

**MINUTES OF THE SELMA CITY COUNCIL MEETING
HELD ON MONDAY, DECEMBER 10, 2001**

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, December 10, 2001 at 5:00 p.m. with the following members present: President George P. Evans and Council members Rita S. Franklin, Jean T. Martin, Nancy G. Sewell, Bennie Ruth Crenshaw and James Durry. Council members Benny L. Tucker, Glenn Sexton and Samuel Randolph were absent from the meeting. Others present were Mayor James Perkins, Jr., City Attorney Jimmy Nunn, City Clerk Jackie Smith, and the Mayor's Administrative Assistant Sherri James. The Reverend Ken Scott 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 requested the Council go into an Executive Session after completion of Citizens Requests. President Evans concurred with this request. There being no other additions to the agenda, on motion made by Councilwoman Franklin and seconded by Councilwoman Crenshaw, the agenda was approved as amended.

President Evans tabled the approval of the minutes from the November 26, 2001 Council meeting until the next regular Council meeting.

I. MAYOR'S REPORT

A. Ordinance to Amend Personnel Rules and Regulations. Mayor Perkins stated the ordinance to amend the Personnel Rules and Regulations had been discussed in the Council work session and he would like to request that this ordinance remain on first reading for further review. It was the consensus of the Council not to take action on this ordinance until the next Council meeting.

B. Liquor License Application – Ford's Grocery. Mayor Perkins presented a liquor license application on behalf of Celestine D. Ford Walker, Jr. for Ford's Grocery located 2600 Etheridge Avenue. Mayor Perkins stated he is in receipt of a memo from Chief Tate recommending approval of the license application. The liquor license application was placed on first reading and turned over to the Public Safety Committee for review and a recommendation.

C. Approval of Lease for All-Lock Building. Mayor Perkins informed the Council that Bush Hog, Inc. has proposed to lease the All Lock building for additional storage space. The proposed lease would be a six-month lease, then month-to-month, for \$3,500 per month with the first month payable in advance. Mayor Perkins stated the lease of the facility would not only be revenue producing but the City would also experience other savings such as a reduction in the cost of property insurance. Councilwoman Franklin made a motion to enter into a lease with Bush Hog, Inc. for a period of at least six months at \$3,500 per month. Councilman Durry seconded the motion and the motion passed with a unanimous vote of the Council.

D. Invitation – Alabama Ride To Freedom Tour. Mayor Perkins invited the Council to attend the activities associated with the Alabama Ride to Freedom Tour scheduled for January 14, 2002. A reception will be held at the National Voting Rights Museum and a dinner at the St. James Hotel. Mayor Perkins stated City participation is encouraged because this organization controls the flow of tours throughout the state, particularly in Birmingham, Selma, Montgomery and Tuskegee. The Mayor reminded President Evans that January 14, 2002 is also the date of a regular scheduled Council meeting and suggested the Council change its meeting to Tuesday, January 15, 2002 to allow Council members the opportunity to participate in the activities. Councilwoman Martin motioned to change the date of the next regularly scheduled Council meeting from January 14, 2002 to January 15, 2002. Councilwoman Crenshaw seconded the motion and the motion passed with a unanimous vote of the Council.

I. MAYOR'S REPORT

E. 2nd Month Financial Report. Mayor Perkins presented the Council with a financial report covering the first two months of the fiscal year. Mayor Perkins stated that through November 30, 2001, the City is operating at a deficit of \$117,632.00. The financial report shows the revenue collected for November 2001 was \$686,258.00 with delayed revenue collections of \$437,089.00 and expenditures for November 2001 was \$1,407,425.00. Mayor Perkins stated economic recovery is evident in sales tax collections and predicted the City would experience some financial improvements. President Evans stated he has requested, on several occasions, that the Council be provided a complete breakdown by each department. Mayor Perkins stated such a report would be presented at the next Council meeting.

F. Property Acquisition for National Trail. Mayor Perkins stated he is in receipt of a resolution and a right-of-way agreement from Alabama Department of Transportation relative to the National Trail. Mayor Perkins stated the agreement is a routine agreement and is required by the Highway Department before they can proceed with acquisition of property. He further stated that, even though this document puts the city at risk of having to accept the facility before it is completed, the city has always known it would take the facility over at the time of the project is completed. This has always been understood to be a "turn key" arrangement. The property to be acquired is for the Welcome Center and the Interpretive Center located in downtown Selma. Councilwoman Martin made a motion to adopt the resolution and the right-of-way agreement and to authorize Mayor Perkins to execute the necessary documents. The motion was seconded by Councilwoman Crenshaw and passed with a unanimous vote of the Council.

G. East Selma Pond Project. Mayor Perkins stated the City of Selma is in receipt of a grant from ADECA for the East Selma Pond Project. Mayor Perkins stated the bid for the engineering services was previously awarded to Hogg Engineering and bids were recently accepted for construction and Lovelady Construction Company was the low bidder at \$130,000. A tabulation sheet of this bid was distributed for Council review. Councilman Durry made a motion to accept the low bid of \$130,000 from Lovelady Construction Company for the construction phase of the East Selma Pond Project. Councilwoman Sewell seconded the motion and on roll call vote the Council voted unanimously to accept the bid of Lovelady Construction Company.

H. Wallace Community College-Selma Donald Byrd/Dance Summit Project. Mayor Perkins stated Dr. Rosemary Johnson of Wallace Community College previously addressed the Council requesting financial assistance in the amount of \$5,000 to assist with the Donald Byrd Dance Summit Project. Mayor Perkins stated it is his recommendation that the Council use discretionary funds for this request. The majority of the Council members suggested this project be funded through the general fund since their discretionary funds were mostly depleted. Mayor Perkins stated he would look at the budget line items and make a recommendation at the next Council meeting.

I. Christmas Holiday Schedule. Mayor Perkins stated it is his recommendation that city employees be granted the following days off in observance of Christmas and New Year's holidays: Monday, December 24th, Tuesday, December 25th and Tuesday, January 1st. The Mayor stated an additional day off would have unfunded budget implications. Councilwoman Sewell made a motion to accept the recommendation of Mayor Perkins and grant city employees December 24th, December 25th and January 1st in observance of Christmas and New Year's. Councilwoman Crenshaw seconded the motion and the motion passed with a unanimous vote of the Council.

II. CITY ATTORNEY'S REPORT

A. Ordinance – Heavy Loaded Trucks. Attorney Nunn stated the ordinance relative to the heavy loaded trucks was discussed in the Council work session and it is the consensus of the Council to table this ordinance pending amendments.

B. Resolution - Interim Review Panel. Attorney Nunn stated the Council voted at the last Council meeting to establish an Interim Review Panel to review the investigation of claims where excessive use of force is alleged. The panel shall consist of the Mayor, Council President, Police Chief and two citizens of Selma who will be selected by the aforementioned three, with one of the two citizens being a female. Attorney Nunn presented a resolution that establishes the Interim Review Panel and identifies the individuals the panel consists of. Councilwoman Franklin made a motion to adopt the resolution establishing the Interim Review Panel. Councilwoman Sewell seconded the motion and the motion passed with a majority vote of the Council. There were five affirmative votes. Councilman Durry was absent from the Council Chamber during this vote.

C. Ordinance – Collection of Garbage Fee. Attorney Nunn stated he was instructed to incorporate the process that transfer payment of the garbage fee from the landlord to the tenant into the current garbage fee ordinance to be presented to Council at this meeting. After reviewing the amended ordinance and some discussion by Council, the following is a list of amendments that must be made before the ordinance is placed in final form:

1. Page 7 – Item (a)
2. Page
3. Page 4 – (b)
4. Page 5 – (c)

Councilwoman Sewell made a motion to adopt the ordinance for the collection of the garbage fee, pending the amendments listed above. Councilwoman Franklin seconded the motion and on roll call vote the ordinance was adopted with a unanimous vote of the Council.

D. Claim 01-33. Attorney Nunn presented Council with a claim filed against the City of Selma by Joseph Huntington alleging damages to his vehicle in the amount of \$450 caused by a pothole on Marie Foster Blvd. Attorney Nunn stated after reviewing the investigative report submitted by the Public Works Director, it is his recommendation this claim be denied. Councilwoman Crenshaw made a motion to accept the recommendation of Attorney Nunn and deny the claim of Joseph Huntington. Councilwoman Martin seconded the motion and the motion passed with a majority vote of the Council.

E. Claims 01-036 and Claim 01-037. Attorney Nunn stated two additional claims have been filed against the City of Selma and will be presented to the Council at a future date. Both claims are pending an investigation by department heads.

III. RESCHEDULE NEXT COUNCIL MEETING

President Evans stated it is precedence that Council does not meet on the fourth Monday in December in observance of Christmas holidays. President Evans asked what was the pleasure of the Council. Councilwoman Crenshaw made a motion to postpone the next Council meeting scheduled for Monday, December 24, 2001 unless it is deemed necessary and a special called meeting would be held. Councilwoman Franklin seconded the motion and the motion passed with a unanimous vote of the Council. President Evans stated the next regular scheduled meeting of the Selma City Council would be Tuesday, January 15, 2002.

IV. CARL C. MORGAN, JR. LIAISON REPORT

Mr. Carl C. Morgan, Jr. stated he was present before the Council to present his monthly liaison report. Mr. Morgan's report included information from the entities listed below.

- Cahawba Project – attended a meeting in Montgomery with the Economic Research Association. The Association is almost ready to format a development plan to present to the Advisory Commission and the Historical Commission.
- Alabama Tombigbee RC&D – attended a meeting in Thomaston. The work on the Canning Kitchen is complete and a trial run of pepper jelly is in the planning stages. Also visited Deep South Foods and Microwave Roasters plants in Sardis.

IV. CARL C. MORGAN, JR. LIAISON REPORT

- Incinerator Project – visited John Clyde Riggs in Camden to ask his support in securing federal funds for the incinerator.

V. INTRODUCTION OF YOUTH IN GOVERNMENT MEMBERS

President Evans recognized the 2001-2002 Youth In Government members and asked Councilwomen Sewell and Martin to come forward and elaborate of the efforts of this group. Councilwomen Sewell and Martin stated the group represents students from each of Selma's high schools. The students were recognized as a group of intelligent and dedicated youth who are committed to leadership and making a change in Selma. Each of those present introduced themselves and identified the public position they represent.

VI. STANDING COMMITTEE REPORTS

RECREATIONN COMMITTEE REPORT

There was no report from the Recreation Committee.

ADMINISTRATIVE COMMITTEE REPORT

There was no report from the Administrative Committee.

PUBLIC SAFETY COMMITTEE REPORT

The Public Safety Committee report was informational only.

COMMUNITY DEVELOPMENT COMMITTEE REPORT

There was no report from the Community Development Committee report.

PUBLIC WORKS/GENERAL SERVICES COMMITTEE REPORT

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

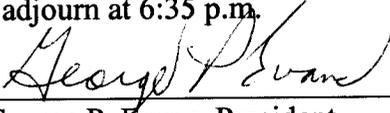
DISCRETIONARY FUND COMMITTEE REPORT

Councilwoman Sewell distributed copies of contribution sheets for several organizations, including the Emancipation Proclamation Project and the Donald Byrd Dance Group. Councilwoman Sewell stated the Council always sponsors a Christmas RIF distribution, and she has ordered approximately \$500 in books to be distributed on December 22nd at 9 o'clock at the Selma Convention Center. Culturama and African Knight students will assist with this project.

VII. MATCHPOINT TENNIS PROGRAM

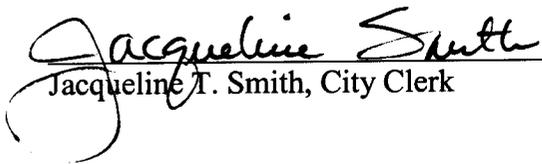
Mayor Perkins informed the Council that Mr. Ron Salter of the Matchpoint Tennis Program was unable to make the meeting tonight. Mayor Perkins asked that this presentation be deferred and placed on the next Council agenda.

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 6:35 p.m.



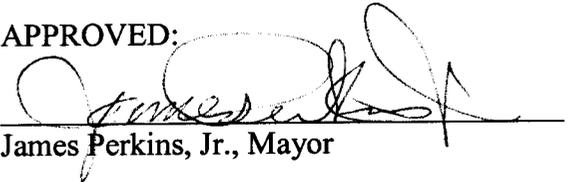
George P. Evans, President

ATTEST:



Jacqueline T. Smith, City Clerk

APPROVED:



James Perkins, Jr., Mayor

COPY

ORDINANCE

(011-00/01)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELMA AS

FOLLOWS:

The following words and terms, when used in this ordinance shall have the meaning respectively ascribed to them by this section, unless the context clearly indicates otherwise.

“**CITY**” shall mean the City of Selma, Alabama, a municipal corporation acting through its duly elected governing body or other official designated by the governing body as the case may be and shall refer to the area within the city limits which is provided garbage service.

“**DWELLING UNIT**” shall mean a single family residence, a mobile home, and each separate family apartment or housing accommodation in multiple family buildings. For example, each apartment in an apartment building shall be a dwelling unit for the purposes of this ordinance.

“**BUSINESS**” shall mean any building or structure where the business of an individual is conducted or where more than one business is conducted in or at any building at that location and for the purpose of this ordinance, each business within a building shall be considered as separate businesses. For example, each separate business in an office building shall be considered a business for the purpose of this ordinance.

“**GARBAGE CONTAINER**” or “**GARBAGE CAN**” shall mean a water tight receptacle or container of substantial plastic or metal construction especially constructed for garbage having a capacity of not less than ten (10) or more than thirty (30) gallons, with a tight fitting lid or cover, with not less than one handle on the lid or cover, and two handles on the receptacle or container by which same may be conveniently lifted or moved. No cans in excess of thirty (30) gallons capacity will be services.

“**GARBAGE**”. The word “garbage” shall refer to all waste accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking, dealing in or storage of meat, fowl, fish, fruits or vegetables.

“**TRASH**” shall mean any other containers or items originally used for edible items, and any other accumulation and paper products used in the course of everyday household usage.

“REFUSE” shall mean any other accumulation of waste that is not considered trash or as garbage but is worthless and useless to the customer and has been set aside for no further additional use by customer.

“PREMISES” shall refer to any residential residence or dwelling, flat, rooming house, duplex, triplex, apartment house, boarding house, trailer park, or other establishments wherein garbage service is provided which is not of a commercial nature.

“SANITARY DEPARTMENT” shall refer to the City of Selma’s General Services Department and shall include all officers and employees engaged in sanitary and health work for the City.

“SANITARY LANDFILL”. Place of dumping of garbage and rubbish or such place designated by the City or County.

“PERSON” shall mean any natural person, firm or corporation, partnership, association, trustee, executor, administrator, or other local entity, whether singular or plural, masculine or feminine.

“OWNER” shall mean the person who is assessing the property for taxes which may be or may not be the name whose service is subscribed regardless of whether or not such person resides in said premise or dwelling unit.

“LANDLORD” shall mean one who leases property to another creating a relationship between the lessor and the lessee of the real estate contractual in nature for a term of years, from year to year, month to month or at the will of either party.

“TENANT” shall mean an individual who is in possession or occupancy of property by right of agreement through a lease agreement between the lessor (landlord) and contractual in nature for a term of years, from year to year, month to month or at the will of either party.

“RUBBISH”. All waste, such as, wood, wood by-products , and masonry materials.

Section I. In order to provide for the adequate and proper disposal of garbage and trash within the City of Selma, and to provide the necessary health and safety standards connected with the collection of said trash and garbage within the city limits of the City of Selma, there is hereby levied a garbage collection fee to help defray a portion of the expense of

collecting said trash and garbage within the City of Selma and the administrative costs associated with such collection of garbage and trash.

Section II. It shall be unlawful for any person to sweep, throw or otherwise deposit or cause to be swept, thrown or otherwise deposited any garbage, trash, rubbish, or other refuse into or on any public street, alley, sidewalk, park or the property of another person or property which is in the possession of another person within the city and the police jurisdiction of the city or to permit any garbage, rubbish or other refuse to accumulate in such manner that it may be carried and deposited into or on any of the above places by action of the rain, wind or snow. This section shall not be applicable to any person using an approved container and/or garbage can which becomes damaged and causes garbage to scatter.

Section III. It shall be unlawful for any person in possession, charge of or control of any premises to keep, cause to be kept or allow the keeping on any premises within the City of Selma, garbage or other refuse in such manner that it will become offensive or deleterious to health or likely to cause disease, and the same is hereby declared a public nuisance. The health officer of the county, or his authorized representative, the City of Selma Code Enforcer or such other duly authorized inspectors as may be designated by the city council are hereby authorized to inspect any premises in the city for the purpose of seeing that the requirement of this ordinance is being complied with. It shall be unlawful for any person whomsoever to resist or interfere with such representative by work, deed or act in the performance of such inspection.

Section IV. It shall be unlawful for any person to sweep, throw or deposit or cause to be swept, thrown or deposited into or on any canal, stream, public water drain, or sewer, within the city or the police jurisdiction of the city, any garbage, trash, rubbish or other refuse, or to permit same to accumulate in such manner that it may be carried and deposited into or on any of the above by action of the rain, wind and snow.

Section V. It shall be unlawful for any person to remove any garbage, trash, rubbish or other like material from any garbage can or other container, after it has been placed therein

except under the orders of an officer, agent or employee of the sanitary department or by some other person removing same for disposal.

Section VI. GARBAGE CONTAINERS

- (A). It shall be unlawful for any person to dump or cause to be dumped any garbage or trash upon any property other than a sanitary landfill or an approved container, unless authorized and permitted by the City Council of the City of Selma.
- (B). It shall be the duty of the owner where the garbage is created or accumulated, and in cases of multiple dwellings or multiple occupancy, the owner, also, at all times shall keep or cause to be kept a sufficient number of garbage containers and/or cans to be closed at all times, for the deposit of garbage. There shall be at least one container for each family or each unit. All approved containers and garbage cans shall be placed in racks or otherwise securely anchored or fastened at all times so as to prevent the same from being overturned by persons or animals.
- (C). All approved containers and/or garbage cans shall be placed and kept only at such places as shall be designated by the Director of Public Works or General Services.

Section VII. It shall be unlawful for any person to remove or cause to be removed from any street or sidewalk in the city any receptacle furnished by the city for the deposit of trash or rubbish. It shall be unlawful for any person to sit upon or deface any such receptacle or to cause it to be used in any way which will make it inaccessible for the receipt of trash. It shall be unlawful for any person to place, store or cause to be placed or stored any goods, merchandise, lumber, trash or any other material near any such receptacle in such manner as to interfere with or preclude the use of any such receptacle for the purpose which it is intended to serve.

Section VIII. It is hereby established in the city, a garbage, trash, and rubbish collection, hauling and disposal service to be operated by the City of Selma's General Services

Department. The time and frequency of hauling and disposal shall be established and regulated from time to time by the city council upon the advice and recommendation of the General Services Department. However, the hauling and disposal shall be of such frequency as to insure that the citizens of the city shall be protected from the health hazard of the undue accumulation of garbage.

Section IX. All garbage which is to be collected from residences by the City General Services Department shall be placed in an approved container and/or garbage can and securely sealed and shall be placed at locations on the premises to be determined by the City General Services Department on the days and between the hours designed by such department.

Section X. GARBAGE FEE ESTABLISHED

(a) It is hereby established in the City of Selma, Alabama, a residential garbage collection fee for the collection, hauling, and disposal service of garbage to be operated by the General Services Department.

(b) In order to provide for the health and welfare of the citizens of the City of Selma, there is hereby levied a residential garbage or service fee in the sum of Eight Dollars (\$8.00) per month to defray a portion of the expenses of the collection, hauling and disposal of garbage within the city limits of the City of Selma together with the costs and expenses incurred in the collection of residential garbage fees provided for the enforcement of this ordinance.

Section XI. DEPOSIT

All new services for garbage collection by any customer shall pay a security deposit in the amount of Sixteen Dollars (\$16.00), which is twice the fee levied each month for garbage collection. This amount shall be retained by the City of Selma until customer ceases to need the garbage collection from the City of Selma, in which case, the security deposit shall be refunded to the customer without payment of interest during the period in which it was held by the City of Selma.

Section XII. OWNER COLLECTION OF FEE ESTABLISHED

(a) Said residential garbage fee is levied upon the owner to be paid by the property owner; the term "owner" shall be taken to refer to the person who is assessing the property for taxes which may be or may not be the name whose service is subscribed regardless of whether or not such person resides in said premise or dwelling unit.

Section XIII. RENTAL PROPERTY DECLARATION PROCESS

(a) If the Owner has property and has created a lawful contractual agreement between another party to rent property or units, then said owner shall be exempt from the service fee being levied on the owner if the below listed sections are adhered to.

(b) The Landlord shall provide to the City of Selma an affidavit from the Landlord listing all rental property and all rental property units. The list of rental property units shall include, if occupied, the tenant's name, tenant's address of property, tenant's date of occupancy, and tenant's term of lease. The affidavit and the list of rental properties shall be registered with the City of Selma within sixty (60) days from the effective date of this ordinance.

(c) The Landlord shall be responsible for receiving from the City of Selma, a standard affidavit and the instructions, if needed, which set forth the steps in completing the affidavit.

(d) It shall be the responsibility of the Landlord to submit to the City of Selma, upon purchasing or constructing a new building or facility for residential rental, an affidavit and list of the tenant's name, tenant's address of property, tenant's date of occupancy, and tenant's term of lease. The affidavit and the list of rental properties shall be registered with the City of Selma within thirty (30) days prior to the date of occupancy of new property to be used for rental.

(e) Upon the rental property becoming vacant, or taken out of service, it shall be responsibility of the Landlord to provide to the City of Selma a letter notifying the City of Selma of the rental property's vacancy or that it is no longer being used for rental property, within (10) days of the rental property becoming vacant or taken out of service.

Section XIV. PERPETUAL OCCUPANCY REPORT

(a) The Landlord shall be responsible, prior to executing a lease with the tenant, for