

**MINUTES OF THE
SELMA CITY COUNCIL MEETING
HELD ON MONDAY, FEBRUARY 9, 2004**

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, February 9, 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 Attorney Jimmy Nunn, Mayor James Perkins, Jr. and the Mayor's Administrative Assistant Sherri James. Dr. Kenny Hatcher 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 police department transfers and new organizational assignments that are effective February 10, 2004, the letter from Fraternal Order of Police, and a resolution regarding the Mayor's appointment powers. A motion was made by Councilwoman Sewell and dually seconded by Councilman Sexton and Councilman Durry 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, January 26, 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.

President Evans asked if there were any additions or corrections to the minutes of the special called meeting held on Thursday, February 5, 2004. There being no corrections to be made to the minutes, a motion was made by Councilman Crenshaw and seconded by Councilman Durry 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. Youth Mayor – Jessica Willis. Miss Willis addressed the Council on behalf of the Selma/Dallas Youth-In-Government Council, thanking the Council and Mayor Perkins for their support of the youth and the Youth-In-Government program. Miss Willis stated the youth Council examined the current smoking ordinance for the City of Selma and would like to make the following recommendations: 1) smoking distance from the municipal building, 2) no smoking in all sports arenas, 3) higher fines for smoking violations, and 4) no smoking in restaurants and businesses. A motion was made by Councilwoman Martin and seconded by Councilwoman Sewell to accept the recommendations from Miss Willis on behalf of the Selma/Dallas Youth-In-Government. The motion carried with a unanimous vote of the Council.

B. Tommy Williams – Burnsville Volunteer Fire Department. Mr. Tommy Williams addressed the Council stating he would like to request consideration for donation of a fire truck to Burnsville Volunteer Fire Department should the City of Selma retire any of their old fire trucks. President Evans stated the Council agrees to consider the request of Mr. Williams to donate a fire truck to the Burnsville Volunteer Fire Department if the City should retire one.

II. MAYOR'S REPORT

A. Liquor License Approvals. Mayor Perkins stated there is one liquor license request, Lounge Retail Liquor – 201 Race Street. A motion was made by Councilman Durry and seconded by Councilman Tucker to approve the said liquor license. The applicant is Fred Chaney, Jr., Disco 9000. The motion carried with a unanimous vote of the Council.

B. Resolution – Workers Compensation. Mayor Perkins stated there is a resolution to accept the bid for workers compensation insurance for this year in the amount of \$269,233.00 with a \$500.00 deductible. A motion was made by Councilwoman Franklin and dually seconded by Councilman Randolph and Councilwoman Crenshaw to adopt the said resolution. A roll call vote was taken and the motion passed with a majority vote of the Council. Councilwoman Martin abstained from the vote.

C. Tourism – Special Appropriation. Mayor Perkins asked Mrs. Elizabeth Driggers, Director of Planning and Development, to come forward to discuss a request for special appropriation. Mrs. Driggers stated as per her memo: Tourism – Special appropriation of \$3,000.00 from Lodging Tax (funds available from unbudgeted lodging tax funds – FY 2002-2003) to the National Voting Rights Museum to assist them in sponsoring Jubilee Tourism Activities. A motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to approve the said appropriation. A roll call vote was taken and the motion passed with a unanimous vote of the Council. After further discussion and a request by Mr. Sam Walker, a motion was made by Councilwoman Crenshaw and seconded by Councilwoman Sewell to appropriate an additional \$2,000.00 to the National Voting Rights Museum. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

D. Cave In – Mabry Street. Mayor Perkins stated there is another major cave in which occurred in the 100 block of Mabry Street and asked Mr. David Painter, City Engineer, to come forward to discuss this matter. After discussing some engineering points regarding the cave in, Mr. Painter stated he would like to strongly recommend a budget of \$50,000.00 for repairs of this cave in and request authorization to proceed on an emergency basis. A motion was made by Councilwoman Martin and seconded by Councilman Randolph to approve the budget of \$50,000.00 for repairs of the cave in on Mabry Street. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

III. CITY ATTORNEY'S REPORT

A. Resolution - Declaration of Street – Medical Center Parkway. Attorney Nunn stated he has spoken with Mr. Tommy Smith, Public Works Director, and Mr. David Painter, City Engineer, regarding review of the site to bring a recommendation to the Council. Attorney Nunn stated Attorney John Calame is present to address the Council regarding this matter. Mr. Calame stated the current owners of the property are Richard and Susan Anderson. He stated this street was suspected to be inadvertently left a part of the property that is currently owned by the Anderson's, who are using Medical Center Parkway as their address. Mr. Calame further stated the owners are now trying to sell the property to a commercial buyer, they are not interested in buying the street, but would be interested in developing the property. Councilwoman Crenshaw stated she would like to ask the Council to wait for the recommendation from the Public Works director and the City Engineer. President Evans stated there is no reason for the Council to act on this matter tonight; therefore, it would be tabled until the next Council meeting.

B. Ordinance – O109-03/04 – Revocation of Business License. Attorney Nunn stated this ordinance has been placed on first reading and he asks for the Council's

III. CITY ATTORNEY'S REPORT

approval at this time as it relates to the revocation of business licenses. A motion was made by Councilman Sexton and seconded by Councilwoman Sewell to adopt the said ordinance. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

C. Curfew Ordinance. Attorney Nunn stated this ordinance has been drafted and should be placed on first reading. A motion was made by Councilwoman Sewell and seconded by Councilwoman Crenshaw to place the said ordinance on first reading. The motion carried with a unanimous vote of the Council. Councilwoman Franklin stated there would be a public hearing to discuss the curfew ordinance prior to the next Council meeting, February 23, 2004 from 4:30 p.m. to 5:00 p.m. She also stated the Public Safety meeting would be the same day from 4:00 p.m. to 4:30 p.m.

D. Ordinance #O110-03/04 – License Tax. Attorney Nunn stated the committee has met with the Selma Water & Sewer Board and he asks for adoption of the said ordinance. President Evans stated there was a meeting with the Selma Water & Sewer Board and there was an agreement that what is owed to the City by the Selma Water & Sewer Board for taxes would be charged back to the City as charges for use of the fire hydrant used for fire training in the Fire Department. President Evans further stated an agreement was also made to eliminate the payment of back taxes with no penalty. A motion was made by Councilwoman Sewell and seconded by Councilwoman Franklin to suspend the rules to adopt the said ordinance. A roll call vote was taken and the motion passed with a unanimous vote of the Council. A motion was made by Councilwoman Franklin and dually seconded by Councilwoman Sewell and Councilman Durry to adopt the said ordinance. A roll call vote was taken and the motion passed with a unanimous vote of the Council. Attorney Nunn stated the Selma Water & Sewer Board agreed to also amend their resolution to reflect these conditions.

E. Jail Contract Letter. Attorney Nunn stated this letter has been sent to Attorney John Kelly, per request of the Council, and the letter was carbon copied accordingly.

F. Statement of Claims Paid by Alabama Municipal Insurance. Attorney Nunn stated the Council has been given a copy of the statement from the Alabama Municipal Insurance Corporation as it relates to claims filed against the City of Selma. Attorney Nunn stated these claims have been investigated and paid by Alabama Municipal Insurance Corporation. A motion was made by Councilwoman Franklin and seconded by Councilman Randolph to reimbursement the Alabama Municipal Insurance Corporation in the amount of \$9,557.12 for payment of these claims. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

G. Submission of Ward Realignment to Justice Department. Attorney Nunn stated the ward realignment has been sent to the Department of Justice for approval.

BUSINESS ITEMS:

IV. MEDICAL CENTER PARKWAY TRAFFIC LIGHT UPDATE

Councilwoman Franklin stated there is no money amount given on this project yet. She stated because of the growth of this area, a cost analysis would need to be done as soon as possible, which should be done through the Police Department.

BUSINESS ITEMS:

V. RECOGNITION OF BEAUTIFICATION COMMITTEE CHAIRPERSON

Councilwoman Franklin stated Mrs. Salter is still not available for recognition. Councilwoman Franklin stated she has already given the Council President one name for a replacement and Councilwoman Crenshaw stated she has one name as well.

VI. ORDINANCE – WRECKER & TOWING SERVICES

Councilwoman Franklin stated this ordinance is still on first reading and the Public Safety committee did meet on today and she has notes from the meeting for the City Attorney. Mayor Perkins stated he has asked Councilwoman Franklin for an agenda of the Public Safety committee meetings on several occasions, but he has not been given an agenda; he has only been given a notice of the meeting. Mayor Perkins stated he has no knowledge of any of the ten items on the agenda, which was found while attending the Council meeting. He stated he has not had any discussion with anyone regarding the items on the agenda.

VII. STATE EXAMINER'S FINANCIAL AUDIT

Mayor Perkins stated there is no report on this item at this time.

VIII. CENTRAL ALABAMA ANIMAL SHELTER UPDATE

Councilwoman Franklin stated there have been numerous requests regarding when the City will start the reconstruction of the building for the animal shelter and there is still an issue regarding the money to be received from the County. Mayor Perkins stated there is no undated information on how this matter will be handled.

IX. ACCOUNT BALANCES OF OBLIGATED/UNOBLIGATED FUNDS

Councilwoman Franklin stated she has sent this request to Mayor Perkins. Mayor Perkins stated Ms. Mitchell was out of the office with an illness today and not present to give a report.

X. ORDINANCES UPATE

Councilwoman Franklin stated the litter still remains a problem. She stated that Attorney Nunn is still handling the liquor zoning. Councilwoman Franklin stated there are still problems with loitering. Councilwoman Franklin further stated the noise in her neighborhood is a little better and abandoned vehicles have been covered under wrecker and towing for rotation.

XI. POLICE DEPARTMENT EVALUATION UPDATE

Mayor Perkins stated he has received feedback from the Chairpersons of the Crime Task Committee and have begun to finish the accumulated list of prospective consultants. Mayor Perkins stated he is preparing to send out proposals in the next two weeks.

XII. ALA-TAX SALES REPORT

Councilman Sexton asked if any other figures had been received from the State Department of Revenue. Mayor Perkins stated he has requested a meeting with Ala-Tax to understand why the figures given to Councilman Sexton are not a part of the monthly

BUSINESS ITEMS:

XII. ALA-TAX SALES REPORT

report given to the City. President Evans stated all questions may be answered following the meeting Mayor Perkins has scheduled with Ala-Tax.

XIII. GENERAL SERVICES DEPARTMENT DISCUSSION

Mayor Perkins stated he requested to have further discussions on this matter at the last Council meeting. Mayor Perkins stated no discussions have been conducted and as soon as discussions on this matter have been done this information will be reviewed.

XIV. FORESTRY GRANT - SITE WORK TIME TABLE

Councilwoman Franklin stated she would like to remind the Council that several months ago, a forestry grant was received for a nursery, and the forestry nursery will be starting soon and she would like to update the Council on this matter. Councilwoman Franklin also stated that the Urban Forestry Chairperson has been ill, but will be getting things started soon.

XV. DUTCH DINNER FOR MAYORS, COUNCIL MEMBERS & THEIR SPOUSES FOR SELMA, ORRVILLE AND VALLEY GRANDE

Councilwoman Franklin stated a number of Councilwomen of the other communities of Valley Grande and Orrville asks if the Council and Mayor would be interested in a Dutch dinner for elected officials. Councilwoman Franklin stated other cities are doing this and it may be helpful in developing a better working relationship between the cities. President Evans stated if anyone is interested; please let Councilwoman Franklin know if you want to be a part of the dinner.

XVI. POLICE CRIME PLAN REPORT

President Evans stated Chief Robert Green nor Assistant Chief are present to discuss the police crime plan report at this time; however, he would like to ask Mayor Perkins to meet with them and bring an update to the Council by the next Council meeting. After further discussion, Councilwoman Franklin stated she would like to make sure the letter dated February 6, 2004 received from the FOP a part of the record, and according to the letter, there appears to be some additional cost to the budget and the Council needs to be aware of this issue. Mayor Perkins stated this is a situation where there are differences in opinion of how the City needs to deal with the crime issue. Mayor Perkins stated he requested two of the experts in the department to provide recommendations, which they did; he listened to the recommendations, made an individual assessment and came to a conclusion of which should or should not be implemented. Mayor Perkins stated if issues were conflicting from the recommendations, he reconciled them and made a decision.

XVII. ELIMINATION OF ASSISTANT POLICE CHIEF POSITIONS

Councilwoman Franklin stated this item was on the agenda of the Public Safety meeting which also included Councilman Durry and Councilwoman Sewell, Councilwoman Franklin stated the committee concluded with Councilwoman Sewell and herself agreeing to eliminate the position and Councilman Durry did not agree. She stated this is the report of the committee and this is almost a mute question at this point. A motion was made by Councilman Tucker and seconded by Councilman Sexton to accept Assistant Chief Jacobs letter of retirement as of February 23, 2004. President Evans stated this item, as stated by Councilman Tucker, is not on the agenda for tonight's

BUSINESS ITEMS:

XVII. ELIMINATION OF ASSISTANT POLICE CHIEF POSITIONS

meeting and therefore out of order. After further discussion between President Evans and Councilman Tucker, President Evans stated the item of discussion is for elimination of the Assistant Chief of Police position and there is not an item for acceptance of the letter of retirement, he also stated the opportunity to discuss this item should have been added before the approval of the amended agenda and that Councilwoman Franklin has already stated this is a mute issue. Councilwoman Franklin stated Councilman Tucker's motion would be in order. Councilwoman Crenshaw questioned, "Why don't you all just leave this man alone?" Mayor Perkins stated he would just put everyone on notice that he has reviewed a lot of information that took place prior to this administration. Mayor Perkins stated what is confusing to him is, what is making rational people make irrational decisions. Mayor Perkins stated something is causing this situation and he feels he may be on to something and this may be the concern that everyone has, if he has found something. Mayor Perkins state if something is found, "you really don't want to be considered a part of some kind of cover-up" and he really feels everyone should just leave this man alone, because all he is doing is trying to do his job. Mayor Perkins stated if what is found is real and he senses that someone is attempting to try to cover it up by getting rid of this man, he will make it known to the Justice Department.

XVIII. RESOLUTION – MAYOR'S APPOINTMENT POWERS

Councilwoman Franklin stated the Council has discussed the matter of the Mayor's appointment powers previously and she would like to ask for the approval of the Council for a resolution. A motion was made by Councilwoman Franklin and seconded by Councilwoman Sewell to adopt the resolution drafted by Councilwoman Franklin to have the Mayor's appointment powers remain as is. The motion carried with a majority vote of the Council. There were six affirmative votes and three negative votes. Councilwoman Martin, Councilman Randolph and Councilwoman Crenshaw cast negative votes.

XIX. STANDING COMMITTEE REPORTS

RECREATION COMMITTEE

There is no report for the Recreation Committee.

ADMINISTRATIVE COMMITTEE

Councilwoman Crenshaw stated February is Black History Month and the City should recognize the month. Councilwoman Martin will report on the Black Heritage Tour.

PUBLIC SAFETY COMMITTEE

Councilwoman Franklin stated the next Public Safety meeting will be February 23, 2004 at 4:00 p.m.

COMMUNITY DEVELOPMENT COMMITTEE

There is no report for the Community Development Committee.

PUBLIC WORKS/GENERAL SERVICES

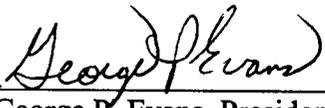
There is no report for the Public Works/General Services Committee.

XIX. STANDING COMMITTEE REPORTS

DISCRETIONARY FUNDS COMMITTEE

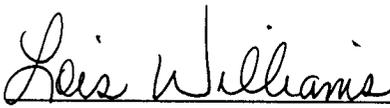
Councilwoman Sewell stated there are requests made for discretionary funds, but no money has been given.

There being no other business to come before the Council, on motion made by Councilwoman Sewell and seconded by Councilwoman Martin, the Council voted by unanimous consent to adjourn this meeting at 7:53 p.m.



George P. Evans, President

ATTEST:



Lois Williams, City Clerk

APPROVED:



James Perkins, Jr., Mayor