

MINUTES OF THE SELMA CITY COUNCIL MEETING
HELD ON MONDAY, OCTOBER 14, 2002

The Selma City Council met in regular session in the Council Chambers of City Hall on Monday, October 14, 2002 at 5:00 p.m. with the following members present: President George P. Evans and Councilmembers Glenn Sexton, Rita S. Franklin, Jean T. Martin, Nancy G. Sewell, Samuel Randolph, Benny L. Tucker, Bennie Ruth Crenshaw and Councilman James Durry. Others present were City Attorney Jimmy Nunn, City Clerk Jackie Smith, and the Mayor's Administrative Assistant Sherri James. Mayor James Perkins, Jr. was absent from council meeting. Minister Brenda Tyus 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 the meeting. President Evans asked that Department Heads appointments be added to the agenda. Councilwoman Sewell asked that Selma Promise be added to the agenda. There being no other additions to the agenda, on motion made by Councilman Durry and seconded by Councilman Randolph, the agenda was approved as amended.

President Evans asked if there were any additions or corrections to the minutes of the regular Council meeting held on Monday, September 23, 2002. There being no additions or corrections to the minutes, a motion was made by Councilwoman Franklin and seconded by Councilman Sexton to adopt the minutes as recorded. The motion carried with a unanimous vote of the Council.

I. MAYOR'S REPORT

City Clerk/Treasurer Mrs. Jackie Smith presented the following information.

A. Resolution – Pest Control. A resolution was presented to council concerning the bid proposal on the pest control services. Terminix Services was the low bidder and the bid was approved in the amount of Two Thousand Two Hundred and Eighty Dollars (\$2,280.00). A motion was made by Councilwoman Franklin and seconded by Councilwoman Crenshaw to adopt the resolution as presented. A roll call vote was taken and the motion passed with a unanimous vote to the Council.

B. Resolution- Property Insurance Coverage. A resolution was presented to the Council concerning the bid proposal on property insurance coverage. Tate, Heinz, Ellis, and Sexton was the low bidder and the bid was approved in the amount of Twenty Eight Thousand Nine Hundred and Ninety-Five Dollars (\$28,995.00) with a \$ 5,000 deductible. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Franklin to adopt the resolution as presented. A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight affirmative votes and one abstention. Councilman Sexton abstained from voting.

C. Resolution –Workers Compensation Insurance. A resolution was presented to the Council concerning the bid proposal on workers compensation insurance. The Morris Agency was the low bidder and the bid was approved in the amount of Two Hundred Sixty Thousand Dollars (\$260,000.00), with a \$500 deductible. A motion was made by Councilman Durry and seconded by Councilwoman Martin to adopt the resolution as presented. A roll call vote was taken and the motion passed with majority vote of Council. There were eight affirmative votes and one abstention. Councilwoman Martin abstained from voting.

I. MAYOR'S REPORT

D. Resolution –Concrete Pipe. A resolution was presented to Council concerning the bid proposal on the concrete pipe. Sherman Concrete Pipe was the low bidder and the bid was approved in the amount of Six Dollars and Ninety Cents (\$6.90) LF for 12CL111, Seven Dollars and Ninety-Five Cents (\$7.95) LF for 15 CL111, Fifteen Dollars and Thirty Cents (\$15.30) LF for 24 CL111, Twenty-Two Dollars and Eight Cents (\$22.80) LF for 30 CL111, Thirty-One Dollars and Five Cents (\$31.05) LF for 36 CL111, Thirty-Nine Dollars and Fifty Five Cents (\$39.55) LF for 42 CL 111, and Fifty Dollars and Sixty Cents (\$50.60). A motion was made by Councilwoman Sewell and seconded by Councilwoman Crenshaw to adopt the resolution as presented. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

E. Resolution – Corrugated Metal Pipe. A resolution was presented to Council concerning the bid proposal on the corrugated metal pipe. Sherman Concrete Pipe was the low bidder and the bid was approved in the amount of Six Hundred Forty One Dollars and Ninety-Five Cents (\$641.95). A motion was made by Councilwoman Sewell and seconded by Councilwoman Crenshaw to adopt the resolution as presented. A roll call vote was taken and the motion passed with unanimous vote of the Council.

F. Resolution –Ready Mix Concrete. A resolution was presented to Council concerning the bid proposal on ready mix concrete. Holbrook Ready Mix, Inc. was the low bidder and the bid was approved in the amount of Two Hundred Seventy Dollars and Seventy-Six Cents (\$270.76). A motion was made by Councilman Durry and seconded by Councilwoman Crenshaw to adopt the resolution as presented. A roll call vote was taken and the motion passed with unanimous vote of the Council.

G. Resolution –Plant Mix. A resolution was presented to the Council concerning the bid proposal on plant mix. Asphalt Contractors, Inc. was the low bidder and the bid was approved in the amount of One Hundred Fifty-Three Dollars (\$ 153.00). A motion was made by Councilwoman Sewell and seconded by Councilwoman Crenshaw to adopt the resolution as presented. A roll call vote was taken and the motion passed with unanimous vote.

H. Resolution –Gasoline and Diesel Fuel. A resolution was presented to Council concerning the bid proposal for gasoline and diesel fuel. Cougar Oil, Inc. was the low bidder and the bid was approved for \$0.8855 per gallon for Regular Unleaded gasoline, \$0.9161 per gallon for Unleaded Plus gasoline, \$0.9670 per gallon for Super Unleaded gasoline, and \$0.8975 per gallon for Diesel Fuel. A motion was made by Councilman Durry and seconded by Councilwoman Franklin to adopt the resolution as presented. A roll call vote was taken and motion passed with unanimous vote of the Council.

I. Financial Report – Sales Tax Report. The sales tax for fiscal year 2001-2002 was presented to the Council showing the total amount of sales tax collected in the last fiscal year was \$10,616,851.28, which reflects a decrease from the previous year of \$ 345,827.99. This amount reflects the gross amount of the sales tax checks with the General Fund having a decrease of \$139,000.00. A sales tax report for the first month of fiscal year 2002-2003 was also presented. The report shows sales tax collected for the first month of the new fiscal year shows a decrease of \$58,423.00. Councilwoman Franklin made a motion that the Financial Report be made part of the official record. The motion was seconded by Councilwoman Sewell and carried with a unanimous vote of Council.

I. MAYOR'S REPORT

J. IEC Systems. A copy of a letter from Kay Oakes Jones, Contract Compliance Officer, was presented to the Council from IEC Systems, the company responsible for municipal lighting project in the public buildings. The letter was presented for informational purpose only and states that work in the public buildings will be completed this month and invoices in the amount of \$81K is to be paid in the month of October. It was stated by Mrs. Smith that the City is operating from last fiscal year Budget and that these invoices would not be in that budget.

K. FY 2002-2003 Budget Update. A memo was presented to Council, which contained the Budget Summary and the 2002 Projected Revenue Increases. The Budget Summary reflected an update of revenue to include a projected increase of \$ 400,000.00, which brings projected revenues for fiscal year 2002-03 to a total of \$17,541,430. The \$400,000 in increased revenue would be the result of the City Council increasing certain fees and taxes. A copy of the fees and taxes was also presented for Council review. Mrs. Smith state that Mayor Perkins in his absence asked President Evans to facilitate a meeting with the Finance Committee to discuss and review detail of the memorandum. Mrs. Smith stated the Mayor requested that she inform the Council, that the City is still reviewing the warrant issue. A meeting was held Friday, October 11, 2002 with Investment Bankers, Mr. Bob Young & Mr. Robert Thomas, during the meeting it was agreed that a proposal on the warrant issue be submitted on October 24, 2002 to include only the refinancing of existing debt, the financing of Hyundai incentives and the municipal lighting project.

The following information presented by Planning and Development Director, Mrs. Elizabeth Driggers.

L. Planning and Development –Advertising. Mrs. Driggers addressed the Council asking Council to authorize Mayor Perkins sign and execute a contract with the Cunningham Group. The Cunningham Group is an advertising agency with will work with the Community Development Office to develop advertisements for the City of Selma tourism. A motion was made by Councilwoman Crenshaw to authorize Mayor Perkins to sign the contract. The motion was seconded by Councilwoman Sewell and carried with a unanimous vote of Council.

M. Planning & Development –Billboard. Mrs. Driggers came before the Council asking the approval for the Cunningham Group to design a billboard sign to advertise Selma and welcome Hyundai. The funds for this project could be taken from the Community Reinvestment Program in the amount of \$12,000 for one year and \$1,500 for the advertisement contract, making a total of \$13,500. A motion was made by Councilwoman Crenshaw and seconded by Councilman Randolph. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

The following information presented by Mr. Larry Friday, Inert Landfill Director.

N. New City Landfill Location . A letter was presented to Council detailing the two locations being considered for the landfill site. These locations were referred to as Tract 1 and Tract 2. Mr. Friday indicated that Tract #1 was the more favorable one and listed numerous reasons to support his decision. He also informed the Council that action on this matter needed to be taken as soon as possible because of the time required between site acquisition, permitting and construction of the new landfill and actually depositing of waste could necessitate one more life at the present landfill.

II. CITY ATTORNEY'S REPORT

A. Community Action Agency. Attorney Nunn informed the Council that he waiting documents from attorney John Kelly on the transfer of ownership of the Community Action Agency.

B. Jail Contracts. Attorney Nunn stated that the Attorney General's opinion concerning medical expenses incurred for its city prisoners was contractually agreed upon and is, therefore, the City's obligation to pay for the medical treatment of its prisoners who are housed at the County jail.

C. Attorney Fees- Gamble, Gamble, Calame & Wilson. Attorney Nunn presented a letter from the law firm of Gamble, Gamble, Calame and Wilson regarding the Friends of Forrest lawsuit. Attorney Nunn stated that this issue would be discussed in the next work session. President Evans reminded Council that this issue should not be discussed until the suit has been settled.

D. Resolution –General Funds Money. Attorney Nunn presented resolution for Council adoption stating all sums of money appropriated for the various departments of the City of Selma, Alabama for the fiscal year ending, September 30, 2002, and not expended by the respective departments be turned into the General Fund of the City of Selma. It also stated that all sums from the respective departments that are credited to the General Fund are hereby reappropriated for the fiscal year ending September 30, 2002. Councilwoman Franklin asked if the resolution would include the discretionary funds. Councilwoman Sewell state that the funds allocated to the Police Department for neighborhood watch signs would be the only exception. A motion was made by Councilwoman Crenshaw to adapt the resolution and seconded by Councilman Randolph. The motion carried with unanimous vote of council.

E. Ordinance – Tourism Advisory Board. Attorney Nunn presented Council with an ordinance amending ordinance number 14.9394 establishing a Tourism Advisory Board and Providing for Duties. Ordinance 14.9394 creating a Tourism Advisory Board and passed by the City Council on November 28, 1994, be amended to read, there is hereby created a Tourism Advisory board to be composed of nine (9) members. The nine members shall consist of two (2) City Council members and seven (7) members who are resident citizens and qualified voters of the City of Selma, Alabama. Attorney Nunn this ordinance be placed on first reading to be discussed at the next work session. A motion was made by Councilwoman Franklin to place the ordinance on first reading. The motion was seconded by Councilwoman Randolph and carried with unanimous vote of council.

F. Freddie Mae Craig versus City of Selma. Attorney Nunn presented information for informational purposes only regarding a lawsuit filed against the City of Selma and Police Department by Freddie Mae Craig. Attorney Nunn stated he had no prior knowledge of this suit and he had obtained the information on today. Attorney Nunn stated he would inform Council more at the next work session.

G. Restaurant Liquor License (Transfer). Attorney Nunn presented a Restaurant Retail Liquor Transfer application on behalf of Max's Landing, LLC. Manuel A. Tezanos for The Swamp – located at 5 Plant Street. Police Chief Robert Green has written a memo recommending the liquor license application is approved. A motion was made by Councilman Sexton and seconded by Councilwoman Franklin to approve the license application as presented. The motion carried with a unanimous vote of the Council.

II. CITY ATTORNEY'S REPORT

H. Restaurant Liquor License Application. Attorney Nunn presented a Restaurant Retail Liquor application on behalf of S & D Enterprises, LLC, David Tyler for Lil Mexico –located 8 Mulberry Road. Police Chief Robert Green has written a memo recommending the liquor license application is approved. A motion was made by Councilman Sexton and seconded by Councilman Durry to approve the license application as presented. The motion carried with a unanimous vote of Council.

I. Retail Table Wine Application. Attorney Nunn presented a Retail Table Wine application on behalf of Celestine D. Ford Walker, Jr. for Ford's located 2600 Etheridge Avenue. Police Chief Robert Green has written a memo stating a background check on the application revealed the following convictions:

<u>Offense</u>	<u>Disposition</u>	<u>Date</u>
Carrying a Concealed Weapon	\$ 77.80 + 1yr. Probation	02-16-92
Assault and Battery	\$ 306.00	11-05-96

The applicant has changed the name of her business from Ford's Grocery to Ford's. According to the memo, an inquiry revealed that the applicant changed the name as indicated above for the purpose of allowing the consumption of alcoholic beverages on the premises. The business is located in a residential area, and it is Chief Green's conviction that the approval of an on premise license for that location would be a mistake. Chief Green recommended the applicant's request be denied. A motion was made by Councilwoman Franklin and seconded by Councilwoman Sewell to accept Police Chief Green recommendation to deny the application. The motion carried with unanimous vote of Council.

J. Lounge Retail Liquor License Application. Attorney Nunn presented a Lounge Retail Liquor application on behalf of George Sturdivant, Jr. for Postman's Lounge located at 1400 Marie Foster Street. Police Chief Robert Green has written a memo stating his recommendation that the applicant's request for license at the aforementioned location be denied based on the following factors:

- a. The establishment is located in the core of residential area.
- b. Officers are frequently dispatched to the applicants business to disperse large crowds and to deal with disorderly persons.
- c. Several citizens who reside in the immediate vicinity of the applicant's business constantly complain about loud music and other alleged criminal activity.
- d. The alleged criminal activity consists of: Criminal littering, indecent exposure, disorderly conduct, and unlawful possession a controlled substance.

A motion was made by Councilman Tucker and seconded by Councilman Durry to accept Police Chief Robert Green recommendation to deny this application. The motion carried with unanimous vote of Council.

III. MEADOWVIEW CHRISTIAN CHURCH

Councilman Sexton presented letter to Council stating that Meadowview Christian Church requesting a waiver of the building permit fee. The congregation is covering the front of the church with stucco & stucked stones, as well as adding a steeple. A motion was made by Councilman Sexton and seconded by Councilwoman Martin to waive the building permit fees. The motion carried a unanimous vote of Council.

IV. MR. CARL MORGAN LIAISON REPORT

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

- a. Attended the Council meeting at Jemison and Thorsby accompanied by Charles Moseley and John Calame.
- b. Went Montgomery to the Alabama Historic Commission regarding clarification of funding of the Cahaba Advisory Commission. We have requested several advisory opinions from the Attorney General's Office.
- c. Met with Mayor Perkins to give him a copy of the extension agreement with the Central Alabama Waste Authority.
- d. Conducted a call meeting of the Cahaba Advisory Commission. Next regular meeting scheduled for October 16th.

V. RESOLUTION- THE LATE MRS. GAYLA EDWARDS OKEKE

Councilwoman Sewell presented Council with a resolution resolving the loss of one of Selma High School's administrators. Councilwoman Sewell stated Mayor Perkins and all of the City Council members had signed the resolution. A motion was made by Councilwoman Sewell and seconded by Councilman Durry to adopt a resolution as presented honoring the Late Mrs. Gayla Edwards Okeke. The motion carried with a unanimous vote of the Council.

VI. PUBLIC SAFETY – 14 STEP PAY PLAN

Councilwoman Franklin stated that all parties involved understood that at the end of the fiscal year September 30, 2002 all Selma Police Officers on the 5 step pay plan would convert to the 14 step plan in whatever step that provided a minimum 2% raise. Mayor Perkins and the Selma City Council members supported the implementation of the 14-step pay plan to become effective on October 22, 2002 pay period. Councilwoman Franklin made a motion that was seconded by Councilwoman Martin to ratify and approve the aforementioned 14-step-pay –plan for the Public Safety (Police & Fire). The cost to fund this plan will be \$6500 for this fiscal year and excludes the chief and assistant chief of Police. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

VII. DEPARTMENT HEADS RE-APPOINTMENT

President Evan asked for a motion re-appointing all Department Heads pending the next Council meeting for full appointment. Councilman Durry made the motion and it was seconded by Councilwoman Franklin. The motion carried a unanimous vote of Council.

VIII. SELMA'S PROMISE

Councilwoman Sewell stated the National America's Promise Forum would be held in Knoxville, Tennessee on November 14-16, 2002. The City of Selma would be sending a representative. Councilwoman Sewell and Councilwoman Martin are trying to fund the project out of their discretionary fund, but hope to be reimbursed at a later date from the special project funds.

IX. STANDING COMMITTEE REPORTS

Recreation Committee Report

Councilman Durry made a special plea for additional volunteer coaches.

Administrative Committee Report

There was no report from the Administrative Committee.

Public Safety Committee Report

Councilwoman Franklin stated that the Tree Commission would be meeting on October 16 @ 9:00. She also stated that the National League of Cities requested the City pass a resolution naming, Wednesday, October 26, 2002 as Hometown Security Day. A motion was made by Councilwoman Franklin and seconded by Councilwoman Sewell to accept this resolution. The motion carried a unanimous vote of Council. Councilwoman Franklin also stated that the League has requested a press release on this matter. President Evans asked that the press release be facilitated through the Community Development Department.

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

There was no report from the Discretionary Fund Committee.

X. MR. JEFF EDWARDS

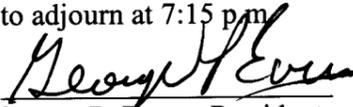
Mr. Edwards came before the Council on behalf of the Valley Grande residents to express their desire to remain county residents.

XI. REV. LEE GOODWIN

Rev. Goodwin stated he was present to address the Council as a concerned citizen. Rev. Goodwin concerns dealt with the increase of water rates and the recent concerns about annexation of the surrounding county area.

There was some discussion from the Council members and concerned citizens regarding the Feasibility Study for annexation.

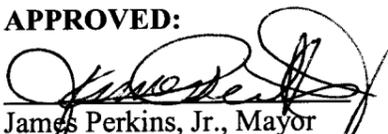
There being no other business to come before the Council, on motion made and duly seconded the Council voted by unanimous consent to adjourn at 7:15 p.m.


George P. Evans, President

ATTEST:


Jacqueline T. Smith, City Clerk

APPROVED:


James Perkins, Jr., Mayor