

**MINUTES OF THE SELMA CITY COUNCIL MEETING
HELD ON MONDAY, MARCH 27, 2000**

The City Council of the City of Selma met in a regular session in the Council Chambers of City Hall on Monday, March 27, 2000 with the following members present: President Carl C. Morgan, Jr. and Council members Glenn Sexton, Rita S. Franklin, Jean T. Martin, Mark V. West, Benny L. Tucker, Bennie Ruth Crenshaw and Yusuf Abdus-Salaam. Councilwoman Nancy G. Sewell was out of town and absent from the meeting. Others present were Mayor Joe T. Smitherman, City Attorney P. Henry Pitts, City Clerk Jacqueline T. Smith and City Treasurer Jimmie S. Abbott. Councilman Benny L. Tucker gave the invocation.

After roll call, President Morgan declared a quorum present and the meeting was opened for the transaction of business as set forth on the agenda.

President Morgan asked if there were any additions or corrections to the minutes of the regular City Council meeting held on Monday, February 27, 2000. There being no additions or corrections to the minutes, on motion made by Councilman Sexton and seconded by Councilwoman Martin the minutes were approved as recorded.

I. MR. ASHVIN PARIKH – PUBLIC HEALTH DAY

Mr. Ashvin Parikh, Director of the Dallas County Health Department, made a brief appearance before the Council to thank them for their annual financial contributions and to ask the City's participation in Public Health Day on April 6th. Mr. Parikh stated that April 3rd through April 9th has been declared Public Health Week and he is pleased to have Vaughan Regional and Selma Baptist Hospitals offer health screening. A proclamation proclaiming April 6th as Public Health Day will be issued from the Mayor's Office.

II. REV. ROD ROCHESTER

The Rev. Rod Rochester from the United Methodist Church made an appearance before the City Council to request permission for the church to use the Songs of Selma Park on April 20th from 7:00-9:00 p.m. for the annual re-enactment of the Lord's Supper and for a parade permit from City Hall to Valley Creek Park on April 21st from 2:00-4:00 p.m. for the annual re-enactment of the Trial and Crucifixion. On motion made by Councilwoman Crenshaw and seconded by Councilman Tucker, the Council voted unanimously to approve the requests of the United Methodist Church.

III. MS. REXENE REDD – SELMA/DALLAS CO WOMEN'S CENTER

Ms. Rexene Redd, Director of Selma-Dallas County Women's Center appeared before the Council to make the Council aware of the new center and its purpose. The center is a branch of Save A Life Center that is headquartered in Birmingham and their major objectives are preventive education, counseling, and adoption and post abortion.

III. MS. REXENE REDD – SELMA/DALLAS CO WOMEN'S CENTER

Ms. Redd stated that the Center has been well received in Selma and she looks forward to working with area residents requiring the services offered. President Morgan informed Ms. Redd that prior to seeking financial assistance, the Center would need to provide the Council with a copy of their projected budget and each Council member could make appropriations from his or her discretionary funds.

IV. FINANCIAL AUDIT FOR FISCAL YEAR 1998-1999

Mayor Smitherman introduced members of the auditing firm of Jamison, Money and Farmer from Tuscaloosa, Alabama who performed the city audit for the fiscal year ending 1998-1999. Mr. Jerry Humber and Dianne Rumanek stated that they would only explain the high points of the audit and make a return trip if necessary to go into more detail.

Mr. Humber stated that the City ended 1998-1999 in great financial condition with revenues of \$16,600,000, up two percent from the last year, and expenditures in the amount of \$15,300,000, before the transfer of funds, which leaves a surplus of \$930,000. Mr. Humber further stated that the City has a good debt management ratio with \$55 million in assets and \$10.4 million in debts. All bonds and warrants payments are current and were made on time and the Inert Trashfill had net income of \$118,000.

Mr. Humber recommended that the City Council set up a special reserve fund for future improvements. Mr. Humber explained that during budget preparations, rather than expending the entire amount of anticipated revenues, the City should only appropriate approximately ninety percent of anticipated revenues for the City budget and set aside the ten percent for the special reserve fund. To expend funds from this special reserve fund would require action from the Council.

President Morgan urged the Council to review the audit and the attached management letters for discussion at a future date.

V. MS. BARBARA BROWN – CITIZENS AGAINST VIOLENCE

Ms. Barbara Brown made a brief appearance before the City Council to thank them for the installation of the violence/non violence light on the grounds of the Municipal Complex. Ms. Brown stated that she was also present to seek financial assistance to help defer expenses that will be associated with a trip to Washington, DC by a delegation from Selma seeking national recognition endorsing the purple ribbon symbol and seeking to have April 4th declared Murder Awareness Day. Ms. Brown stated that this idea originated in Selma with the City Council passing a related resolution in 1998 and the State of Alabama passing legislation this year. Councilwoman Martin agreed to draft a letter of support and have each Council member indicate the amount of his or her donation.

VI. MAYOR'S REPORT

A. 5th Month Financial Report. Mayor Smitherman presented the Council with a fifth month financial statement, which shows the City operated some \$126,000 under budget. The report shows that budget expenditures totaled \$6,689,000 and actual expenditures totaled \$6,562,000.

B. Sales Tax Report. Mayor Smitherman presented the Council with the sixth month sales tax report, which shows the City collected approximately \$93,000 more in sales tax this fiscal year than the same reporting period of the last fiscal year. Collections for this period are \$919,000 compared to \$825,000 for this period last fiscal year. The Mayor stated that this increase brings the City back on target with projected collections.

C. Expenses for President Clinton's Visit. Mayor Smitherman stated that the actual expenses to the City for President Clinton's visit is in the area of \$65,000 with the bulk of expenditures being salary overtime in the Selma Police Department.

D. Tax and License Report. Mayor Smitherman presented the Council with the Tax and License Report through March 2000. The report shows ad valorem taxes collected have increased \$192,332, business license revenue collected have increased \$4,535 and cigarette taxes have increased \$4,590 with total deposits increased by \$196,633.

E. Summer Food Program Resolution. Mayor Smitherman stated that the City of Selma annually sponsors the Summer Food Program that is administered by the State Department of Education. The program feeds lunch on a daily basis at all of the public schools in our city. Mayor Smitherman stated that a requirement of the program is that the City adopts a resolution endorsing the program each year. On motion made by Councilman Salaam and seconded by Councilman Tucker the Council voted unanimously to adopt the resolution for the City's participation in the Summer Food Program 2000.

F. Helen McGill Greenhouse Invoice. Mayor Smitherman presented an invoice from the Helen McGill Greenhouse, which is a subsidiary of Cahaba Mental Health Center, for planting and maintaining the flowerbeds in downtown Selma through September 2000 for a cost of \$15,000. The Mayor stated that the City could not hire a crew to do the same work for \$15,000, and he has received nothing but praise from the citizens on the beauty of the flowerbeds. Mayor Smitherman asked the Council to ratify, affirm and approve Phase I of the contract with the Helen McGill Greenhouse in the amount of \$15,000. On motion made by Councilwoman Martin and seconded by Councilwoman Crenshaw the Council voted unanimously to approve the contract as presented.

G. Liquor License Application. Mayor Smitherman stated that a liquor license application of Mr. Garcia Raphael was presented to the Council and placed on first reading at the last Council meeting for an establishment located 1122 Water Avenue. The Mayor stated that there is no criminal history in the background of the applicant and it is the recommendation of the Public Safety Committee to approve the license application.

VI. MAYOR'S REPORT

H. Hogg Engineering Corporation Contract. Mayor Smitherman presented a proposal from Hogg Engineering Corporation to draw the plans and write the specifications for the bids to construct a garage to house the new fire truck and restroom facilities for Memorial Stadium. The project cost for construction is estimated at \$90,000 and the Hogg Engineering contract is \$8,285.00 and both will be paid for with bond funds. On motion made by Councilwoman Franklin and seconded by Councilman Sexton, the Council voted unanimously to approve the Hogg Engineering contract.

I. Weed and Seed Grant Application Resolution. Mayor Smitherman asked the Council to adopt a resolution of approval to submit a Weed and Seed Grant Application for continued funding in the amount of \$225,000. On motion made by Councilman Salaam and seconded by Councilman Tucker, the resolution was approved by a unanimous vote of the Council.

J. Bid Opening for Backhoe Loader. Mayor Smitherman informed the Council that bids were opened on March 23rd for a backhoe loader for the Public Works Department, as authorized at the last Council meeting. Bids notifications were provided to Joe Money Machinery, Tractor and Equipment Company, and Warrior Tractor Company. The only bid received was from Warrior Tractor in the amount of \$80,640. On motion made by Councilwoman Martin and seconded by Councilwoman Franklin, the Council voted unanimously to accept the bid of Warrior Tractor Company. The Mayor stated that lease figures were obtained from Peoples Bank & Trust for \$2,300.51 per month for 36 months.

K. Economic Development Grant. Mayor Smitherman stated that bids were let for water and sewer improvements to ABT Deck, Inc., at the Craig Industrial Park. Mayor Smitherman requested Council approval to award the contract to the low bidder, 3W Construction, LLC, Montgomery, Alabama in the contract amount of \$153,781.95. On motion made by Councilman Sexton and seconded by Councilwoman Martin, the Council voted unanimously to award the bid to 3W Construction, LLC.

L. Hogg Engineering Contract for Economic Development Grant. Mayor Smitherman requested Council approval to contract with Hogg Engineering Corporation in the amount of \$28,610 to provide engineering services in connection with water and sewer improvements to ABT Deck, Inc. to be paid with grant matching funds from Craig Airport and Industrial Board. On motion made by Councilwoman Franklin and seconded by Councilwoman Martin, the contract for Hogg Engineering was approved as stated.

M. Economic Development Authority Grant. Mayor Smitherman stated that bids were let for sanitary sewer replacement and pump station upgrades. Mayor Smitherman requested Council approval to award the contract to the low bidder, McDonald Construction, Inc., Union Springs, Alabama in the amount of \$632,399.65. On motion made by Councilman Sexton and seconded by Councilman Tucker, the Council voted by a majority vote of seven affirmative votes and one negative vote to approve the contract to McDonald Construction, Inc. as stated.

VII. CITY ATTORNEY'S REPORT

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A. **Lillian Dunning vs City of Selma.** Attorney Pitts stated that he mailed the Council members a letter stating that he is of the opinion that the City of Selma has no liability in the above reference claim and recommends that it be denied by the City Council. On motion made by Councilwoman Franklin and seconded by Councilwoman Martin the Council voted unanimously to deny the claim of Lillian Dunning.

B. **List of Condemned Houses.** Attorney Pitts informed the Council that he is presently working on the necessary paperwork to have a new list of condemned houses demolished. President Morgan set an April 17th deadline for all Council members to submit a list of houses from their wards to be added to the list. Attorney Pitts stated that a major problem has existed in the past when Council members have removed houses from the list. Attorney Pitts further stated that he recommends Council members not request the removal of houses once they are placed on the list or he would withdraw from handling this procedure because it becomes too complicated.

C. **Election Commission.** Councilman Salaam stated that he has reviewed the agreement and conferred with Mayor Smitherman who also admits that certain sections of the agreement are unfair. Councilman Salaam stated that Mayor Smitherman recommended the Council hire outside counsel to address this issue. Councilman Salaam recommended the Council seek the counsel of Attorney John Kelly.

Attorney Pitts stated that he does not feel comfortable representing the City in this matter because he is of the opinion that the City as a whole should not attack this matter, but it should be attacked individually if any individual Council member has a problem with it.

A lengthy discussion followed and Councilman Tucker made a motion recommending outside counsel he hired to address this matter. There was no second to this motion.

Attorney Pitts stated that if the Council authorizes, he will re-examine this matter and ask the court to set aside the Election Commission for the 2000 municipal election and allow the absentee ballots to be handled by the City Clerk's Office. Councilman Tucker made a motion that was seconded by Councilman Salaam authorizing Attorney Pitts to petition the court to have the Election Commission dissolved. On roll call vote, the motion passed by a majority vote of seven affirmative votes and one negative vote. Councilwoman Crenshaw cast the negative vote.

D. **Robert Green vs City of Selma.** Attorney Pitts informed the Council that a motion for a summary judgement was granted in the claim filed by Assistant Chief Green and a motion for a new trial denied.

VIII. CALS UPDATE.

Mrs. Hazel Salter informed the Council that the CALS Committee has met and plans to recycle telephone books with bins set up in different locations throughout the City. Mrs. Salter also stated that the Committee recommends the City hire a person to maintain downtown Selma or budget expenditures necessary to keep the flowerbeds and the trash picked up.

IX. PRESIDENT MORGAN'S REPORT

A. School Board/Council Meeting. President Morgan stated that he has talked with Superintendent Carter and a joint meeting is expected to be scheduled within the next week.

B. Travel Policy. President Morgan asked the Council members to expediently clear up their travel vouchers from the National League trip in early March or they will not be allowed to receive funds to attend the State League meeting in May.

X. STANDING COMMITTEE REPORTS

PUBLIC SAFETY COMMITTEE REPORT

A. Appropriation for Police Vehicle. Councilman Sexton informed the Council that the police cruiser that was wrecked and totaled in December 1999 was purchased with funds from a law enforcement grant and it is stipulated in the agreement that this vehicle is replaced. The automobile insurance carrier paid \$10,880 as the depreciated value of the vehicle and to replace the car with a new 2000 model the cost will be approximately \$22,000. A motion was made by Councilman Sexton and seconded by Councilwoman Martin to amend the general fund budget and make an additional appropriation in the amount of \$11,000 to the Police Department to purchase a new vehicle. The Council voted unanimously on the motion.

B. March of Dimes Walk. Councilman Sexton stated that the March of Dimes was making their annual request for a parade permit for the annual Walk-A-Thon to be held on April 15th. A motion was made by Councilman Sexton and seconded by Councilwoman Crenshaw to grant the parade permit for the Walk-A-Thon. The Council voted unanimously on the motion.

C. Emergency Warning System. Councilman Sexton stated that Dallas County is in need of an additional weather warning system and asked each Council member to donate \$650 from his or her discretionary fund to help purchase the system. Councilman Sexton reminded the Council that the County assisted the City in the purchasing of the existing warning systems. Council members Franklin, Martin, Morgan, and Sexton agreed to make a contribution from their discretionary funds.

X. STANDING COMMITTEE REPORTS

ADMINISTRATIVE COMMITTEE REPORT

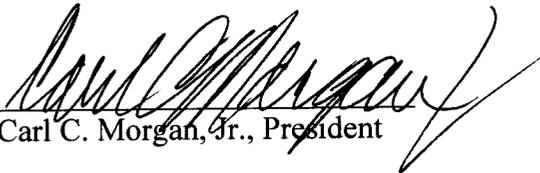
A. National Arbor Day Recognition. Councilwoman Franklin informed the Council that the National Arbor Day Celebration will be held at Edgewood School on a date to be announced. Councilwoman Franklin stated that The Peoples Bank is donating the money for the essay and picture contests. Councilwoman Franklin further stated that the City of Selma has once again been designated a Tree City USA for the 18th consecutive year.

B. Alabama League of Municipalities Journal. Councilwoman Franklin informed the Council that the City of Selma downtown area will be the focal point of the June issue of the Alabama League of Municipalities Journal. Officials from the League have scheduled April 22nd to meet with local officials to discuss the plans for Journal.

XI. OTHER REPORTS AND ANNOUNCEMENTS

A. National Day of Prayer. Councilman West stated that Dr. Park Chittom would like to make the annual request to the Council for use of the Council Chambers on May 4th from 12 noon to 2:00 p.m. in observance of the National Day of Prayer. On motion made by Councilman West and seconded by Councilman Tucker, the Council voted unanimously to grant permission for use of the Council Chambers for the National Day of Prayer.

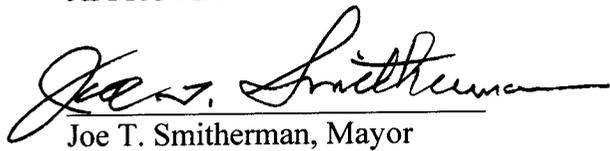
There being no further business to come before the Council, on motion made and duly seconded the Council voted unanimously to adjourn at 12:20 p.m.


Carl C. Morgan, Jr., President

ATTEST:


Jacqueline T. Smith, City Clerk

APPROVED:


Joe T. Smitherman, Mayor