

MINUTES OF THE SELMA CITY COUNCIL MEETING HELD ON MONDAY, SEPTEMBER 22, 2003

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, September 22, 2003 at 5:00 p.m. with the following members present: **President George Evans and Council members Rita S. Franklin, Jean T. Martin, Nancy G. Sewell, Samuel Randolph, Bennie R. Crenshaw and James Durry.** Others present were Acting City Clerk Lois Williams, Acting City Treasurer Cynthia Mitchell, City Attorney Jimmy Nunn, Mayor James Perkins, Jr., and the Mayor's Administrative Assistant Sherri James. Councilman Sexton was absent due to the illness of his wife and Councilman Tucker was also absent. Reverend Dwight D. Irons gave the invocation.

After roll call, President Evans declared a quorum present and the meeting was opened for the transaction of business as set forth on the agenda. President Evans asked if there were any additions or corrections to the agenda prepared for this meeting. Councilwoman Franklin stated that she would like to add a request for a List of All City Owned Public Buildings to the agenda. Councilwoman Martin stated that she would like to add Discretionary Funds Update to the agenda. A motion was made by Councilwoman Martin and seconded by Councilman Durry to approve the agenda as amended. The motion carried with a unanimous vote of the Council members present.

President Evans asked if there were any additions or corrections to the minutes of the regular Council meeting held on Monday, September 8, 2003. There being no corrections to be made to the minutes, a motion was made by Councilwoman Crenshaw and seconded by Councilwoman Martin to adopt the minutes as written. The motion carried with a unanimous vote of the Council members present.

I. WARD REALIGNMENT

President Evans asked if there were any citizens present that would like to address any concerns regarding the new ward realignment, which are posted on the wall in the back of the Chambers. President Evans asked if Mr. Ken Reynolds would come forward to address the latest changes of the realignment of the wards. Mr. Reynolds discussed some minor changes involving wards 4 and 5 in the latest proposal which the Council has generally agreed on in Plan 4. After a brief discussion, a motion was made by Councilwoman Franklin and seconded by Councilwoman Martin to move forward with Plan 4 to be placed on first reading. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.

II. MAYOR'S REPORT

A. Valley Grande & Police Jurisdiction. Mayor Perkins stated that while going through the budget process and looking at every possible opportunity to cut cost and increase revenue, Attorney Nunn had a responsibility to look into the Valley Grande and Police Jurisdiction issue and has submitted a letter of recommendation which he will share with the Council. Mayor Perkins stated that this issue warrants an executive action and unless there is some compelling argument he would like to move forward with the contents of the letter at the advice of Attorney Nunn. Mayor Perkins stated that he will give the Council time to review the letter and let him know what their thoughts are concerning the matter.

B. Community Reinvestment Program. Mayor Perkins stated that he would like for Mrs. Elizabeth Driggers to come forward to address the issues of four items dealing with planning and development. Mrs. Driggers stated that the committee met and discussed these items thoroughly. She stated that the first request is for approval of the use of matching funds of \$155,000.00 from the community reinvestment fund for reconstruction of sidewalks on Water Avenue from Broad Street to Franklin Street. A motion was made by Councilwoman Martin and seconded by Councilwoman Sewell to

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approve the matching funds of \$155,000.00 from the community reinvestment funds for TE Enhancement of sidewalks. A roll call vote was taken and the motion carried with a unanimous vote of the Council members present.

C. Revolving Loan Program. Mrs. Driggers stated that it is recommended that these funds are obligated in several different categories, two of which have already been approved by the Council, which is \$25,000.00 for Scattered Housing Program and \$10,000.00 for the stabilizing of the McCloud house. She stated that \$70,000.00 is requested for Downtown Revitalization to match private property owners for building improvements downtown and \$40,000.00 is requested for Riverview Neighborhood Revitalization Program to revitalize the historic district, all totaling \$145,000.00. After a brief discussion, at the request of Councilwoman Crenshaw changes were made in the request of funds for Scattered Housing from \$25,000.00 to \$30,000.00 and the request of funds for Riverview Neighborhood Revitalization from \$40,000.00 to \$35,000.00. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Martin to approve these funds with the requested changes. A roll call vote was taken and the motion carried with a unanimous vote of the Council members present.

D. Resolution – Aldot-TE Application. Mrs. Driggers stated that she request approval of the attached resolution to apply for these enhancement funds and to pay matching professional fees for architectural, engineering and inspection. A motion was made by Councilwoman Sewell and seconded by Councilwoman Martin to approve this resolution. A roll call vote was taken and the motion carried with a unanimous vote of the Council members present.

E. Weed & Seed – Contract – Hogg Engineering Corporation. Mrs. Driggers stated that some months ago the Council approved applying for a sanitary sewer grant and it was approved for \$500,000.00 for the Weed & Seed areas. She stated that her request is for approval of a contract with Hogg Engineering Corporation for plans and specifications for bidding and project oversight of the project in the amount of \$64,440.00. A motion was made by Councilwoman Martin and seconded by Councilwoman Sewell to approve this contract. After a brief discussion, Councilwoman Sewell stated that she would like the record to reflect that she has requested once again that the 1700 block of Franklin Street needs repairs and she would like to see some of the approved funds used to do the repairs. A roll call vote was taken and the motion carried with a unanimous vote of the Council members present.

F. Animal Shelter Update. Mayor Perkins stated that he has received the figures from the engineer and the numbers are \$239,000.00. Mayor Perkins stated that the balance of the bond fund is \$142,706.40 and there is a shortfall of \$96,300.00 and now we are ready to move forward with appropriations to make up the difference. President Evans stated that he would like to know which Council members plan to contribute to this project. Mayor Perkins stated that he would try to work out a prorata share based on the Oil Lease balance of each Council member and get back with them.

G. Hickory Street Advertisement. Mayor Perkins stated that he would like to ask Mr. David Painter to come forward to address the issue as it relates to the Hickory Street project. Mayor Perkins stated that we have the numbers on this project and the bid documents are ready to go out and need approval to move forward. Mr. Painter stated that the state code requires that the bid proposal is advertised in the local newspaper for three consecutive weeks and he has talked to the City Clerk and set a bid date of October 16, 2003, there will be a mandatory pre-construction conference on October 9, 2003. Mr. Painter stated that this advertisement will be in the paper no later than Wednesday, and this will fulfill the legal requirements, which includes the conditions of the bid and the estimated quantities. Mr. Painter stated that he requests the Council's approval to

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advertisement and to proceed with design and development. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Franklin to move forward with this bid process. A roll call vote was taken and the motion was carried with a unanimous vote of the Council members present.

H. Valley Creek Sanitary Sewer System. Mayor Perkins stated that the work has been done on a cave in at Valley Creek and then it collapsed behind the school, which has been repaired. Mayor Perkins stated that it has progressed and one of two things will have to happen; will have to get ahead of it and repair it before it collapses again or just keep following it down the street until it gets to the river. Mayor Perkins stated that going ahead with the bid process instead of treating as an emergency saved the City approximately \$50,000.00 and he stated that he would like to commend Mr. Painter for moving forward and dealing with this situation. Mayor Perkins stated that it was necessary to go ahead with starting the work and the bid came in at \$17,950.00 vs. \$70,000.00, and he asked the Council for a ratification of this project. A motion was made by Councilwoman Crenshaw and seconded by Councilman Durry to ratify and approve this project. A roll call vote was taken and the motion carried with a unanimous vote of the Council members present. Councilwoman Sewell stated that it should be reflected that this project also includes Cedar Park, Magnolia Park, Philpot Avenue and Green Street.

I. Liquor License. Mayor Perkins stated that a liquor license for Jeanie Blevins, 1105 Broad Street, was placed on first reading at the last Council meeting. A motion was made by Councilman Durry but failed for lack of a second. Councilwoman Crenshaw stated that she would like to address more questions concerning this license and request to remain on first reading.

Mayor Perkins stated that there is another liquor license for Tiwana Vaughn, Paridice Lounge, 225 Highway 80 East, lounge retail liquor license. A motion was made by Councilwoman Franklin and seconded by Councilwoman Sewell to place this license on first reading. The motion carried with a unanimous vote of the Council members present.

J. Resolution – Pick Up Truck – Recreation Department. Mayor Perkins stated that the City Clerk has put out bids for a Pick-Up Truck for the Recreation Department for \$25,000.00. Mayor Perkins stated that Councilman Durry expressed this as a dire need and the Recreation Department asked the Council's favorable vote to pass this resolution. A motion was made by Councilman Durry and seconded by Councilman Randolph to approve the resolution for the pickup truck. A roll call vote was taken and the motion passed with a majority vote of the Council members present. Councilwoman Franklin cast a negative vote.

K. Crime Data – Town Hall Meeting. Mayor Perkins stated that he has been inundated with complaints and concerns about the issue of crime and it is necessary that we turn our attention to this issue. Mayor Perkins stated that nearly two years ago, he asked members of the law enforcement community to consider co-sponsoring a town hall meeting on crime and during the discussion most did not agree with the idea and their concern was that typically those type of meetings turn into nothing more than a beat-up on law enforcement session, and with those thoughts in mind, he made a decision to back off the idea. Mayor Perkins stated that at this time he would like to ask the Council to support him in the call for a town hall meeting on crime and invite law enforcement from across this city to be a part of this process so that we can hear what the citizens have to say. Mayor Perkins stated that the meeting would be scheduled at the Carl Morgan Convention Center on Thursday, October 23, 2003, at 5:30 p.m.

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Mayor Perkins stated that he has really worked hard to try to deal with the management issue in the Police Department and he will continue to try and work through this issue, but he would like to remind the Council that they rejected the recommendation of the Mayor on this issue 18 months ago and what we are seeing now could perhaps be a consequence of that. Mayor Perkins stated that he is going to ask the Council to revisit that recommendation and allow the Mayor's recommendation to prevail in this situation and he asked the Council to think about this, but he is very concerned about this issue. Councilwoman Sewell stated that while there was a rash of break-ins on last year, thanks to the Mayor and the administration, a lot has been put to rest by putting out neighborhood watch signs and this years budget should reflect more enhancement, but after listening to what was said, she feels as if this is an attack on the police department and you cannot open the police department up for attack because they are the ones who are vigilant. Councilwoman Crenshaw stated that she does not feel that the Mayor's comments are an attack on the police department. Councilman Durry stated that he agrees with both the Mayor and Councilwoman Crenshaw, but the police department has not been up to speed in terms of personnel although they are getting more people now, this needs to be taken under consideration and the community also has a responsibility to be more involved in trying to protect their community as well. President Evans stated that he shares the Mayor's concerns as far as crime in our city, but crime is on a rampage everywhere and there is a tremendous disrespect for law and order all over the nation and he is certainly interested in a town hall meeting because he would like to hear what the people have to say as well as the police department. After further discussion, Mayor Perkins stated that he has said to the officers individually and collectively that he has a great deal of respect for what they do, they are to be admired and commended for what they do, but if there are issues they still need to be addressed, if crime is the issue it has to be dealt with and if management is the issue it has to be dealt with too. Mayor Perkins stated that he is committed to dealing with this issue and he asks the Council support in addressing this issue for the sake of the people in our community.

III. CITY ATTORNEY'S REPORT

A. Ambulance Service – City of Selma. Attorney Nunn stated that as you are aware, there was a meeting with Haynes Ambulance and Care Ambulance this afternoon as it relates to the ambulance services in the City of Selma. Attorney Nunn stated that Haynes Ambulance services ends; as of September 30, 2003 and he asked the pleasure of the Council at this time. A motion was made by Councilwoman Franklin and seconded by Councilwoman Sewell to operate on a month-to-month basis with Haynes Ambulance and wait for the attorney general's opinion as it relates to the bid of the service or rotating the service between the two companies. The motion passed with a unanimous vote of the Council members present. Councilwoman Crenshaw was out of the Chambers at the time the vote was taken.

B. Ordinance – Digging of Wells. Attorney Nunn stated that the Council has been given a copy of an ordinance as it relates to the digging of wells in the City of Selma and the police jurisdiction as read to the Council. A motion was made by Councilwoman Franklin and seconded by Councilwoman Martin to suspend the rules to adopt this ordinance. A roll call vote was taken and the motion carried with a unanimous vote of the Council members present. A motion was made by Councilwoman Franklin and seconded by Councilwoman Martin to adopt the ordinance as written. A roll call vote was taken and the motion carried with a unanimous vote of the Council members present.

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Franklin and seconded by Councilwoman Martin to approve the ordinance as written. A roll call vote was taken and the motion carried with a unanimous vote of the Council members present.

D. EEOC Claim – Tammy Nix. Attorney Nunn stated there is one EEOC claim that has been filed against the City of Selma, Tammy Nix, former employee of the Police Department. Attorney Nunn stated that he received notice around September 12, 2003, the claim has been dismissed; the EEOC did not find any wrong doings by the City of Selma, his office along with Personnel submitted an answer to the complaint and they responded favorably.

E. Friends of Forrest vs. City of Selma. Attorney Nunn stated that he also received notice as it relates to the Friends of Forrest case that they have filed a notice to appeal the decision of the district court to the 11th circuit.

F. E-911 Update. Attorney Nunn stated that during a meeting last week he reviewed a letter written to Mayor Perkins as it relates to the \$226,000.00, the rent and maintenance, addressing for the City and he has talked with Mr. Blackwell and the Attorney General's office and they will get back with him tomorrow morning and he is unsure whether the information is awaiting will be in favor of or against the City of Selma as it relates to some of the issues in the contract. Attorney Nunn stated that Mr. Blackwell is going to talk with the bank president to find out whether the bank will be able to suffice without the City signing the contract as a guarantor and he will give him a call regarding this issue also on tomorrow.

G. Sale of Surplus Property- GovDeals. Attorney Nunn stated that as it relates to the sale of surplus municipal property, as you recall Miss Lois Williams, Acting City Clerk, came before the Council with an agreement with GovDeals in which the City would advertise the sale of surplus property via the internet. Attorney Nunn stated that he had an opportunity to visit the website today and he has reviewed the contract, he further stated that the code states that this requires an ordinance finding that the property is no longer needed by the City, after which, the code does not require the municipality to advertise for bids, while bids are not prohibited, the governing body may determine the manner in which they would like to dispose of the property, therefore GovDeals would be an acceptable way of advertising the sale of the surplus property. A motion was made by Councilwoman Franklin and seconded by Councilman Randolph to advertise the sale of the City's surplus property via the Internet service with GovDeals. The motion carried with a unanimous vote of the Council members present.

H. Water & Sewer Board License. Attorney Nunn stated that a letter has been presented to the Council as it relates to the license for the Water & Sewer Board and he has met with Mr. Gary Thompson regarding this matter and Mr. Thompson will speak with the attorney who currently represents the Water Board and get back with him. Attorney Nunn stated that he is unsure as to whether we have a choice, but we are currently charging two utility companies for a license. Attorney Nunn stated that the projected revenue at the Water Board is \$90,000.00 - \$100,000.00. President Evans stated that the Council desires to have Attorney Nunn to prepare an ordinance as it relates to the license for the Water & Sewer Board.

I. Resolution – Vickey Locke, Finance Director. Attorney Nunn stated that a decision needs to be made regarding the option not to reappoint Mrs. Vickey Locke as Finance Director. A motion was made by Councilwoman Martin and seconded by Councilman Randolph to approve this resolution as written. The motion carried with a majority vote of the Council members present. There were five affirmative votes. Councilwoman Franklin and Councilwoman Sewell cast negative votes.

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Mayor Perkins stated that he would like to recommend that in the next Council meeting the Council would appoint Miss Lois Williams permanently as City Clerk for the City of Selma, she has done an outstanding job and he will make that recommendation in the next Council meeting.

BUSINESS ITEMS:

IV. DEFIANT RUN

Councilwoman Franklin that her only concern with this is that they have not applied for a run permit. Mayor Perkins stated that they have been discussing this issue with the traffic division and there appears to be a problem with coverage because this weekend is also the Central Alabama Fair weekend. Mayor Perkins stated that this event has the potential of being one of the greatest events in Selma's history and we should move forward with it. A motion was made by Councilwoman Sewell and seconded by Councilwoman Crenshaw to allow the Mayor the responsibility to approve an additional \$2,000.00 for security for coverage for the Defiant Run.

V. RESOLUTION – RETIREMENT OF BILLY MORGAN

A motion was made by Councilwoman Franklin and seconded by Councilwoman Martin to honor the previous resolution and the Attorney General's opinion and award Captain Billy Morgan his gun and his badge. The motion carried with a unanimous vote of the Council members present.

VI. WALKER BROTHERS CIRCUS

Mrs. Ethel Stewart representing the ministry that sponsors the Walker Brothers Circus addressed the Council saying they she apologizes for not coming to the Council earlier, but she would have if she had known the procedure. Mrs. Stewart stated that the signs are around town, tickets have been printed and circulated and this event is scheduled for Friday, September 26, 2003 at Bloch Park, a one day event with two show times, live animals will be coming into the City and it is a state of the art circus. A motion was made by Councilwoman Durry and seconded by Councilwoman Sewell to approve the request of Mrs. Stewart for the opening of the Walker Brothers Circle.

VII. US DEPARTMENT OF LABOR

Councilwoman Franklin stated if there was any update on this issue. Mayor Perkins stated that this issue is still being worked on and he has asked Personnel to draft a letter to let them know that work is still in progress and we will give an update on next month.

VIII. COMMUNITY ACTION AGENCY POLICY COUNCIL COMMITTEE

Councilwoman Franklin stated that she has been on the Community Action Agency Board of Directors and now Assistant Secretary since 1980. Councilwoman Franklin stated that there is also policy committee that deals mostly with head start and a Council member needs to volunteer to serve on this committee and they meet about three or four times a year. Councilwoman Crenshaw volunteered to serve on this committee as part of the City Council.

BUSINESS ITEMS:

IX. TOWERS FOR POLICE/FIRE DEPARTMENT (311 DALLAS AVENUE)

Councilwoman Franklin stated that this was discussed in the last meeting and the Council needs more figures. President Evans stated that the potential of having a tower was discussed and determined that the City based on the guidelines in the historic district ordinance can do it, and this is also contingent upon the fence being place on the property by the E-911. President Evans stated that he would like to know the pleasure of the Council at this time. Councilwoman Martin stated that the Council should wait for more information from the E-911.

X. LIST OF CITY PUBLIC BUILDINGS

Councilwoman Franklin stated that the Council needs to appoint a committee to look at all the City owned buildings and properties and this information needs to be provided to the Mayor's office. President Evans stated that he would like to appoint Councilwoman Martin as Chairperson, Councilwoman Franklin, Councilwoman Sewell and Councilwoman Crenshaw. Councilwoman Sewell stated that she would like to ask the Mayor to allow Kay Jones and Elizabeth Driggers to serve on this committee also. Councilwoman Martin stated that as chairman she would like to ask Mayor Perkins to serve on this committee as well.

XI. DISCRETIONARY FUNDS

Councilwoman Martin stated that due to the fact that she has been informed that the Council's discretionary funds can be rolled over if not used prior to the end of the fiscal year, she would like to request to do so at this time.

XII. STANDING COMMITTEE REPORTS

RECREATION COMMITTEE

There is no report from the Recreation Committee.

ADMINISTRATIVE COMMITTEE

Councilwoman Crenshaw stated that Miss Shondrell Hunter thanks everyone for what they did and she called and talked about how thankful she is to have the opportunity to participate in the Miss America pageant. Councilwoman Crenshaw stated that a request is being made by an organization to have the new Miss America to visit Selma. Councilwoman Crenshaw stated that a reception would be held in Montgomery at Auburn University for Miss Hunter on October 11, 2003.

PULBIC SAFETY COMMITTEE

Councilwoman Franklin stated that she distributed to the Council the presentation made by Mr. Green of the Local Emergency Preparedness Committee and a complete booklet will be sent later.

COMMUNITY DEVELOPMENT COMMITTEE

There is no report from the Community Development Committee.

PUBLIC WORKS/GENERAL SERVICES

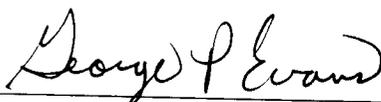
There is no report for the Public Works/General Services Committee.

XII. STANDING COMMITTEE REPORTS

DISCRETIONARY FUNDS COMMITTEE

Councilwoman Sewell stated that on behalf of Councilwoman Martin and herself she would like to thank Mayor Perkins and Councilwoman Franklin for kicking off Youth In Government with forty bright and talented sophomores and juniors.

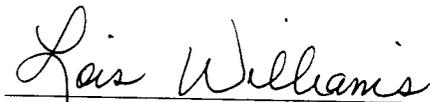
There being no other business to come before the Council, this meeting will be recessed until Tuesday, September 30, 2003 at 5:00 p.m. A motion was made by Councilwoman Franklin and seconded by Councilwoman Martin, the Council voted by unanimous consent to recess at 7:45 p.m.



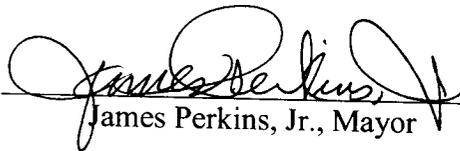
George P. Evans, President

ATTEST:

APPROVED:



Lois Williams, Acting City Clerk



James Perkins, Jr., Mayor