

**MINUTES OF THE
SELMA CITY COUNCIL MEETING
HELD ON MONDAY, AUGUST 11, 2003**

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, August 11, 2003 at 5:00 p.m. with the following members present: President George P. 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 Acting City Clerk Lois Williams, City Attorney Jimmy Nunn, Mayor James Perkins, Jr. and the Mayor's Administrative Assistant Sherri James. Deacon James Walker 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. Councilman Randolph stated he would like the Notice of Right To Sue Within 90 Days from the EEOC to be added to the agenda. Councilwoman Sewell stated that the resolution for Councilman James E. Davis should be added to the agenda. 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 Council meeting held on Monday, July 28, 2003. There being notice of a correction by Councilwoman Crenshaw to the minutes, a motion was made by Councilman Durry and seconded by Councilman Sexton to adopt the minutes with the requested correction. 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 special called Council meeting held on Monday, August 4, 2003. There being no additions or corrections to the minutes, a motion was made by Councilwoman Crenshaw and seconded by Councilman Durry to adopt the minutes as recorded. The motion carried with a unanimous vote of the Council.

President Evans stated that during the work session Attorney Chittom made a citizen's request for the Council to consider adding \$5,000.00 to the City's budget for the Selma area Food Bank.

Councilwoman Sewell stated that she would like to make a correction to the July 14, 2003 Council minutes. She stated that the statement made as it relates to the RIF Report having "collected" \$2,233.89 needs to be changed to "gave away". Councilwoman Sewell stated that the books were given away and the records should reflect this correction. A motion was made by Councilwoman Sewell and seconded by Councilwoman Franklin that during the RIF event of June 30th through July 3rd, approximately 400 students were served and \$2,233.89 worth of paperback books were given away which the Special Funds Project funded. The motion carried with a unanimous vote of the Council.

I. MAYOR'S REPORT

A. Central Alabama Animal Shelter Update and Cost. Mayor Perkins stated that a meeting has been scheduled for August 21, 2003 with the engineer to go through the details of this issue, the meeting will be held at 2:00 p.m.

B. Surplus Property Declaration. Mayor Perkins stated that he would like to ask Ms. Lois Williams, Acting City Clerk, to come forward to address the Council regarding the declaration of the surplus property. Ms. Williams stated that the Council is requested to declare the items listed on the draft provided for them as surplus property to move forward with the sale or donation of said items. After a brief discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilman Sexton to declare the items listed on the draft as surplus. The motion carried with a unanimous vote of the Council.

I. MAYOR'S REPORT

C. Request to Place a Monument of Reverend Reeb in Downtown Selma. Mayor Perkins stated that he has responded to the correspondence from the Southern Christian Leadership Conference regarding the request to place a monument of Reverend Reeb in Downtown Selma and he is waiting for a reply from them, and City Attorney, Mr. Jimmy Nunn, has also been asked to review the request regarding the questions referenced. Mayor Perkins stated that he is making the Council aware of the response and as soon as an answer is received, he would inform the Council, but no action needs to be taken at this point.

D. Defiant Run. Mayor Perkins stated that the Defiant Run Reconciliation Institute has responded to his request for foundation name and board members, etc. Mayor Perkins stated that their reply is attached with his memo to the Council and there was discussion regarding the organizational structure, which the Coordinator, Executive Assistants and the Committee Members are listed as well. Mayor Perkins further stated that he is making the Council aware of this response and that this is a budget issue that will have to be addressed during the budget hearings.

E. Councilman Tucker - Elimination List 2002-2003. Mayor Perkins stated that during the last Council meeting, the Elimination List 2002-2003 was presented to the Council and Councilman Tucker indicated that he had some additional information that he could provide to Mrs. Martha Jackson, Tax Collector. Mayor Perkins stated that Councilman Tucker states that he has shared that information with Mrs. Jackson, however, he has not received any updates from Mrs. Jackson as of yet.

Mayor Perkins stated to Mrs. Martha Jackson, Tax Collector, that Councilman Tucker has indicated that he has provided her with the information and he would like for her to inform the Council of the matter. Mrs. Jackson stated that the information was given to her and it was decided that this information would be left on the list.

F. Payment of Invoices to Selma Water Works Board. Mayor Perkins stated that he would like to ask Mr. Henry Hicks, Code Enforcement Officer, to come forward to address the issue regarding the payment of the invoices to the Selma Water Works Board. Mr. Hicks stated that after research regarding the Water Board payments of the invoices in question, it was determined that while demolishing a structure on Martin Luther King Street, Davis Construction Company damaged the fence and computer lines at the Selma Water & Sewage Board. Mr. Hicks stated that upon being notified of the damages, Davis Construction Company committed to filing a claim to their insurance company to cover said damages and in order to do so, they must have the proper invoices from the Water Board. Mr. Hicks stated that the Water Board refused to invoice the contractor, Davis Construction Company, and instead they attempted to collect payments from the City of Selma. Mr. Hicks stated that Davis Construction Company is still willing to pay for the damages upon receipt of the invoices. After further discussion, Councilman Sexton stated that he would take care of making sure the proper invoicing is done.

G. Repairs on Dallas Academy Building. Mayor Perkins stated that Mr. David Painter is present to discuss the repairs on the Dallas Academy Building. Mr. David Painter, City Engineer, Khafra Engineering, stated that the Community Development department has requested his analysis of the Dallas Academy Building and based on some previous inspections; upon receiving this request; he returned to the building and spoke with a number of people who are there and viewed previous inspections and conducted a walk-around the building to assess the overall condition of the building. Mr. Painter stated that in July, he met with the Community Development department again and presented a thorough inspection report from a contractor and cost estimate, which the Council has a copy. Mr. Painter stated that his recommendation is that as soon as funds are available, this project should not be placed on hold any longer, conditions are presumed to worsen and the estimates presented will no longer be valid and repairs will be more

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costly. Mr. Painter further stated that he recommends completion of items 1 through 4, which are very critical, this fiscal year, and item 5 can be completed maybe a year or two from now. After further discussion, Mayor Perkins stated the City Clerk has been requested to research the minutes for any information regarding previous repairs or renovations, and to also contact the City School System for drawings, as they are the owners of the Building, and he further stated that this issue would be included in budget discussions for 2003-2004.

H. Police Sergeant Contract. Mayor Perkins stated that he would like to ask Ms. Valeria Jones, Personnel Director, to come forward to address the Council regarding the Police Sergeant contract. Ms. Jones stated that the last police sergeant exam was given in 1999 and currently the City has two sergeant vacancies that need to be filled. Ms. Jones further stated that when the exam was given in 1999 the cost was \$18,665.00, but this year the exam would be provided for \$16,000.00 including expenses, she asked the Council for approval of this contract. After a brief discussion, a motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to approve the execution of this contract. A roll call vote was taken and the motion carried with a unanimous vote of the Council.

I. Listing of Cell Phones. Mayor Perkins stated that he would like to ask Mrs. Vickey B. Locke, Finance Director, to come forward to address the Council regarding the listing of the cell phones. President Evans stated that this issue was discussed in the work session and no further information is needed at this time. Mayor Perkins stated he requests Mrs. Locke to move forward on some items that were agreed to inspect and reduce some situations.

J. Resolution – Plant Mix. Mayor Perkins stated that he is asking for the Council to approve the resolution as submitted by the City Clerk for the Plant Mix bid awarded to Asphalt Construction. A motion was made by Councilman Sexton and seconded by Councilman Randolph to approve the Plant Mix resolution. A roll call vote was taken and the motion carried with a unanimous vote of the Council.

K. Resolution – Pest Control. Mayor Perkins stated that he is asking for the Council to approve the resolution as submitted by the City Clerk for the Pest Control bid awarded to Terminix Services. A motion was made by Councilman Sexton and seconded by Councilwoman Crenshaw to approve the Pest Control resolution. The motion carried with a unanimous vote of the Council.

L. Resolution – Corrugated Metal Pipe. Mayor Perkins stated that he is asking the Council to approve the resolution as submitted by the City Clerk for the Corrugated Metal Pipe bid awarded to Hanson Pipe & Products. A motion was made by Councilwoman Sewell and seconded by Councilman Randolph to approve the Corrugated Metal Pipe resolution. A roll call vote was taken and the motion carried with a unanimous vote of the Council.

M. Resolution – Ready Mix Concrete. Mayor Perkins stated that he is asking the Council to approve the resolution as submitted by the Clerk for the Ready Mix Concrete bid awarded to Holbrook Ready Mix. A motion was made by Councilman Sexton and seconded by Councilwoman Martin to approve the Ready Mix Concrete resolution. A roll call vote was taken and the motion carried with a unanimous vote of the Council.

N. Resolution – Concrete Pipe. Mayor Perkins stated that he is asking the Council to approve the resolution as submitted by the Clerk for the Concrete Pipe bid awarded to Sherman Concrete Pipe Ready Mix. A motion was made by Councilman Randolph and seconded by Councilwoman Crenshaw to approve the Concrete Pipe resolution. A roll call vote was taken and the motion carried with a unanimous vote of the Council.

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O. **Discretionary Fund, Bond Fund, and Oil Lease Balances Report.** Mayor Perkins stated that the Council has received their discretionary fund reports and other balances will be available at the next Council meeting, August 25, 2003. Councilwoman Crenshaw stated that she would like to address the issue regarding the individuals who did not receive their discretionary funds based on the understanding that these funds would be carried over to the next fiscal year, however, concurred by President Evans, these funds in fact will not be carried over and would not be available if not used this fiscal year. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Sewell that those Council members who did not choose to accept return of their discretionary funds previously, should now be allowed to receive their funds at the same time other members who did choose to accept return of their discretionary funds. A roll call vote was taken and the motion carried with a majority vote of the Council. Councilman Tucker abstained from the vote.

P. **Cigarette/Tobacco Tax – September 1, 2003 Deadline.** Mayor Perkins stated that he would like to ask Mrs. Martha Jackson, Tax Collector, to come forward to address the Council regarding the Cigarette/Tobacco Tax deadline. Mrs. Jackson stated that the Council needs to take action on this issue at this meeting or at the next Council meeting, she stated she has surveyed other cities regarding this matter and there are many, many ways to tax cigarette/tobacco products. Mrs. Jackson stated that after speaking with the City Attorney, Mr. Jimmy Nunn, she suggests recommendation to tax 16 cents on all tobacco products with the exception of cigarettes; this would be approximately a \$30,000.00 increase in revenue. After a brief discussion, a motion was made by Councilwoman Franklin and seconded by Councilwoman Martin that this issue regarding a 15% tax on all tobacco products with the exception of cigarettes be placed on first reading. The motion carried with a unanimous vote of the Council.

II. **CITY ATTORNEY'S REPORT**

A. **Ordinance – Cable Regulations.** Attorney Nunn stated that a copy of the cable regulations ordinance has been given to the Council, which was previously on first reading, and he is asking for approval of this ordinance. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Martin to approve the ordinance. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

B. **Redistricting Procedures.** Attorney Nunn stated that the code 11-46-23 states that the City has the right to redistrict, divide or define its wards at any time it is deemed feasible. He stated that whenever a municipality readjusts its ward lines, an ordinance must be adopted to divide the lines in the voting district by metes and bounds and must be submitted to the Municipal Clerk within five days after the adoption of the ordinance to be filed with the judge of probate for the County by map or plat of the City showing the boundaries of the ward and must be published in the newspaper. Attorney Nunn stated that it has been suggested to have the public hearings held prior to the adoption of the ordinance and then submit to the probate judge for approval, but found no information that a public is required. Attorney Nunn further stated that the adoption of the ordinance must be done three months prior to the next election. After further discussion, President Evans stated that he would like to thank Mr. Reynolds and that a public notice would be announced to invite the general public to view the plans.

C. **Lawsuit - Friends of Forest vs. City of Selma.** Attorney Nunn stated that the Friends of Forrest vs. the City of Selma lawsuit has been dismissed. All four counts against the City of Selma have been dismissed without prejudice.

D. **Agreement – All-Lock and the City of Selma.** Attorney Nunn stated that the Council has been provided a copy of this agreement as well as the indemnification concerning the All-Lock agreement with the City of Selma. Councilwoman Crenshaw stated that she and

II. CITY ATTORNEY'S REPORT

another Council member have done some research and found information regarding the All-Lock agreement, which she read from minutes dated September 28, 1998, that stated, "Mayor Smitherman informed the Selma City Council members that he had been contacted by Mr. Ron Herman, an official of the All-Lock Company, who sold the factory to Dana Corporation, but maintained possession of the building located at 4555 Water Avenue, the building is currently leased through December 1999." "The Mayor stated that the appraised value of the property was \$4,000,742.00, and the assessed value was \$900,037.00." "The Mayor further stated that no property taxes will be due until the tax year 2000-2001." "The Mayor outlined that the terms of the offer is that All-Lock will donate the property and \$250,000.00 to be used as the City deems appropriate." Councilwoman Crenshaw further stated that as per these minutes, she cast a negative vote, and she wanted it to be made clear that she would not have agreed to those terms as stated in the September 1998 minutes. Councilwoman Sewell stated that she has a separate set of minutes whereby the Council voted unanimously on this agreement. President Evans stated the unanimous vote of the Council was based on a resolution adopted not to hold All-Lock accountable for any indemnities. Councilwoman Crenshaw concluded that during that point and time she needed help with this situation which she did not receive and therefore she did not vote for receiving such a large gift which really was not a gift.

E. Ordinance – Rezoning. Attorney Nunn stated that the Council has been presented a copy of an ordinance as it relates to rezoning property, which is now classified as an R-75, and requests to be rezoned as an R-60 district. He stated that this property was discussed at the Planning Commission meeting and will be published in the newspaper for the next two Sunday's. Attorney Nunn further stated that there will be a public hearing before the Council and the Council should decide when to hold the hearing. After further discussion, Attorney Nunn requested the Council to place this ordinance on first reading. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Sewell to place this rezoning ordinance on first reading. The motion carried with a unanimous vote of the Council.

F. Lawsuit – McCarroll/Peeples vs. City of Selma Police Department. Attorney Nunn stated that the lawsuit has been filed against the City regarding McCarroll/Peeples vs. City of Selma Police Department for neglect based upon the actions of the Selma Police Department and an answer will be filed as soon as possible.

G. Industrial Development Board Members. President Evans stated that this item would be tabled until the next Council meeting.

BUSINESS ITEMS:

III. E-911 COMMITTEE REPORT

Councilwoman Martin stated that the City Council, members of the Dallas County Commission, the E-911 Board and other concerned citizens met today at the Performing Arts Center and discussed the E-911 issue again and no new information came forward. Councilwoman Martin stated that the same basic information that was discussed in other meetings which included: 1) Turning the E-911 over to the County and 2) The money needed to fund the operation of the facility. President Evans stated that at this point a decision needs to be made, this issue has been discussed at length and time is running out. After further discussion, Mayor Perkins stated "Lord Knows I've Tried", this is not a fair arrangement for the City of Selma and the citizens of Selma are being required to pay into this process not twice but three times. Mayor Perkins stated that the citizens of Selma are a part of the E-911 district and when it comes to a prorata share of the contributions to the E-911 costs, the citizens of Selma pay the most money, that is the first time we pay, secondly, every tax dollar that is assessed to citizens of Dallas County, citizens of Selma pay that same tax dollar, so when Dallas County provides a

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service to citizens of Dallas County that do not live in the City of Selma and then refuses to provide that same service to citizens of Dallas County that live in the City of Selma, it is at that time we are paying twice and not receiving anything for it, and thirdly, we are being assessed an additional \$216,000.00 because we are the City of Selma. Mayor Perkins further stated that he is against the deal that is on the table, but he is favorable of Dallas County and the E-911 Board providing all telecommunication services to all residents of Dallas County at an equitable and fair rate that is already paid to E-911 and Dallas County. Mayor Perkins stated there is no additional assessment to the City of Orrville or the City of Valley Grande; he asked why is Selma being assessed an additional fee; which is wrong and he stated he strongly encourage the Council to vote against this arrangement and go back to the table with E-911 and Dallas County, and if they refuse, we have to do what is necessary to stand up for the citizens of Selma. A motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to follow Mayor Perkins' suggestion to refuse the additional assessment to the City of Selma and go back to the table with the issue. A roll call vote was taken and the motion failed with a six to three majority vote against the motion. President Evans, Councilman Sexton, Councilwoman Franklin, Councilwoman Sewell, Councilman Tucker and Councilman Durry voted against the motion and Councilwoman Martin, Councilman Randolph and Councilwoman Crenshaw voted for the motion.

President Evans stated that the previous motion failed and a motion can be made to move forward with the E-911. A motion was made by Councilwoman Sewell and seconded by Councilman Tucker to go along with Dallas County and the E-911 Board to relocate the E-911 facility to West Dallas Avenue and allow Dallas County to operate the facility at a price commensurate with what Dallas County paid and allowing Mayor Perkins, President Evans and Councilwoman Franklin to negotiate the \$216,000.00. A roll call vote was taken and the motion carried with a majority vote of the Council. President Evans, Councilman Sexton, Councilwoman Franklin, Councilwoman Sewell, Councilman Tucker and Councilman Durry voted for the motion and Councilwoman Martin, Councilman Randolph and Councilwoman Crenshaw voted against the motion.

IV. U. S. DEPARTMENT OF LABOR – RE: SELMA POLICE DEPARTMENT

President Evans stated this item would be tabled.

V. SELMA PUBLIC BUILDING AUTHORITY BOARD MEMBERS

Councilwoman Crenshaw stated that there are nine members selected by majority vote of the Council to serve on this board. The appointed members of the Board are: Felicia Coleman, Lee Goodwin, Charlotte Griffith, Mildred Brown Hicks, Charles Moss, Jr., Holland Powell, Liz Rutledge, Fred Williams III, and Bertram Woodson.

VI. COUNTY BOARD OF EQUALIZATION APPOINTMENTS

Councilwoman Crenshaw stated that all Council members have a list of names nominated for this Board and asks them to please select a name and give back to her by the next Council meeting. Please give your list to Ms. Williams.

VII. 2003-2004 CITY BUDGET – PROJECTIONS OF REVENUES

Mrs. Vickey B. Locke, Finance Director, stated that the reports will be distributed at the next Council meeting.

VIII. NEW WORLD SOFTWARE PRESENTATION TO COUNCIL

President Evans stated that Mayor Perkins is working on this issue and he indicated that he wanted New World to give a presentation and allow specific questions to be asked during this time. President Evans stated that a decision has tentatively been made to continue to use New World as our software vendor.

IX. WORSHIP SERVICE CONFIRMATION (DATE, TIME AND PLACE)

Councilwoman Martin stated that she has spoke with her pastor and he has agreed to invite the Council to her church, St. Paul, and the Council decided to attend on Sunday, August 17, 2003 at 10:30 a.m.

X. EEOC- 90 DAY NOTICE TO FILE LAWSUIT

Councilman Randolph stated that he would like to inform the Council that the U. S. Department of Justice and the EEOC have given the Water Board employees the right to sue for discrimination within 90 days as a result of the Water Board's refusal to settle out of court.

XI. RESOLUTION – COUNCILMAN JAMES E. DAVIS

Councilwoman Sewell stated that the resolution prepared for Councilman James E. Davis, who was assassinated in New York, has been signed unanimously by the Mayor and the Council. A motion was made by Councilwoman Sewell and seconded by Councilwoman Crenshaw to move forward with sending this resolution to Mayor Bloomberg, of Brooklyn, New York.

XII. STANDING COMMITTEE REPORTS

RECREATION DEPARTMENT COMMITTEE REPORT

There is no report from the Administrative Committee.

ADMINISTRATIVE COMMITTEE REPORT

Councilwoman Crenshaw stated that she will be attending the Congressional Black Caucus in Washington, DC in September where she will be serving on a panel for Human Development and she looks forward to bringing back some helpful information.

PUBLIC SAFETY COMMITTEE REPORT

There is no report from the Administrative Committee.

COMMUNITY DEVELOPMENT COMMITTEE REPORT

There is no report from the Community Development Committee.

PUBLIC WORKS/GENERAL SERVICES COMMITTEE REPORT

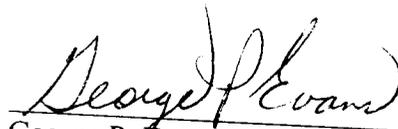
There is no report from the Public Works/General Services Committee.

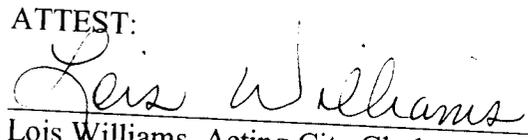
DISCRETIONARY FUND COMMITTEE REPORT

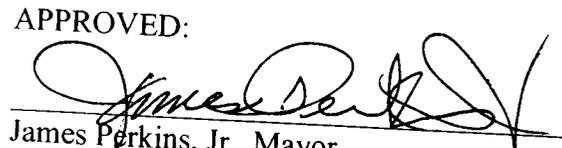
There is no report from the discretionary fund committee.

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Selma City Council Meeting
August 11, 2003
5:00 p.m.

There being no other business to come before the Council, the next work session will be scheduled the same day as the regular Council meeting to be held on Monday, August 25, 2003, with work session at 3:30 p.m prior to Council meeting at 5:00 p.m. On motion made by Councilwoman Sewell and seconded by Councilwoman Crenshaw, the Council voted by unanimous consent to adjourn at 7:55 p.m.


George P. Evans, President

ATTEST:

Lois Williams, Acting City Clerk

APPROVED:

James Perkins, Jr., Mayor