved the quote to purchase new city cell phones.

Councilor Matthews made a motion to accept the cell phones. 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 Thigpen stated that this is an \$8,000.00 a month savings on the city cell phone bill.

A Retail Beer-Type 050 (off premises only) Retail Wine-Type 070 liquor license for Urban Market located at 200-9th Street S, Bessemer Alabama was presented to the council.

Councilor Marshall made a motion to move the item. Councilor Collier seconded the motion and upon roll call the following votes were recorded: Ayes: Councilors Collier, Marshall, Matthews, Thigpen, Crusoe and Donald. Nays: Councilor Alexander. The motion carried.

The following resolution was presented to the council.

RESOLUTION NO. 249-20

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 Invoice No. 27207 for services performed in March 2020 as it directly relates to USACE Valley Creek Flood Risk Management Study in the amount of Nine Hundred Fifty and 00/100 Dollars (\$950.00) herein attached as Exhibit "A" and the City Council having reviewed the invoice has determined that payment is in the public interest.

WHEREAS, EEFS Company, P.C., has submitted Invoice No. 27219 for services performed in March 2020 as it directly relates to the Bessemer Fire Department Drill Tower in the amount of One Thousand One Hundred Seventy and 00/100 Dollars (\$1,170.00) herein attached as Exhibit "B" and the City Council having reviewed the invoice has determined that payment is in the public interest.

WHEREAS, EEFS Company, P.C., has submitted Invoice No. 27221 for services performed in March 2020 as it directly relates to the Bessemer Library Handrail Repairs in the amount of Three Hundred and 00/100 Dollars (\$300.00) herein attached as Exhibit "C" and the City Council having reviewed the invoice has determined that payment is in the public interest.

WHEREAS, EEFS Company, P.C., has submitted Invoice No. 27223 for services performed in March 2020 as it directly relates to the 18th and 19th (3rd Avenue – 3rd Alley) ADA Sidewalk Improvement Project in the amount of One Thousand Five Hundred Ninety and 00/100 Dollars (\$1,590.00) herein attached as Exhibit "D" and the City Council having reviewed the invoice has determined that payment is in the public interest.

WHEREAS, EEFS Company, P.C., has submitted Invoice No. 27225 for services performed in March 2020 as it directly relates to Various Streets Project Administration in the amount of Three Thousand Twenty-Nine and 12/100 Dollars (\$3,029.12) herein attached as Exhibit "E" and the City Council having reviewed the invoice has determined that payment is in the public interest.

WHEREAS, EEFS Company, P.C., has submitted Invoice No. 27239 for services performed in March 2020 as it directly relates to the Bessemer GIS 2020 Project in the amount of Three Thousand Ninety and 00/100 Dollars (\$3,090.00) herein attached as Exhibit "F" and the City Council having reviewed the invoice has determined that payment is in the public interest.

WHEREAS, EEFS Company, P.C., has submitted Invoice No. 27240 for services performed in March 2020 as it directly relates to the Bessemer ADA Transition Plan Upgrade 2020 in the amount of Five Thousand Nine Hundred Eight and 20/100 Dollars (\$5,908.20) herein attached as Exhibit "G" and the City Council having reviewed the invoice has determined that payment is in the public interest.

WHEREAS, EEFS Company, P.C., has submitted Invoice No. 27247 for services performed in March 2020 as it directly relates to the Multi-Use Trail Construction Project Administration in the amount of Two Thousand Five Hundred Twenty-Seven and 50/100 Dollars (\$2,527.50) herein attached as Exhibit "H" and the City Council having reviewed the invoice has determined that payment is in the public interest.

WHEREAS, EEFS Company, P.C., has submitted Invoice No. 27262 for services performed in March 2020 as it directly relates to Raimund Muscoda 90 Acre Survey in the amount of Three Thousand Seven Hundred Fifteen and 00/100 Dollars (\$3,715.00) herein attached as Exhibit "I" and the City Council having reviewed the invoice 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 invoices to EEFS Company, P.C., Civil and Structural Engineers:

- a. Invoice No. 27207
- b. Invoice No. 27219
- c. Invoice No. 27221
- d. Invoice No. 27223
- e. Invoice No. 27225
- f. Invoice No. 27239
- g. Invoice No. 27240
- h. Invoice No. 27247
- i. Invoice No. 27262

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

ADOPTED this the 16th day of June 2020.

Councilor Marshall made a motion to approve the invoices from EEFS. Councilor Thigpen seconded the motion and upon roll call the following votes were recorded: Ayes:

Councilors Collier, Marshall, Matthews, Thigpen, Crusoe and Donald. Nays: Councilor Alexander. The motion carried.

The following resolution was presented to the council.

RESOLUTION NO. 250-20

**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 (the “DOJ”) under the BJA Fiscal Year 2020 Coronavirus Emergency Supplemental Funding Program (the “Program”); and

WHEREAS, the DOJ has awarded the City federal grant funds in the amount of One Hundred Sixty-Seven Thousand Four Hundred Sixty-Five and 00/100 Dollars (\$167,465.00) under the Program to provide funding to assist the Police Department in preventing, preparing for, and responding to the coronavirus (the “Grant”); 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 and the Police Department to accept this Grant from the DOJ.

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 One Hundred Sixty-Seven Thousand Four Hundred Sixty-Five and 00/100 Dollars (\$167,465.00) under the BJA Fiscal Year 2020 Coronavirus Emergency Supplemental Funding Program to be used by the Bessemer Police Department in preventing, preparing for, and responding to the coronavirus.**
- 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, Award Number 2020-VD-BX-1641.**
- 3. This Resolution shall become effective upon its due Adoption.**

ADOPTED this the 16th day of June 2020.

Councilor Matthews made a motion to adopt the grant from the DOJ. Councilor Collier seconded the motion and upon roll call the following votes were recorded: Ayes: Councilors Alexander, Collier, Marshall, Matthews, Thigpen, Crusoe and Donald. Nays: The motion carried.

A public hearing was held to discuss a project development agreement between the city of Bessemer and Thornton Enterprises, Inc.

City of Bessemer Attorney Shan Paden stated that Mr. Thornton is not in attendance today, however he's prepared to give a short rendition of the presentation that Mr. Thornton previously made to the city. Attorney Paden stated that this matter was advertised in the newspaper for three weeks – advertising that a public hearing will be held this morning in the council chambers to discuss a project development agreement between the city of Bessemer and Thornton Enterprises, Inc.

Attorney Paden stated that Mr. Larry Thornton of Thornton Enterprises, Inc. attended a city council meeting in January or February 2020, requesting assistance with the renovations of McDonald's Restaurant located at 911 9th Avenue North Bessemer Al. Attorney Paden stated that Mr. Thornton was informed that the city was not in a position to grant cash assistance, but possibility of a rebate will be considered. Attorney Paden stated that he drafted a project development agreement identical to Jack's restaurant.

RESOLUTION NO. 251-20

**A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF
BESSEMER TO EXECUTE A PROJECT DEVELOPMENT
AGREEMENT WITH THORNTON ENTERPRISES, INC.**

WHEREAS, Thornton Enterprises, Inc., an Alabama corporation (the "Developer") proposes to renovate a McDonald's restaurant within the corporate limits of the City of Bessemer (the "City") located at 911 9th Avenue North, Bessemer, Alabama (the "Restaurant") pursuant to and in accordance with plans and drawings submitted to the City and to thereafter operate or ensure the operation of the Restaurant (collectively "the Project"); and

WHEREAS, the above referenced Project 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 assist Developer with the cost of the Project by agreeing to reimburse Developer with a portion of sales tax revenue generated from the Restaurant and the improvements included within the Project; and

WHEREAS, the City has determined that the Project will promote economic development, promote trade and commerce, increase tax revenues and create new jobs within the City and finds that it is necessary, proper and in the public interest, in accordance with Amendment No. 772, that the City provide certain incentives to Developer in connection with the Project, and that providing such financial assistance is a public purpose consistent with and in furtherance of the objectives of Amendment No. 772; and

WHEREAS, the City has determined that it is in the best public interest of the City and its citizens to enter into a Project Development Agreement (the "Agreement") with the Developer pursuant to which the Developer will be induced to implement the Project and that significant public benefits will thereby accrue to the City and its citizens; and

WHEREAS, the City, in accordance with Amendment No. 772, adopted Resolution No. 149-20 on May 19, 2020 setting a public hearing to be held on June 16, 2020 at 10:00 a.m. to consider the adoption of a resolution regarding the economic incentives for Thornton Enterprises, Inc.; and

WHEREAS, the City Clerk, in accordance with Amendment No. 772, published the public notice of said public hearing in the Western Star Newspaper on May 27th, June 3rd, and June 10, 2020.

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 of Bessemer finds and determines that entering into a Project Development Agreement with the Developer 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.
2. That the Mayor of the City shall be and is authorized to execute and deliver on behalf of the City a Project Development Agreement with the Developer that substantially conforms to the draft of the Agreement attached hereto as Exhibit "A" and incorporated herein by reference.
3. 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 the accomplishment of the purposes of this resolution.
4. This resolution shall become effective immediately upon its adoption as required by law.

ADOPTED this the 16th day of June 2020.

Councilor Matthews made a motion to authorize the mayor to execute a project development agreement with Thornton Enterprises, Inc. 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: The motion carried.

A public hearing was held to discuss a project development agreement between the city of Bessemer and Tacala LLC.

Attorney Paden stated that this is a project development agreement almost identical to the last one, except this is for a new Taco Bell to be constructed next to the Circle K on Academy Drive. Attorney Paden stated that Mr. Tim Minor with Tacala Properties is here to make a presentation.

Mr. Minor stated that he is with Tacala a Taco Bell Franchise located in Birmingham Alabama. Mr. Minor stated that they are constructing a Taco Bell located at 1004 Academy Drive. Mr. Minor stated that the estimated cost is between 1 and 1.2 million and the total investment is approximately a couple of millions. Mr. Minor stated that the annual gross payroll is around \$700,000.00 with 30 to 35 employees; and annual gross sales is about 1.5 million plus.

RESOLUTION NO. 252-20

**A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF
BESSEMER TO EXECUTE A PROJECT DEVELOPMENT**

AGREEMENT WITH TACALA, LLC

WHEREAS, Tacala, LLC , an Alabama limited liability corporation (the “Developer”) proposes to purchase and develop a Taco Bell Restaurant within the corporate limits of the City of Bessemer (the “City”) located at _____ Academy Drive, Bessemer, Alabama (the “Restaurant”) pursuant to and in accordance with plans and drawings submitted to the City and to thereafter operate or ensure the operation of the Restaurant (collectively “the Project”); and

WHEREAS, the above referenced Project 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 assist Developer with the cost of the Project by agreeing to reimburse Developer with a portion of sales tax revenue generated from the Restaurant and the improvements included within the Project; and

WHEREAS, the City has determined that the Project will promote economic development, promote trade and commerce, increase tax revenues and create new jobs within the City and finds that it is necessary, proper and in the public interest, in accordance with Amendment No. 772, that the City provide certain incentives to Developer in connection with the Project, and that providing such financial assistance is a public purpose consistent with and in furtherance of the objectives of Amendment No. 772; and

WHEREAS, the City has determined that it is in the best public interest of the City and its citizens to enter into a Project Development Agreement (the “Agreement”) with the Developer pursuant to which the Developer will be induced to implement the Project and that significant public benefits will thereby accrue to the City and its citizens; and

WHEREAS, the City, in accordance with Amendment No. 772, adopted Resolution No. 150-20 on May 19, 2020 setting a public hearing to be held on June 16, 2020 at 10:00 a.m. to consider the adoption of a resolution regarding the economic incentives for Tacala, LLC ; and

WHEREAS, the City Clerk, in accordance with Amendment No. 772, published the public notice of said public hearing in the Western Star Newspaper on May 27th, June 3rd, and June 10, 2020.

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 of Bessemer finds and determines that entering into a Project Development Agreement with the Developer 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.
2. That the Mayor of the City shall be and is authorized to execute an and deliver on behalf of the City a Project Development Agreement with the Developer that substantially conforms to the draft of the Agreement attached hereto as Exhibit “A” and incorporated herein by reference.
3. 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 the accomplishment of the purposes of this resolution.
4. This resolution shall become effective immediately upon its adoption as required by law.

ADOPTED this the 16th day of June 2020.

Councilor Matthews made a motion to authorize the mayor to execute a project development agreement with Tacala, LLC. 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: The motion carried.

The following ordinance was presented to the council.

ORDINANCE NO. 3601

**AN ORDINANCE DECLARING CERTAIN PROPERTY OF THE CITY OF BESSEMER SURPLUS PROPERTY
AND AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE A LEASE AGREEMENT**

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Bessemer in the State of Alabama, while in regular session duly assembled with a quorum being present, on the 16th day of June, 2020, as follows:

SECTION ONE: It is hereby established and declared that 7.7 acres of the real property located adjacent to the Raimund-Muscoda Landfill as legally described in Exhibit "A" (the "Property") is surplus property and is no longer needed for public purposes.

SECTION TWO: The City of Bessemer, Alabama (the "City") having received an offer to lease the Property in the form of a Lease Agreement, attached hereto as Exhibit "B" and incorporated herein by reference, from R & H Recycling Corporation, a federally recognized 501(c)(3) organization to lease the Property described in Section 1 above, it is hereby declared to be in the best interest of the public and the City to lease said Property to R & H Recycling Corporation for the sole purpose of locating and conducting R & H Recycling Corporation's research and development activities related to composting of inert materials and soil amendments, including appurtenant equipment, trucks, inventory and supplies, by such employees, contractors, invitees and other parties as Lessee shall permit (collectively, the "Permitted Use") for the monthly lease amount of One Hundred Eighty-Five and No/100 Dollars (\$185,000.00) for a period of sixty (60) months.

SECTION THREE: Pursuant to the authority granted by Section 11-47-21 of the Code of Alabama 1975, the Mayor of the City of Bessemer of Bessemer, Alabama shall be and is hereby authorized to execute the Lease Agreement submitted by R & H Recycling Corporation in the amount of One Hundred Eighty-Five and 00/100 Dollars (\$185.00) per month and to take such additional actions as are necessary and appropriate for the accomplishment of this ordinance.

SECTION FOUR: This ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED this the 16th day of June, 2020.

Attorney Paden stated that Danny Rumley appeared before the council several months ago and the city has been putting this item off hoping to have a regular schedule meeting in the council chamber. Attorney Paden stated that this is a lease of 7.7 acres at Raimund Muscoda Landfill. Attorney Paden stated that the city purchased 90 acres of land adjacent to the landfill.

Attorney Paden stated that Danny operates a 501C3 Nonprofit Organization that takes leaves limbs and turn them into mulch. Attorney Paden stated that Mr. Rumley will also recycle Milo's tea leaves. Attorney Paden stated that this is a recycling venture that will keep material out of our landfill. Attorney Paden stated that the proposal will be that the city will lease Mr. Rumley 7.7 acres for \$185.00 for 5 years. Attorney Paden stated that

some of the permitted material consists of black tea leaves, card board, chip wood, coffee grounds, dry leaves, wet leaves and grass clipping; these items will be turned into mulch. Attorney Paden stated that none of these materials will produce an odor that'll affect the community. Attorney Paden stated that non-permitted items consists of animal manure, antibiotic, household waste, human waste and kitchen waste.

Mr. Daniel Rumley stated that Red Mountain Compost is a program or initiative gear towards recycling and capturing waste and organic material from surrounding areas.

Mr. Rumley stated that the city of Bessemer can divert their waste from a typical landfill to a compost location. Mr. Rumley stated that as a native of Bessemer he wants to make Bessemer a green city; and the city is small enough and big enough to have that impact.

Councilor Matthews made a motion to approve the agreement with Mr. Rumley. Councilors Collier and Marshall seconded the motion and upon roll call the following votes were recorded: Ayes: Councilors Alexander, Collier, Marshall, Matthews, Thigpen and Donald. Nays: The motion carried.

Councilor Latricia Crusoe left the meeting.

Councilor Marshall stated that a constituent had concerns about citizens wearing face masks. Councilor Marshall stated that he's bringing their concern forward for discussion.

Councilor Donald asked are we getting comments as to whether or not to adopt an ordinance that will require citizens to wear a face covering when they leave their house.

Councilor Marshall stated that he is not in favor of a resolution or an ordinance; he thinks it's a personal responsibility. Councilor Marshall stated that any citizen that is concerned about their health will put on a mask. Councilor Marshall stated that he thinks this will be difficult to police. Councilor Marshall stated that with everything that is going on with citizens and the police, he thinks that police contact should be minimized.

Bessemer Police Chief Roper stated that they thought about adopting an ordinance when the city of Birmingham passed theirs, but having an ordinance that's mandatory for citizens to wear masks is going to be taxing on the police department. Chief Roper stated

that when Coronavirus arrived; the police were asking citizens to volunteer to wear their masks. Chief Roper stated that having unnecessary contact with citizens is best, because you never know when someone is going to become upset. Chief Roper stated that it will be hard to enforce the ordinance.

Councilor Matthews stated that the structure at 1922 Long 14th Street in the Pipeshop Community is a problem. Councilor Matthews stated that criminal activity occurs at this location. Councilor Matthews stated that he received the following letter from a concerned citizen about this location.

To whom it may concern,

I am concerned about the house and property at 1922 Long 14th Street Bessemer Al, 35020. The house was burned and is an eyesore. People still congregate at the house and there has been a shooting at residence that resulted in one person being killed. There was also a drive-by shooting shortly afterwards. The house is a hazard because there are items around the property that are a safety hazard.

Cars are often parked in front of the house and out into the street and you have to wait to pass. The McNeil Park sits behind the property and some citizens are uncomfortable with walking around the track or having children play in that area because people hang around in the back of the property.

The house should be torn down and the property should be cleaned up to avoid any further mishaps. I am a property owner and a concerned citizen.

Thanks!

Councilor Matthews stated that residents in this area are fearful about the activities that takes place at this location. Councilor Matthews stated that this property is a danger to the general public and it needs to be declared a nuisance.

Mayor Gulley stated that the structure at 1922 Long 14th Street will be on the next demolish list.

Councilor Donald stated that the council spoke previously about the Small Cell and the Orr's Bill in a meetings and she polled each councilor about forming a committee for the Small Cell Bill. Councilor Donald stated that one of the committees will consist of Councilors Crusoe, Thigpen and Councilor Matthews as the chair. Councilor Donald stated that the other committee will consist of Councilors Alexander, Marshall and Councilor Crusoe as the chair.

Councilor Donald stated that she asked each council member about having the council meetings televised, and they all agreed. Councilor Donald stated that she has spoken with citizens to inform them that the council is still working during this pandemic.

Councilor Donald opens discussion on Project Fish.

City Attorney Shan Paden stated that Project Fish is a project located on Lakeshore Parkway and Rodeo Court, adjacent to the Dollar General Distribution Center. Attorney Paden stated that City Engineers Ron Gilbert, Daniel Mayfield and Jamie Champion of EEFS, City of Bessemer Building Director Tom Harmon and himself have all been working on this for about nine or ten months.

Attorney Paden read the following letter.

Landlord/Developer proposes to acquire approximately 46 acres located on Lakeshore Drive and construct a new distribution facility thereon. The site is partially within the corporate limits of Birmingham and Bessemer. Landlord will lease the facility to the tenant, which is a nationally known, pre-eminent logistics and distribution business. Tenant would install certain equipment necessary for tenant to conduct its distribution and logistics operations.

The total amount to be invested by landlord is currently projected to be \$26M. The total amount to be invested by tenant is currently projected to be \$14.1M.

In addition to retaining and relocating approximately 12 full-time and 49 part-time existing employees from its existing facility located in Birmingham, tenant expects to employ approximately 27 full-time and 197 part-time additional employees (for a total of 285 employees) within 3 years of completion of the project, with an annual average payroll of approximately \$6M.

Attorney Paden stated that this project is problematic because it's situated in both cities of Birmingham and Bessemer. Attorney Paden stated that approximately 90% of the building is in Birmingham and 100% of the parking lot will be in Bessemer and 100% of Rodeo Court Roadway is in Bessemer and the access light at Rodeo Court is in Bessemer. Attorney Paden stated that he submitted a memorandum of understanding to Birmingham on April the 15th, 2020 and as of this date he hasn't received a response. Attorney Paden stated that Birmingham will receive 100% of the tax revenue from the building and Bessemer will receive the tax revenue from the parking lot. Attorney Paden stated that the city of Bessemer will be responsible for the maintenance of Rodeo Court and Lakeshore Parkway and Bessemer will provide 100% of the police protection on Rodeo Court. Attorney Paden stated that it looks like Bessemer has 100% of the expense and in the proposal Bessemer receives 0% of the revenue or a small percent; he suggested that this project does not go forward.

Councilor Marshall stated that if he can get an estimate on what it'll cost the city of Bessemer and based off that, maybe the city can take another shot at renegotiating some kind of agreement that'll help us recover our investment. Councilor Marshall stated that he would love for the city of Bessemer to be involved in the project if it's feasible and makes sense.

Mayor Gulley stated that looking at the project he doesn't see how this will work for the city of Bessemer and for him it's a no go. Mayor Gulley stated that he has reached out to the city of Birmingham's Mayor Woodfin to no avail. Mayor Gulley stated that looking at this project it just isn't feasible for the city of Bessemer to go any further with it.

Councilor Alexander made a motion to adjourn.

**Wanda Taylor
City Clerk
City of Bessemer**

Presiding Officer