

MINUTES OF THE SELMA CITY COUNCIL MEETING
HELD ON MONDAY, NOVEMBER 12, 2002

The Selma City Council met in regular session in the Council Chambers of City Hall on Tuesday, November 12, 2002 at 5:00 p.m. with the following members present: **President Pro Tempore Rita S. Franklin** and **Councilmembers Glenn Sexton, Jean T. Martin, Nancy G. Sewell, Samuel Randolph, Benny L. Tucker, Bennie Ruth Crenshaw** and **Councilman James Durry**. Others present were Mayor James Perkins, Jr., City Attorney Jimmy Nunn, City Clerk Jackie Smith, and the Mayor's Administrative Assistant Sherri James. Dr. John W. Fain gave the invocation.

After roll call, **President Pro Tempore Rita S. Franklin** declared a quorum present and the meeting was opened for the transaction of business as set forth on the agenda. **President Pro Tempore Franklin** asked if there were any additions or corrections to the agenda prepared for this meeting. **President Pro Tempore Franklin** asked that the Executive Session be moved to the end of meeting. **Councilwoman Sewell** asked that RIF be added with America's Promise Forum. **Councilman Randolph** asked that the Water Board Ethic Commission be added to the agenda. There being no other additions to the agenda, on motion made by **Councilwoman Sewell** and seconded by **Councilwoman Martin**, the agenda was approved as amended.

President Pro Tempore Franklin asked if there were any additions or corrections to the minutes of the regular Council meeting held on Monday, October 28, 2002. There being no additions or corrections to the minutes, a motion was made by **Councilman Sexton** and seconded by **Councilman Durry** to adopt the minutes as recorded. The motion carried with a unanimous vote of the Council.

I. MAYOR'S REPORT

A. Retail Table Wine. Mayor Perkins presented a Retail Table Wine License on behalf of Mr. Steve D. Davis for Citizens Parkway Amoco located at 3037 Citizens Parkway. Mayor Perkins stated the Chief of Police presented the application with his recommendation for approval. A motion was made by **Councilwoman Sewell** to approve the Retail Table Wine License and seconded by **Councilman Randolph**. The motion carried with a unanimous vote of Council.

B. Norfolk Southern Railroad. Mayor Perkins presented a letter from Mr. W.R. Hughes, Norfolk Southern in reference to Highway/Rail Crade Crossing Closure Proposal. The letter was presented for informational purpose only. Mr. Hughes ask the City to please consider the closing at Oak Street, with the Medical Parkway overpass a stone's throw away, he felt this crossing can easily be eliminated without inconveniencing anyone. **Councilwoman Franklin** opposes the closing of the Oak Street crossing. **Councilman Sexton** stated that no actions should be taken until all repairs to the crossing has been completed. A motion was made by **Councilman Sexton** to abide any action at this time and seconded by **Councilman Durry**. The motion carried with a unanimous vote of Council.

C. Resolution - Tax Assessments. Mayor Perkins presented Council with a resolution stating the City Clerk has the authority to place the following notice in the Selma Times Journal and said notice is to appear in one issue of said newspaper and shall read as follows: Notice is hereby given the assessments on all property in the City of

I. MAYOR'S REPORT

Selma, Alabama subject to taxation for the current year have been completed by the City of Selma Tax Collector, City Building, Selma, Alabama and that the City Council will meet on Monday, November 25, 2002 at 5:00 p.m. to hear and determine any objections that may be made to any of said assessments. A motion was made by Councilwoman Crenshaw and seconded by Councilman Sexton to adopt the resolution as presented. The motion carried with a unanimous vote of Council.

D. Resolution - Public Safety Building. Mayor Perkins presented Council with a resolution stating the Mayor is hereby directed and given the authority to proceed in purchasing and securing a digital monitoring system with cameras in an effort to monitor and recorded all incidents and daily activities on the second floor at the Public Safety Building. Councilman Randolph made a motion to approve the resolution and Councilman Durry seconded. After some discussion the motion was withdrawn, upon the arrival of President Evans for further information. President Evans arrives at the Council Meeting at 5:30p.m. and the resolution was revisited. After a lengthy discussion from council members a motion was made by Councilwoman Crenshaw and seconded by Councilman Randolph to pass the resolution to place the Digital Camera in the Cecil Jackson Building. A roll call vote was taken the motion carried with a majority vote of Council. There (7) seven affirmative votes and (2) two negative vote. Councilman Sexton and Councilman Tucker cast the negative vote.

E. Alabama Power-Grant. Mayor Perkins presented Council with a letter from Alabama Power congratulating the City on being selected as a recipient of a 2002 Urban and Community Tree Assistance Program Grant. A representative of Alabama Power Company will present a check in the amount of \$300.00 for the City Marina and Block Park Tree Project. Mayor Perkins thanked Councilwoman Franklin and the Tree Commission for their efforts.

F. Selma-Dallas County Library Board. Mayor Perkins presented a letter to Council requesting the reappointment of Mrs. Kathryn Windham to the Selma Dallas County Library Board. Mrs. Windham terms will expire January 2003. A motion was by Councilwoman Crenshaw to reappoint Mrs. Windham and seconded by Councilwoman Sewell. The motion carried with a unanimous vote of Council.

G. Budget Amendments. Mayor Perkins presented Council with a list of Budget Amendments for fiscal year 2001-2002 for informational purposes only.

H. Budget - Overtime. Mayor Perkins stated the overtime budget was slightly high this early in the fiscal year. Mayor Perkins asked the Council if they would jointly help him to monitor the overtime budget.

I. Financial Reports. Mayor Perkins presented Council with the Financial Report for the month of October. Mayor Perkins stated that the large figure for expenditures for the month was due to once a year insurance payment. The financial report was given for informational purposes.

J. Resolution - Warrants. Mayor Perkins presented Council with a resolution stated the Mayor and the President of the Council are hereby authorized to sign a warrant purchase agreement between the City and the Frazer Lanier Company, Incorporated, on behalf of itself and Merchant Capital, L.L.C., with respect to the issuance by the City of General Obligation Warrants ("the warrants"). A motion was made by Councilwoman Sewell to accept the Mayor recommendation on the warrant issue and seconded by Councilwoman Martin. A roll call vote was taken. The motion carried with a majority vote of Council. There were (6) six affirmative votes and (3) three negative votes. Council members Sexton, Tucker and Franklin cast the negative vote.

I. MAYOR'S REPORT

K. Projected Revenue. Mayor Perkins asks Council to forgo any action on the Business Licenses until further review of the business license schedules, so that they maybe fair and equitably to all Businesses. Mayor Perkins stated that rental tax increase, garbage fees increase recreation sponsorship fees increase had no opposition and should move forward with their passage. Mayor Perkins asked Council to consider the passing of the proposal letter "O". Mayor Perkins stated that if Council were not prepared to vote on this issue he would ask that a special call meeting be held to approve the budget. Councilwoman Franklin suggested that Council recess this meeting as opposes to a call meeting later in the week

II. CITY ATTORNEY'S REPORTS

A. Ordinance - Tourism Amended Board. Attorney Nunn presented Council with an Ordinance establishing a Tourism Advisory Board and providing for duties. The Board still consists of nine- (9) member. The nine- (9) members shall consist of two (2) City Council members and seven (7) members who are resident citizens or individuals, who are owner of a licensed business located within the City of Selma. A motion was made by Councilwoman Franklin and seconded by Councilwoman Crenshaw to adopt this ordinance. A roll call vote was taken and the motion carried with majority vote of Council. There were eight (8) affirmative votes and one (1) negative vote. Councilman Tucker cast the negative vote.

B. Ordinance - Rezoning. Attorney Nunn presented Council with Ordinance for the purpose of reclassified the property. The ordinance state that said property in the City of Selma, Dallas County Alabama, which is now classified as a "R-50 District" be reclassified as a "B-1 District". A motion was made by Councilwoman Martin and seconded by Councilman Durry to pass this ordinance for rezoning. A roll call was taken and the motion carried with unanimous vote of Council.

C. Dallas Selma Community Action Building. Attorney Nunn stated that he was in receipt of a letter from Mr. John Kelley stated that he was awaiting the abstract in order to determine ownership of property. Attorney Nunn stated it would take some time to obtain the abstract, however as soon as he receives the information he would inform the Council.

D. Litigation - City Attorney Office. Attorney Nunn present to Council a progress report of the confidential matters and litigation with the City Attorney's Office for informational purpose.

E. Tourism Advisory Board. Attorney Nunn presented Council with a resolution amending ordinance establishing a Tourism Advisory Board. The Board will consist of seven (7) citizens and (2) two City Council members. Councilwoman Martin and Councilwoman Bennie R. Crenshaw were appointed to serve one year, eleven months, with the term expiring on September 30, 2004. The appointment of Laura Cothran, Mike Reynolds, Joann Bland, Karthy Needham, Elise Blackwell, David DeRamas and Shebra Kidd to serve. A motion was made by Councilwoman Franklin and seconded by Councilwoman Sewell to approve this resolution. The motion carried with a unanimous vote of Council.

II. CITY ATTORNEY'S REPORTS

F. Resolution-Retirement K-9 Dog Hero. Attorney Nunn state the Mayor and the City Council are of the opinion that it would not be in the best interest of the City of Selma to retire the K-9 Dog. The City Council is in agreement that the K-9 dog called "Hero" should continue and remain active in his assigned duties. A motion was made by Councilwoman Franklin and seconded by Councilman Durry to retain K-9 dog "Hero". The motion carried with unanimous vote of Council.

G. Resolution-Recreation Department. Attorney Nunn presented the Council with a resolution stating that the City Council does hereby resolve to increase the sponsorship fee for the research Athletic programs from \$ 200 to \$ 300 to become effective January 1, 2003. A motion was made by Councilwoman Franklin and seconded by Councilwoman Crenshaw to adopt the resolution as presented. A roll call vote was taken. The motion carried with unanimous vote of council.

H. Ordinance – Cigarette Tax. Attorney Nunn presented Council with an amended ordinance to increase the amount of cigarette tax levied on persons who sell or store or deliver any cigarette to the City of Selma. Councilwoman Franklin made a motion to suspend the rule for immediate consideration on this ordinance and seconded by Councilwoman Crenshaw. A call vote was taken and the motion carried with unanimous vote of Council. A motion was made by Councilwoman Franklin to adopt the ordinance and seconded by Councilman Durry. A roll call vote was taken and the motion passed with a majority vote of Council.

I. Ordinance – Garbage Fee. Attorney Nunn presented Council with an ordinance to increase the garbage fee. A motion was made to suspend the rule for immediate consideration by Councilwoman Sewell and seconded by Councilwoman Crenshaw. A roll call vote was taken and the motion did not pass. Councilman Sexton cast the negative vote. A motion was made by Councilman Durry and seconded by Councilwoman Crenshaw to place the ordinance in First Reading.

J. Ordinance - Rental Tax. Attorney Nunn presented the Council with an ordinance to increase the rental tax. A motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to suspend the rule for immediate consideration. The motion failed. A roll call vote was taken with Councilman Sexton casting a negative vote. A motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to place ordinance for rental tax on First Reading. The motion carried with a unanimous vote of Council.

K. Ordinance – Inert Trashfill. Attorney Nunn presented Council with an ordinance to increase the tipping fee in the Inert Trashfill Department. Councilwoman Martin made a motion and it was seconded by Councilwoman Sewell that this ordinance be placed on First Reading. The motion carried with a unanimous vote of Council.

L. Ordinance – Business License. Attorney Nunn presented Council with copies of the Business License ordinance for the review to be discussed a later date.

III. MR. CARL MORGAN'S LIAISON REPORT

Mr. Carl Morgan, Jr. stated that he was present before Council to make his monthly liaison report. Mr. Morgan's report consisted of the following items:

- a. Visited with several Mayors' to update them on incinerator project. All municipalities in Marengo and Bibb Counties have now signed their agreement amendments. Mr. Friday and Mr. Charles Mosley will appear before the Maplesville Council at their next Council meeting to answer any questions they may have.
- b. Met with the Mayor, City Attorney, Mr. Friday, City Engineer David Painter, and General Services Director Marcus Hopkins to discuss the amendment.
- c. Met with the Cahawba Advisory Committee to meet the Director's position applicant, Patricia Samford.
- d. Visited Cahawba site.

IV. AMERICA'S PROMISE FORUM/ RIF

Councilwoman Sewell invited the Mayor and the Council to attend America's Promise Forum to be held at the Performing Arts Center on November 19, 2002 at 5:00 p.m. The purpose of the forum is to make a commitment to the youth of our city. Councilwoman Sewell also stated that RIF with Santa, would be the Saturday before Christmas December 21, 2002, she is asking all children to attend.

V. WATER BOARD -ETHICS COMMISSION

Councilman Randolph stated that there were some members of the Water Board that were found in violation of using their position for financial gain. Councilman Randolph asked that the Water Board be abolished, due to the finding of the Ethics Commission. Councilman Tucker stated that Attorney Nunn was in attendance at the Water Board meeting and asked that he address the Council concerning this issue. Councilwoman Crenshaw asked how attorney fees are being paid. President Evans stated that the issue would be discussed in executive session after further information could be obtained. Councilman Randolph asked if the salary of the Water Board had been ratified. President Evans stated that the salary had not been ratified.

VI. STANDING COMMITTEE REPORTS

Recreation Committee Report

There was no report from the Recreation Committee.

Administrative Committee Report

Councilwoman Crenshaw stated there was a vacancy on the Selma City School Board and that City Clerk Jacqueline Smith was in the process of getting information for that position.

VI. STANDING COMMITTEE REPORTS

Public Safety Committee Report

Councilwoman Franklin stated that the Tree Commission would be meeting in the Council Chambers, Thursday, November 14, 2002 at 9:00 a.m. and the State PALS Award would meet November 13, 2002 at 12:00 p.m.

Community Development Committee Report

There was no report from the Community Development Committee.

Public Works and General Service Committee Report

There was no report from the Public Works and General Services Committee.

Discretionary Fund Committee Report

Councilwoman Sewell stated that she had (4) requests for funds then distributed discretionary forms to the Council for donations.

VII. REV. LEE GOODWIN

Rev. Lee Goodwin came before Council to express his concern about the Water Board and its members. He stated that he is requesting that three members of the Selma Water Board resign immediately in light of the ruling by the Alabama Ethics Commission. Rev. Goodwin expresses his concerns about the administrative decisions that have been at the Water Board. He is asking that the Council reappoint the members of the Water Board in an effort to restore the public's confidence in the operation of the Selma Water Board.

A motion was made by Councilwoman Sewell and seconded by Councilwoman Crenshaw to recess and go into Executive Session at 7:05 p.m. The motion carried with unanimous vote of Council.

A motion was made by Councilwoman Sewell and seconded by Councilwoman Martin to reconvene the meeting at 8:00 p.m.; it carried with unanimous vote of Council.

There being no other business to come before the Council, on motion made and duly seconded, the Council voted by unanimous consent to adjourn at 8:05 p.m. and have a special call meeting on Monday, November 18, 2002 at 5:00 p.m.


George P. Evans, President

ATTEST:


Jacqueline T. Smith, City Clerk

APPROVED:


James Perkins, Jr., Mayor