

MINUTES OF THE SELMA CITY COUNCIL MEETING HELD ON MONDAY, JANUARY 12, 2004

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, January 12, 2004 at 5:00 p.m. with the following members present: President George Evans and Council members Glenn Sexton, Rita S. Franklin, Jean T. Martin, Nancy G. Sewell, Samuel Randolph, Benny L. Tucker 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. Dr. Kenny Hatcher gave the invocation. Councilwoman Crenshaw arrived in the Chambers at 5:18 p.m.

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 executive session and ordinance #COS 018-01/02 along with another ordinance to clarify the previous to be placed on first reading. A motion was made by Councilwoman Sewell and seconded by Councilwoman Martin 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 meeting held on Monday, December 15, 2003 and the special called meeting held on Thursday, December 18, 2003. President Evans stated the Council has not had a chance to review all minutes, therefore, a motion was made by Councilwoman Franklin and seconded by Councilwoman Sewell to table both sets of minutes until the next Council meeting. 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. Clyde Richardson – Business License. Mr. Clyde Richardson addressed the Council regarding the business item, revocation of license. He asked if the Council would please vote no on this item. Mr. Richardson also stated it is his opinion that the passage of this ordinance would discourage any future entrepreneurs to open a new business in the City of Selma.

B. Shaun Coleman – Southside High School Choir Tour. Mr. Shaun Coleman addressed the Council asking for their financial support of Southside High School's Choir as they plan their tour of the eastern states. Mr. Coleman stated this is the first time that Southside High School Choir has asked the Council for financial support and they will greatly appreciate the support of the Council in this educational and cultural experience for their choir. Mr. Coleman also stated the tour is scheduled for March 22, 2004 and any financial support should be received by March 18, 2004.

C. Pat Peterson – Barking & Vicious Dogs. Ms. Pat Peterson addressed the Council stating she owns a day care center at 1201 Eighth Avenue and next door is rental property where residents have five bulldogs. Ms. Peterson stated she has discussed this matter with Attorney Nunn and the Councilperson in her ward; she stated her main concern is that these dogs sometimes break loose and after the dog pound has been contacted and respond after a couple hours, they are put back in the yard. Ms. Peterson stated these dogs are not tied to a leash. Ms. Peterson also stated the dogs bark during the night, keeping her awake. A motion was made by Councilwoman Sewell and seconded by Councilwoman Crenshaw deeming these dogs vicious and hazardous to the lives of the citizens and requested immediate enforcement of the existing ordinance. The motion carried with a unanimous vote of the Council.

I. CITIZENS' REQUESTS

D. Jibrail Mohammad – Teaching Instrumental Music. Mr. Jibrail Mohammad addressed the Council regarding establishing and promoting a drum line clinic in the City of Selma and surrounding areas for musically inclined children. Mr. Mohammad stated there is little league football, basketball, etc., for the children, but there are no known activities for children who are inclined to music. Mr. Mohammad stated he has been fortunate to get assistance from a consultant from the movie, "Drum Line" to help to establish a clinic and he is asking for the Council's guidance and assistance with this clinic. He further stated his first clinic was a success, it was held during a PTA meeting at Payne Elementary School. The costs of the drumsticks are \$10.00 per pair and they will belong to the children. President Evans asked if Mr. Jibrail would prepare a proposed budget of how much will be required.

BUSINESS ITEMS:

II. MR. MIKE COCHRAN (SOUTHTRUST BANK) – RENEGOTIATING JAIL CONTRACT BOND

Mr. Mike Cochran addressed the Council regarding the renegotiating of the jail contract stating he represents the securities corporation of Southtrust Bank. Mr. Cochran stated that they are the underwriters for the 1999 Public Building Authority Bond for the Dallas County Commission, which the City of Selma participated. Mr. Cochran addressed the current relationship between the City and the County as it relates to this bond and he also stated there would be significant ramifications of renegotiating this contract should the City want to borrow again, particularly putting the City's credit in jeopardy. Mr. Cochran further stated any renegotiating will also affect the existing bond holders as well, and his recommendation to the City is to approach this situation slowly and try to find another way to address this issue. After further discussion, a motion was made by Councilman Sexton and seconded by Councilwoman Franklin to accept the existing contract as written. A motion to amend the existing motion was made by Councilwoman Sewell and seconded by Councilwoman Crenshaw to honor the existing contract until the two parties are able to attempt to renegotiate the existing contract. A roll call vote was taken and the motion passed with a majority vote of the Council. There were six affirmative votes and three negative votes. Councilwoman Franklin cast a negative vote stating she feels this matter needs to be put to rest, and as far as renegotiating, it is over. Councilman Sexton and Councilman Tucker also cast negatives votes. Councilman Durry stated the amended motion does not validate in terms of the existing contract when looking at the option of non-renewal, but his vote is affirmative.

III. ATTORNEY J. GARRISON THOMPSON – ORDINANCE #016-03/04 (SELMA WATER WORKS)

Mr. Thompson stated he would like to discuss the ordinance #016-03/04 with the Council pertaining to the license fee as it affects the Water & Sewer Board of the City of Selma. Mr. Thompson stated it is not his intention to come before the Council for any confrontational measure, but to raise some issues in hopes to plant some seeds to workout some of the difficulties that exist between the City Council and the Water & Sewer Board, particularly regarding this ordinance. Mr. Thompson stated five issues that concern the Water & Sewer Board regarding this ordinance and he further stated that the Council should keep in mind that the citizens would be the ones who will have to pay the cost. After further discussion by the Council, President Evans stated this issue indeed must be discussed, and he asked if Attorney Nunn and Attorney Thompson could meet to discuss this matter further with the Mayor's approval.

IV. **MAYOR'S REPORT**

A. **Proclamation – Retirement of Mr. Hardy Tate, Jr.** Mayor Perkins presented a proclamation to Mr. Hardy Tate, Jr. for retirement of twenty-four years of service in the general services department, refuse collector, as an outstanding employee with an exemplary attendance record.

B. **Liquor Licenses Approval.** Mayor Perkins stated he has four liquor license requests and suggested that each is placed on first reading until the next Council meeting, (3766 Hwy 80 West, 102 Washington Street, 1432 Lawrence Street and 1105 Broad Street,). A motion was made by Councilwoman Sewell and seconded by Councilwoman Crenshaw to place all four licenses on first reading until the next Council meeting. The motion carried with a majority vote of the Council. There were seven affirmative votes and two opposed. Councilwoman Franklin and Councilman Sexton cast negative votes.

C. **Tourism Budget Amendment.** Mayor Perkins asked Mrs. Driggers, Director of Planning and Development, to come forward to address the Council regarding the requests to amend the Tourism Budget. Mrs. Driggers stated she would like the Council's approval as follows: 1) Increase the total budget by \$3,000 for fiscal year 2003-2004 Tourism Budget from \$240,000.00 to \$243,000.00 from Lodging Tax collected in 2002-2003. 2) Amend Tourism Budget – reduce line item Special tourism by \$1,800.00 and increase Centre for Commerce Tourism Budget - \$1,800.00 and \$3,000 from total budget increase. Total Centre for Commerce Tourism amended budget - \$69,800. A roll call vote was taken and the approval was granted with a unanimous vote of the Council.

D. **Hickory Street Completion – David Painter, Engineer.** Mayor Perkins asked Mr. David Painter, City of Selma Engineer, to address the Council to give progress reports on several projects that he has been working. Mr. Painter discussed matters in his progress report which included: schematic estimate - 1st Avenue North, 1518 St. Phillips Street, West Haven Drive (along the river), Medical Center Parkway, completion of the Hickory Street/Magnolia, and Green Street/Philpot. Mr. Painter stated the Council approved a construction budget of \$66,345.00 for completion of these projects. While only \$44,814.44 of those funds have been used, Mr. Painter stated there are several other projects he would like to recommend use of the available funds of \$21,531.56; he stated one in particular is working with Bush Hog on the construction of Griffin Avenue.

E. **General Services – Acting Superintendent Position.** Mayor Perkins stated the General Services Department has been operating with an Acting Director. Mayor Perkins stated the Administrative Committee of the Council and the Council President have met to discuss this issue. Mayor Perkins stated that it is understood the committee's conclusion is the City would continue with an Acting Director for the remainder of the term. Mayor Perkins stated he concurs, and he also stated Mr. Henry Hicks has been very cooperative in doing two jobs, and has not received any compensation for the additional functions performed in the General Services department. Mayor Perkins stated that Mrs. Delois Smith has also been performing two jobs since a position in that office has not been replaced. Mayor Perkins stated there should be a fair compensation for these employees.

Following further discussion of the Council, President Evans stated Mr. Hicks was discussed in the committee meeting as well as Mr. Smith, but he would not vote for Mr. Hicks to be placed in this position without an interview process that included Mr. Smith. President Evans stated he is not aware of the qualifications of Mr. Smith, and the only way to address this issue is to have an interview process. President Evans stated he would like the Council to keep in mind that opening the interview process does not necessarily mean an appointment will be made, because no one knows what the interview process outcome will be.

IV. MAYOR'S REPORT

A motion was made by Councilwoman Franklin and dually seconded by Councilman Sexton and Councilman Durry to open the interview process for a permanent General Services Superintendent. A roll call vote was taken and the motion passed 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.

Mayor Perkins stated that the position is budgeted for \$40,000.00 and he recommends a salary of \$38,000.00 for Mr. Hicks and a \$1,500.00 increase in salary for Mrs. Smith. President Evans asked if separate motions could be made on these two recommendations. A motion was made by Councilwoman Crenshaw and seconded by Councilman Randolph to approve a supplemental increase of \$6,000.00 for Mr. Henry Hicks for a salary of \$38,000.00 pending the outcome of the interviews for a General Services Director. A roll call vote was taken on the recommendation for Mr. Henry Hicks and the motion passed with a majority vote of the Council. There were five affirmative votes and four negative votes. Councilman Sexton, Councilwoman Franklin, Councilwoman Sewell and Councilman Tucker cast negative votes.

A motion was made by Councilman Randolph and seconded by Councilwoman Crenshaw to increase the salary of Mrs. Delois Smith by \$1,500.00. A roll call vote was taken on the recommendation for Mrs. Delois Smith and the motion failed. There were two affirmative votes and seven negative votes. President Evans, Councilman Sexton, Councilwoman Franklin, Councilwoman Martin, Councilwoman Sewell, Councilman Tucker and Councilman Durry cast negative votes.

F. Reappointment – Library Board Members. Councilwoman Martin stated that Mrs. Becky Nichols recommends reappointing two library board members. A motion was made by Councilwoman Martin and seconded by Councilman Randolph to accept Mrs. Becky Nichols recommendations for reappointment of two members of the library board (Harriet Suttles and Ralph Hobbs). The motion carried with a majority vote of the Council. There were eight affirmative votes and one opposed vote. Councilman Tucker cast a negative vote.

G. Resolution - R137-03/04 – Convention Center Boiler. Mayor Perkins stated that the Convention Center boiler bids attached to resolution R137-03/04 are favorable. A motion was made by Councilwoman Franklin and dually seconded by Councilwoman Sewell and Councilman Durry to approve the said resolution in the amount of \$6,241.00. A roll call vote was taken and the motion passed with a unanimous vote of the Council. Funds will be taken from the Public Buildings budget.

H. Resolution – R138-03/04 - Reconditioned Police Vehicle. Mayor Perkins stated that Chief Green has requested a reconditioned police vehicle and the funds will be taken from the Drug Unit money. Bids attached to resolution R138-03/04 are favorable. A motion was made by Councilwoman Franklin and seconded by Councilman Durry to approve the said resolution in the amount of 12,688.00. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

I. Cemetery Hours. Mayor Perkins stated that according to Mr. Peoples, the 3:00 p.m. deadline is set for the purpose of overtime. Mayor Perkins stated that the Council should remember that the Cemetery Department opens at 6:30 a.m., therefore, their shift runs from 6:30 a.m. to 3:30 p.m. Mayor Perkins stated that if a funeral arrives after 3:00 p.m., this will put them in an overtime situation and there are no overtime funds in the Cemetery budget. Mayor Perkins stated that the funeral homes contacted did not have a problem with this arrangement.

V. **CITY ATTORNEY'S REPORT**

A. **Resolution – R136-03/04 - Redistricting & Realignment of Wards.**

Attorney Nunn stated that this resolution states that there was a census conducted in the year 2000, and that there has been a significant change in population or racial composition of the voters in the eight single member wards, and the Council authorizes the City Attorney to draft an ordinance. A motion was made by Councilwoman Franklin and seconded by Councilwoman Martin to approve the said resolution. A roll call vote was taken and the motion carried with a unanimous vote of the Council.

B. **Ordinance – O39-03/04 – Readjusting the Boundary Lines for Wards.**

Attorney Nunn stated that upon approval of this ordinance, he would file it with the Judge of Probate of Dallas County along with a map. He asks if this ordinance could be placed on first reading. A motion was made by Councilwoman Franklin and seconded by Councilwoman Martin to place the said ordinance on first reading. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

C. **Brook Lane on Ward Map - Corrections.** Attorney Nunn stated that there are three or four corrections that need to be made to the map. Attorney Nunn stated that the Council may be aware of the Brook Lane area, however, Brook Lane, which is in ward eight, is not in the city limits; it stops at the Beach Island Church. Attorney Nunn stated he had spoken with President Evans and Councilman Durry regarding this matter. After also discussing with the Mayor, it was determined that if there is not a consensus of the citizens in this area the City would not go forward with any changes. Attorney Nunn stated they met with a few of the citizens and did not get a consensus. Therefore, the area would remain as is because of the lack of receiving a unanimous consensus from citizens in that area. Attorney Nunn stated other areas of concern for corrections are Minter Avenue, Valley Creek Circle and Ward 4 corrections with Councilwoman Sewell. Attorney Nunn stated only graphics on the map are inaccurate that may warrant a change in the ordinance.

D. **Budget Amendment - Haynes Ambulance Service Contract.**

Attorney Nunn stated that a budget amendment is requested to pay Haynes Ambulance Service for the months of October, November and December, in the amount of \$3,750.00. The Council voted to extend their contract until December 31, 2003. This amount was not included in the adopted 2003-2004 budget. A motion was made by Councilwoman Sewell and seconded by Councilwoman Franklin to amend the budget \$3,750.00 to pay Haynes Ambulance Service. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

E. **Contract – Dallas County Health Department.**

Attorney Nunn stated that the Dallas County budget amount was increased by \$7,500.00. A motion was made by Councilwoman Sewell and seconded by Councilwoman Franklin to restore the Dallas County Health Department budget amount to \$30,000.00. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

F. **Claim – Mr. Robert Sanders.**

Attorney Nunn stated an EEOC claim for discrimination filed against the City of Selma by Mr. Robert Sanders was dismissed by the EEOC.

G. **Lawsuit – Billy Morgan.**

Attorney Nunn stated that a lawsuit has been filed against the City of Selma and Mr. Billy Morgan in his official capacity as police officer for the City of Selma.

H. **Wrecker Ordinance.**

Attorney Nunn stated that this ordinance was placed on first reading on November 24, 2003. Attorney Nunn stated that he has reviewed the ordinance and he has also forwarded a copy to Chief Green to review, who had several

V. CITY ATTORNEY'S REPORT

suggestions regarding the wrecker ordinance that he proposed. Attorney Nunn stated he also had some concerns as it relates to the insurance. He stated Chief Green also had some recommendations in which they have been reviewed and will be presented to the Public Safety committee for suggestions and consideration before passage of this ordinance.

I. Fence – 35 Wilkins Road. Attorney Nunn stated that the Board of Adjustments has approved the erection of a fence on 35 Wilkins Road, subject to there being no covenant in this subdivision. In December 2003, Dr. Rao's home was burglarized. Attorney Nunn stated the approval was also under the condition that the fence be of the design somewhat similar to the fence that is located in front of the Childrens' Home on Broad Street and First Avenue. Attorney Nunn stated that he was contacted by some of their neighbors and he further proceeded to do research and concluded that there was a covenant.

BUSINESS ITEMS:

VI. DALLAS COUNTY EMA SIRENS UPDATE

Councilman Sexton stated that he and Councilwoman Sewell met with Bret Howard on today and agreed to continue the \$4,000.00 already allocated to the EMA. Councilman Sexton stated that they agreed to let the Council member of each ward take care of repairs of sirens in their wards if needed. A motion was made by Councilwoman Franklin and seconded by Councilwoman Sewell that based on the information given by the committee, the Council will use their oil lease money to pay for the necessary repairs of sirens in each ward. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

VII. WORSHIP SERVICES/CHURCH VISITATION

Councilman Randolph stated that he would like to invite everyone to his church, Morning Star Baptist Church, Sunday, January 25, 2004 at 11:00 a.m.

VIII. BEAUTIFICATION COMMITTEE CHAIRPERSON

Councilwoman Franklin stated that she has not been able to find a person to volunteer for chairperson of the beautification committee. President Evans asked if everyone would continue to work on this item.

IX. ORDINANCE – BUSINESS LICENSE REVOCATION (1ST READING)

President Evans asked the Council what the status is of this item regarding the business license revocation. Attorney Nunn stated that his suggestion is to continue this item at this time.

X. POLICE & FIRE SERVICES FOR THE CITY OF VALLEY GRANDE

Councilwoman Franklin stated that she gave copies of the mutual aide agreement to each Council member, which stated that the City of Selma would send one engine within a 50-mile radius for requests for emergency. Councilwoman Franklin stated she has an updated draft of a mutual aide agreement that she would like to ask Attorney Nunn to review. Following further discussion, Councilwoman Crenshaw stated that the two Mayors should meet and discuss this matter further.

XI. CITY FINANCIAL AUDIT UPDATE

Mayor Perkins stated there is no update to report at this time.

BUSINESS ITEMS:

XII. CENTRAL ALABAMA ANIMAL SHELTER UPDATE

President Evans stated that he and Councilwoman Franklin have met with Commissioner Ballard regarding the Central Alabama Animal Shelter. Councilwoman Franklin stated that they have researched their finances and they are strapped for money at this time and it was discussed that they desire the City of Selma to match their funds with \$75,000.00.

XIII. ACCOUNT BALANCES OF OBLIGATED/UNOBLIGATED FUNDS

Councilwoman Franklin stated that this item would be continued until the next Council meeting.

XIV. ORDINANCE – UPDATE LITTER & LIQUOR ZONE

Councilwoman Franklin stated that Attorney Nunn is still reviewing this ordinance. Councilwoman Crenshaw stated that the City should really enforce the noise ordinance with the same enforcement requests as with the vicious dog ordinance. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Franklin that the Council would go on record to request enforcement of the noise ordinance by the Police Department. The motion carried with a unanimous vote of the Council.

A motion was made by Councilwoman Sewell and seconded by Councilwoman Franklin to also go on record to request enforcement of the abandoned vehicles on personal property by the Litter Control Officers. The motion carried with a unanimous vote of the Council.

XV. POLICE DEPARTMENT EVALUATION UPDATE

President Evans stated that he has received one recommendation for the Police Department consultant from someone who is interested in being a part of the process. President Evans stated that this is not a recommendation that requires any action and he has given Ms. Williams a copy to forward to the Mayor. President Evans further stated that he has also received several calls regarding this matter, as did Councilwoman Franklin and stated that they have been referred to Mayor Perkins. Councilwoman Crenshaw stated that her understanding of the process is that Mayor Perkins would seek information on a consultant and bring back to the Council. Councilwoman Martin concurred.

XVI. ORDINANCE – CLASSIFIED SERVICE

Councilwoman Franklin stated that there is a classified service ordinance adopted in April 2000 and it is not in total compliance with the State. Councilwoman Franklin stated that she has given copies to the Council members and she would like to place this ordinance on first reading. Attorney Nunn stated that his suggestion is not to place this ordinance on first reading at this time.

XVII. STANDING COMMITTEE REPORTS

RECREATION COMMITTEE

There is no report from the Recreation Committee.

XVII. STANDING COMMITTEE REPORTS

ADMINISTRATIVE COMMITTEE

Councilwoman Crenshaw stated that City Hall would be closed in observance of Dr. Martin Luther King Day, January 19, 2004.

PUBLIC SAFETY COMMITTEE

Councilwoman Franklin stated that there would be a Public Safety meeting held on January 26, 2004 at 4:00 p.m. prior to the next Council meeting.

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.

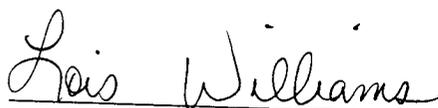
DISCRETIONARY FUNDS COMMITTEE

Councilwoman Sewell stated that she has three requests for discretionary funds. Councilwoman Sewell stated that Links, Inc. would sponsor its 11th Annual Unity Breakfast at 7:30 a. m. on Monday, January 19, 2004, Dr. Martin Luther Kings Day, and Mayor Perkins will serve as the keynote speaker. Councilwoman Sewell stated she requested and received contributions from some members for a corporate table for the Council members.

There being no other business to come before the Council, on motion made by Councilwoman Franklin and seconded by Councilman Sexton, the Council voted by unanimous consent to adjourn this meeting at 8:55 p.m.


George P. Evans, President

ATTEST:


Lois Williams, City Clerk

APPROVED:


James Perkins, Jr., Mayor