

**MINUTES OF THE
SELMA CITY COUNCIL MEETING
HELD ON MONDAY, JANUARY 26, 2004**

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, January 26, 2004 at 5:00 p.m. with the following members present: Council President George Evans and Council members Glenn Sexton, Rita S. Franklin, Jean T. Martin, Nancy G. Sewell, Samuel Randolph, Benny L. Tucker, Bennie R. Crenshaw and James Durry. Others present were City Clerk Lois Williams, City Treasurer Cynthia Mitchell, City Attorney Jimmy Nunn, Mayor James Perkins, Jr. and the Mayor's Administrative Assistant Sherri James. Dallas County Commissioner – Reverend Curtis Williams 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 she would like to add January 12, 2004 Council minutes and elimination of two positions: Assistant Chief of Police and General Services Secretary. Councilwoman Martin stated she would like to add the presentation of the plaque given to the City by The Links at the Martin Luther King, Jr. Unity Breakfast. Councilwoman Sewell stated she would like to add Selma's Promise. Councilwoman Crenshaw stated she would like to add executive session. A motion was made by Councilwoman Franklin and seconded by Councilwoman Sewell to approve the agenda as amended. The motion carried with a unanimous vote of the Council.

President Evans asked if there were any additions or corrections to the minutes of the regular meeting held on Monday, December 15, 2003. There being no corrections to be made to the minutes, a motion was made by Councilman Randolph and seconded by Councilman Tucker to adopt the said minutes as written. The motion carried with a unanimous vote of the Council.

President Evans asked if there were any additions or corrections to the minutes of the special called meeting held on Thursday, December 18, 2003. There being no corrections to be made to the minutes, a motion was made by Councilwoman Franklin and seconded by Councilwoman Sewell to adopt the said minutes as written. The motion carried with a unanimous vote of the Council.

President Evans asked if there were any additions or corrections to the minutes of the regular meeting held on Monday, January 12, 2004. There being no corrections to be made to the minutes, a motion was made by Councilwoman Franklin and seconded by Councilman Sexton to adopt the said minutes as written. The motion carried with a unanimous vote of the Council.

Discussion: Citizens' Input on Ward Realignment

There were no responses from citizens regarding ward realignment.

I. CITIZENS' REQUESTS

A. Mayor Herb Story of Valley Grande. President Evans stated during a speaking engagement in Valley Grande, Mr. Herb Story stated he wanted the Council and citizens to know that Valley Grande was not interested in getting into an altercation with the City of Selma and their plan of action to remove the police protection out of Valley Grande was simply a legal matter per advice from their attorney. President Evans further stated Mr. Story stated the letter written did not include information concerning fire protection because they were basically focusing on police protection because of the legal matter.

II. CITY ATTORNEY'S REPORT

A. **Wrecker Ordinance.** Attorney Nunn stated he has reviewed the wrecker ordinance and there were some recommendations made by Lieutenant Evans that were presented to the Public Safety committee and copies were made for the Council. Attorney Nunn stated it is his opinion that this matter should be conducted through the Public Safety committee and then brought to the Council. Councilwoman Franklin stated the Public Safety members were not present at the meeting today, but there were three Council members present and they went over the ordinance item by item and notes were taken of the changes to be made. Councilwoman Franklin stated another meeting would be scheduled prior to the next Council meeting.

B. **Enforcement of Vicious/Barking Dogs and Noise Ordinances.** Attorney Nunn stated per the Council's request, correspondence has been forwarded to Chief Robert Green regarding the enforcement of the ordinances for vicious and barking dogs and noise. Attorney Nunn further stated a copy of Chief Robert Green's response to the police officers has been given to the Council.

C. **Resolution – Ward Boundary Lines.** Attorney Nunn stated the Council should have a copy of a resolution as it relates to the Council authorizing him to prepare an ordinance. This ordinance was presented to the Council and placed on first reading at the last Council meeting. Attorney Nunn stated two originals have been prepared, one to be kept in the City Clerk's office, and one to be sent to the Department of Justice. This resolution was approved at the last Council meeting.

D. **Ordinance O39-03/04 – Ward Boundary Lines.** Attorney Nunn stated the ordinance #O39-03/04 would be sent to the Department of Justice dealing with the descriptions of each ward. A motion was made by Councilwoman Franklin and dually seconded by Councilwoman Sewell and Councilwoman Martin to adopt the said ordinance. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

E. **Mutual Aid Agreement.** Attorney Nunn stated he and Mayor Perkins have met as it relates to the mutual aid agreement and Valley Grande. Attorney Nunn stated there is State law which states that if aid assistance arises during an emergency resulting from a fire or other public disaster, the firemen of any city or town may together, with all necessary equipment, lawfully go beyond the City's corporate limits and police jurisdiction to any Town within the State of Alabama; the same immunity applies and can be reimbursed for services performed. Attorney Nunn stated Fire Chief Henry Allen prepared a mutual aid agreement for the City of Selma, however, he stated if an agreement were put in writing other than the State law, it would create a liability on behalf of the City of Selma. Following further discussion, Attorney Nunn stated State law can be effective and it also protects the City. A motion was made by Councilwoman Crenshaw and seconded by Councilman Randolph to adhere to State law relative to emergency response to disasters and other matters outside the city limits, and eliminate the existing 1997 agreement at this time. Mayor Perkins stated he recommends compliance with the State law and move forward with the elimination of the 1997 agreement. Councilwoman Martin stated she concurs. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

F. **Selma Water Works Discussion with Attorney Gary Thompson.** Attorney Nunn stated per request of the Council at the last meeting, he met with Attorney Gary Thompson regarding Selma Water & Sewer Board and license tax. He stated we met on last Monday to discuss issues on how to deal with this matter and there were two recommendations by Mr. Thompson: 1) the Selma Water & Sewer Board would agree to pay their license taxes to the City of Selma provided the City would be willing to extend the franchise agreement for thirty years, which currently ends in the year 2017, relative to

II. CITY ATTORNEY'S REPORT

receiving additional bonds, and 2) the Selma Water & Sewer Board agree to charge a fee per fire hydrant in exchange for the City of Selma taxing the Water & Sewer Board. If Selma Water & Sewer Board pays license tax, then they will charge the City of Selma for the use of the fire hydrants when water is used to extinguish fires. Attorney Nunn stated this would be sort of a reimbursement situation for exchange of fees. Attorney Nunn stated he informed Attorney Thompson that he would present these recommendations to the Council, but he could not make a recommendation on the franchise, because the Council has the authority to decide whether to extend the franchise, however, as it relates to the license tax, he further stated that Attorney Thompson was very clearly informed that the City of Selma cannot waive this fee because it would put the City of Selma in a liability situation in that all other utility entities fall under the same law who are paying license tax to the City of Selma. Councilman Sexton stated the service fee would be \$150.00 per fire hydrant and a meter would be placed on the fire hydrant at Bloch Park to charge for water being used by the Fire Department during their training. Following a lengthy discussion, President Evans stated he wanted a committee which would consist of members Councilwoman Franklin, Councilman Durry, the three Council members who serve on the Water & Sewer Board (Councilman Sexton, Councilman Tucker and Councilman Randolph) and himself along with Mayor Perkins, Attorney Nunn and Attorney Thompson and his representatives to meet as soon as possible to get some understanding of their proposal to resolve this matter. Councilwoman Franklin stated she would like to make a point of observation that the business licenses are due as of January 31, 2004.

III. MAYOR'S REPORT

A. Approval to Contract Angler's Paradise Fishing Tournament. Mayor Perkins asked Mrs. Driggers, Director of Planning and Development, to come forward to address an issue related to Tourism and the Anglers' Paradise Fishing Tournament. Mrs. Driggers stated as per her memo: Approval to contract with Angler's Paradise Fishing Tournament in the amount of \$3,000.00 already allocated in the Tourism budget. A motion was made by Councilwoman Martin and seconded by Councilman Sexton to approve the said contract to co-sponsor the Angler's Paradise Fishing Tournament. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

B. Liquor License Approvals. Mayor Perkins stated he has four liquor license requests that were placed on first reading at the last Council meeting and asked if the Council would like to vote on them individually. President Evans stated individually.

- 1) **Retail Table Wine (Off Premises) – 1432 Lawrence Street.** A motion was made by Councilwoman Sewell and seconded by Councilman Randolph to approve the said liquor license. The applicant is Marcus Hopkins, Lawrence Street Grocery. The motion carried with a majority vote of the Council. There were five affirmative votes, three opposes and one abstention. Councilman Sexton, Councilwoman Franklin and Councilwoman Crenshaw opposed and Councilman Tucker abstained.
- 2) **Lounge Retail Liquor Class II (Package) – 1105 Broad Street.** A motion was made by Councilman Durry and seconded by Councilwoman Crenshaw to approve the said liquor license. The applicant is Jane Stapleton Cook, Cheers. The motion carried with a majority vote of the Council. There were eight affirmative votes and one abstention. Councilman Tucker abstained. Councilwoman Crenshaw stated that she would vote for this particular license, but would also rescind her vote at any point and time that it is reported with evidence that young people are being sold any type of alcohol, she stated she would help to close the establishment.

III. MAYOR'S REPORT

- 3) **Lounge Retail Liquor (Transfer) – 102 Washington Street.** A motion was made by Councilwoman Crenshaw and seconded by Councilman Randolph to approve the said liquor license. The applicant is Jeanie D. Gullett Blevins, Sunset Lounge. The motion carried with a majority vote of the Council. There were eight affirmative votes and one abstention. Councilman Tucker abstained.
- 4) **Retail Table Wine (Off Premises) – 3766 Highway 80 West.** A motion was made by Councilman Sexton and seconded by Councilwoman Franklin to approve the said liquor license. The applicant is Kenneth Busby, Ken's General Store #4. The motion carried with a majority vote of the Council. There were eight affirmative votes and one abstention. Councilman Tucker abstained.

C. **Sales Tax Reports.** Councilman Sexton distributed copies of a report that he prepared to the Council and addressed the Mayor stating he feels a complete audit needs to be conducted because there are figures that, according to the State Department of Revenue and AlaTax, are not in comparison to the figures that the Council has been receiving from the Finance Department. Councilwoman Crenshaw stated the City has had the hardest time understanding what has happened to our tax dollars since Councilman Sexton's recommendation to change our collectors to AlaTax. Mayor Perkins stated he has no knowledge of the information distributed by Councilman Sexton; it has not been reviewed or discussed with him. After further discussion, a motion was made on the recommendation of President Evans to have a meeting to include Mayor Perkins, a representative from the State Department of Revenue, a representative from AlaTax along with Ms. Cynthia Mitchell, Councilman Sexton, Councilwoman Crenshaw, and Councilwoman Sewell. The motion carried with a unanimous vote of the Council.

BUSINESS ITEMS:

IV. MEDICAL CENTER PARKWAY TRAFFIC LIGHT UPDATE

Councilwoman Franklin stated a letter from a concerned citizen has been given to the Council for informational purposes and this item would be continued because they are waiting on traffic division to give pricing.

V. RECOGNITION OF BEAUTIFICATION COMMITTEE CHAIRPERSON

Councilwoman Franklin stated she is still working on the recognition for Mrs. Salter and it will probably take place at the last Council meeting in February depending on Mrs. Salter's schedule. There is still no one to take her place on the committee. Councilwoman Crenshaw stated she might have someone by the next meeting.

VI. CITY'S FINANCIAL AUDIT UPDATE FROM BORLAND BENEFIELD

Mayor Perkins stated he is not in a position to respond to this matter at this time.

VII. STATE EXAMINER'S FINANCIAL AUDIT

President Evans stated this financial audit must be done and he is really concerned about getting a true picture of the City's finances based on the Examiner's audit as requested by Mayor Perkins. President Evans stated the urgency of this matter should be addressed with the Examiners for this audit for the benefit of all, so that the Council will know where the City stands financially before the next election.

BUSINESS ITEMS:

VIII. CENTRAL ALABAMA ANIMAL SHELTER UPDATE ON PROPOSED CONSTRUCTION (REMODELING) DATE AND FINANCE

Councilwoman Franklin stated she informed the Animal Shelter committee that the City still needed the money from the County and this is the only update at this time.

IX. ACCOUNT BALANCES OF OBLIGATED/UNOBLIGATED FUNDS

Councilwoman Franklin stated she has had this item on the agenda for months and they still need a breakdown of the obligated/unobligated funds. Mayor Perkins stated that this information should be in the reports distributed to the Council.

X. ORDINANCES UPDATE

President Evans stated Attorney Nunn is still working on these items and asked him to continue and give the Council an update.

XI. POLICE DEPARTMENT EVALUATION UPDATE

Mayor Perkins stated he spoke with national organizations regarding this issue and he has begun to receive information that can be used to help assist with developing a statement of work.

XII. YOUTH-IN-GOVERNMENT DAY/SELMA'S PROMISE

Councilwoman Sewell stated Youth-In-Government has scheduled February 1, 2004 through February 7, 2004 as Youth-In-Government week. Councilwoman Sewell stated Youth-In-Government will do something a little different this year and embrace America's Promise program of Job Shadowing, which takes place on Groundhog Day, February 2, 2004. The Youth will get a chance to shadow elected officials, department heads and our local pharmacies. Councilwoman Sewell stated Ms. Tina Price provided information to the Council requesting their attendance on Wednesday, February 25, 2004, from 12:00 p.m. to 2:00 p.m. at the Convention Center for a luncheon forum sponsored by Selma's Promise on how to be better partners and fulfilling the five basic promises to our children.

XIII. GENERAL SERVICES DEPARTMENT DISCUSSION

Mayor Perkins stated Miss Valeria Jones, Personnel Director, has recently eulogized her father and has been out of the office; he stated this is one reason why the job announcement has not been posted. Mayor Perkins stated that the other reason is because he still has some discussion regarding this matter, and would like to meet with the administrative committee before moving forward. Councilman Sexton stated he would like to ask Mayor Perkins to answer the questions that were not asked at the last meeting. Mayor Perkins stated that the questions were answered in the committee meeting; the Council was invited to be present. Mayor Perkins stated during the meeting, there wasn't a single committee member who questioned his reply and at that point he concluded. Mayor Perkins stated that if Councilman Sexton really wanted to know the answers to the questions, he would have been at the meeting, called the office or come by. Mayor Perkins stated Councilman Sexton could ask the questions, but the questions have already been asked and answered in the appropriate forum. President Evans stated Councilman Sexton could now be allowed to ask the questions he wanted to ask. Councilman Sexton stated: "1) How long have you known about the corruption in the General Services Department before Councilwoman Franklin made it known to the Council members? 2) Why did you put Henry Hicks in charge of General Services?"

XIII. GENERAL SERVICES DEPARTMENT DISCUSSION

3) Why did you tell several General Services employees that you were going to push for Henry Hicks to become Director of General Services and if they did not get on the bandwagon with him, they should look elsewhere for employment?" President Evans stated the Public Works/General services committee would conduct the interviews for this position.

XIV. UPCOMING WORK SESSIONS DISCUSSION

President Evans asked the Council if there was a need to have a work session prior to regular Council meeting. Councilwoman Franklin stated a work session an hour prior to Council meeting would be a good idea, but she doesn't know if everyone will be in attendance. President Evans stated he would like to suggest that a work session is scheduled at 4:00 p.m. prior to Council meeting if needed and ask if everyone would attend and be on time.

XV. ELIMINATION OF ASSISTANT CHIEF OF POLICE POSITION

Councilwoman Franklin stated if the Assistant Chief of Police position is eliminated for the rest of this fiscal year, the City would save approximately \$36,757.73. Councilwoman Franklin made a motion to eliminate this position, however, President Evans stated the motion is out of order at this time. Councilwoman Crenshaw stated Assistant Chief Jacobs stated he had intentions of remaining in his position until after the meeting, which President Evans attended. Councilwoman Crenshaw asked if President Evans would share the contents of that meeting with the Council.

President Evans stated he did meet with Mayor Perkins and Assistant Chief Jacobs and the following issues were discussed; Chief Jacobs had concerns that the Council wanted to eliminate his position and President Evans stated he said to him that he had received a report that there were Council members who expressed interests in the non-renewal of his appointment, but he felt as though Assistant Chief Jacobs and Chief Green should meet and deal with the issues that were discussed in a previous executive session. President Evans stated he felt personally that there would be enough votes cast that would result in a non-renewal of his appointment. President Evans stated when he left the meeting, it was said by Mayor Perkins that he would schedule a meeting for Assistant Chief and Chief Green; however, he later received a call stating there was a letter of resignation submitted by Assistant Chief Jacobs. After further discussion, Councilwoman Crenshaw stated once a person is made aware that they can be terminated, that there would be five votes cast against his reappointment, it can be embarrassing and she feels Assistant Chief Jacobs was forced to retire because of the statements made to him. Councilman Durry stated there are certain things that reflect how well the military moves along in terms of having respect for your commanding officer. Councilman Durry stated respect was not given to those in the position of authority in this case and this may have played a roll in the circumstances. President Evans stated elimination of this position will not take place at this meeting and the Public Safety committee should include this item on the agenda for the next meeting.

XVI. ELIMINATION OF GENERAL SERVICES SECRETARY

Councilwoman Franklin stated if this position is eliminated, the City would save approximately \$19,000.00. A motion was made by Councilwoman Franklin and seconded by Councilman Sexton to eliminate the General Services Secretary position. Councilwoman Crenshaw stated this position was politically created and it is now being dealt with for the same reason. Mayor Perkins stated he had no prior knowledge of any discussion to eliminate this position. The motion carried with a majority vote of the Council. There were seven affirmative votes and two opposed. Councilman Randolph

XVI. ELIMINATION OF GENERAL SERVICES SECRETARY

and Councilwoman Crenshaw cast negative votes.

A motion was made by Councilwoman Crenshaw and seconded by Councilman Randolph to pay Mrs. Delois Smith, General Services Secretary, \$1,500.00 on a one time basis for work performed during the investigation process. Councilwoman Franklin stated, point of order, Councilwoman Crenshaw did not vote in the majority on the last motion taken, therefore, she cannot make a motion on this issue for the next six months. The motion was null.

XVII. THE LINKS UNITY BREAKFAST

Councilwoman Martin read from the plaque that was presented to the City of Selma at The Links Unity Breakfast on Martin Luther King Day, January 19, 2004, and she commended the Mayor on his keynote speech. Councilwoman Sewell concurs and expressed her sincere appreciation as a Links member.

XVIII. STANDING COMMITTEE REPORTS

RECREATION COMMITTEE

Councilman Durry stated the Senior Citizens at Jonathan Daniels will have a ribbon cutting ceremony and open house in February. He also stated the East End Fish Pond has been restocked and should be ready for fishing in the summer.

ADMINISTRATIVE COMMITTEE

There is no report for the Administrative Committee.

PUBLIC SAFETY COMMITTEE

Councilwoman Franklin stated there were radio problems in January, but they are being addressed and she will make copies available to all Council members as soon as she receives.

COMMUNITY DEVELOPMENT COMMITTEE

Councilwoman Martin stated the Black Heritage Tours are scheduled for Thursday and Friday, February 12, 2004 and February 13, 2004.

PUBLIC WORKS/GENERAL SERVICES

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

DISCRETIONARY FUNDS COMMITTEE

There is no report for the Discretionary Funds Committee.

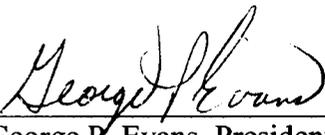
EXECUTIVE SESSION:

A motion was made by Councilwoman Crenshaw and seconded by Councilman Randolph recess into an executive session at 7:46 p.m. to discuss good name and character. The motion carried with a unanimous vote of the Council.

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Selma City Council Meeting
January 26, 2004
5:00 p.m.

The Council reconvened into regular session at 8:28 p.m.

There being no other business to come before the Council, on motion made by Councilwoman Franklin and seconded by Councilwoman Martin, the Council voted by unanimous consent to adjourn this meeting at 8:29 p.m.



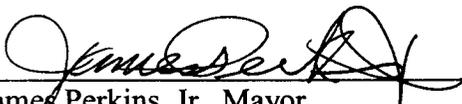
George D. Evans, President

ATTEST:



Lois Williams, City Clerk

APPROVED:



James Perkins, Jr., Mayor