

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

The Selma City Council met in executive session prior to the regular session at 4:00 p.m. to discuss a lawsuit filed against the City of Selma.

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, July 12, 2004 at 5:15 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 Mayor's Administrative Assistant Sherri James. Councilwoman Crenshaw arrived in the meeting at 5:32 p.m. Father Carroll Plourde 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 stated she would like to add recognition for Councilman Durry for his outstanding service award. President Evans stated he would move item VI to the end of the agenda at which time an executive session would be requested. 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 Council meeting held on Monday, June 14, 2004 and the minutes of the regular Council meeting held on Monday, June 28, 2004. Councilwoman Franklin stated the minutes were distributed just before the Council meeting and they have not had a chance to read them yet, so she would like to table the adoption of the minutes until the next Council meeting. A motion was made by Councilwoman Franklin and seconded by Councilwoman Sewell to table the adoption of both set of minutes until the next Council meeting. The motion carried with a unanimous vote of the Council members present.

I. CITIZENS' REQUESTS

A. Ms. Fran Pearce, Mrs. Carolyn Powell and Mr. Terry Pritchett. Ms. Fran Pearce addressed the Council stating the Leadership Selma/Dallas County program would like to thank the Council for their support over the last several years. Ms. Pearce stated the program has just completed their tenth year and have had over 250 citizens in the area to participate. She stated they have also just completed the sixth year of the Youth Leadership program, which probably had at least the same number of participates. Ms. Pearce further stated Mrs. Powell has distributed a copy of the mission statement of the program, for the adults and youth, planned for a one-year period. She stated they are asking the Council to financially support the Leadership Selma/Dallas County with an amount of \$5,000.00 for the next year. Mrs. Carolyn Powell stated the Leadership Selma/Dallas County would appreciate the Council continued support. She stated the program provides great community development and provides personal growth and development as well as harvest talent with our own community. A motion was made by Councilwoman Franklin and seconded by Councilwoman Martin in support of this program for the next fiscal year. The motion carried with a unanimous vote of the Council members present.

B. Clarence Moore (C. Moore). President Evans discussed the letter addressed to the Council from Mr. Clarence Moore, who has coached the softball teams for over twenty-eight years in the City of Selma for the youth, he is currently coaching two girls softball teams which have won first place in the City League Championship within the last eighteen years combined. Mr. Moore's letter further stated to award the players for their dedication, hard work and great athletic skills, he would like to plan a

I. CITIZENS' REQUESTS

trip to Disney World in Orlando, Florida. The cost of the trip is \$200.00 per player, which includes transportation, hotel and theme park tickets and he asks the Council to support achieving this goal with a considerable donation. President Evans stated this appeal is also to the citizens as well as the Council to give a donation and if anyone would like to assist in this plan, they can call 875-3328 or 505-9299. There are about forty students in the program. Mr. Moore stated he would like to thank everyone for making Saturday, July 18, 2004 Coach C. Moore Day.

II. MAYOR'S REPORT

A. Resolution – Community Development Block Grant Enhancement Application. Mayor Perkins stated he would like to ask Mrs. Elizabeth Driggers, Planning & Community Development Director, to come forward to address the Council concerning a resolution for the submission of the Community Development Block Grant Enhancement Application. Mrs. Driggers stated as per her memo, she would like to request approval from the Council to submit an application to the Alabama Department of Economic and Community Affairs for a FY2005 Community Development Block Grant Enhancement to begin Riverfront Development Phase I – Riverwalk in the amount of \$250,000.00 with matching funds of \$50,000.00 to be obligated in the 2005 budget. A motion was made by Councilwoman Martin and seconded by Councilwoman Franklin to approve the said resolution. A roll call vote was taken and the motion carried with a unanimous vote of the Council.

B. Tourism – Old Town Historic District. Per the request of Mayor Perkins, Mrs. Driggers further stated she would like to request approval of the Council to allocate \$4,275.40 from the Tourism Account for additional street signs for Old Town Historic District (area not included in general contract), as per her memo. She stated this will be classified as a Tourism item and the funds will be from the Certificate of Deposit cashed and used for special appreciations. A motion was made by Councilwoman Martin and seconded by Councilwoman Sewell to approve this request pending a written resolution at the next Council meeting. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

C. Central Alabama Animal Shelter. Mayor Perkins stated he would like to ask Mr. David Painter, City Engineer, and Mr. Bob Myers, Chairman of the Board for the Central Alabama Animal Shelter, to come forward to address the Council regarding the construction plans for the Animal Shelter. Mr. Painter addressed the Council stating he along with Mr. Myers would like to present the Council with a copy of the revised plan for the Animal Shelter for a total cost of \$286,651.00, which is over budget in the amount of about \$48,000.00, per the summary attached, the original cost of this project is \$239,000.00. Mr. Painter stated the Animal Shelter Board has \$20,000.00 to contribute; fundraisers contributed are \$10,000.00 and the Dallas County Commission to contribute \$18,000.00. After a brief discussion, a motion was made by Councilwoman Franklin and seconded by Councilwoman Martin to move forward with the plan as discussed by Mr. Painter. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

D. Vaughan-Smitherman Museum Update. Per the request of Mayor Perkins, Mr. Painter further stated the sanitary sewer installation at the Vaughan-Smitherman Museum has been successfully completed and fully functional. Mr. Painter stated one other issue, although not critical, was discovered that the sanitary sewer main in this street does not have a manhole at the intersection of Alabama and Union. He stated this is not something that would need to be done right away, but should be done when the funds are available to follow standards.

II. MAYOR'S REPORT

E. Fourth of July Celebration. Mayor Perkins stated he would like to ask Mrs. Elizabeth Driggers and Mrs. Patty Sexton to come forward so that he may publicly commend them for the outstanding planning and execution of this years' Fourth of July Celebration for the City of Selma. There were a lot of other departments and people engaged in the planning, the Recreation Department and Public Safety, and he wants to publicly thank everyone for an outstanding event, which is the only public celebration in the City of Selma that City Government is the actual sponsor. President Evans stated the Council would also like to commend Mrs. Driggers and Mrs. Sexton for an outstanding job and the citizens really appreciated the event.

III. CITY ATTORNEY'S REPORT

A. City Marina - Gail Hughes. Attorney Nunn stated the Council has been given a copy of a proposal from the potential purchaser of the City Marina, Ms. Gail Hughes. Attorney Nunn stated he has discussed with Ms. Hughes that the Council has voted on the transfer of the property from the current owner, the situation dealing with the \$400.00 payments to the current owner and contracts, which would be drawn up at a later date. He stated Ms. Hughes has developed a proposal in which she request that the \$400.00 payment currently being paid, continue to be paid to the new owner. After a brief discussion, a motion was made by Councilman Sexton and seconded by Councilwoman Martin to approve continued payments of \$400.00 to the new owners of the City Marina pending yearly assessments. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

B. Ordinance - Audiotapes As Public Records. Attorney Nunn stated the Council has a copy of ordinance #O118-03/04 regarding audiotape recordings of meetings maintained as public record. Following a brief discussion, Ms. Lois Williams, City Clerk, stated she would like to make a clarification that she never refused to allow anyone to listen to the audiotapes, she stated she merely asked that the proper communication procedure to request information from a department head is followed for this request just as with any other request. President Evans stated this item would remain on first reading and tabled until further review of a procedure by which tapes can be heard can be developed and a statute of limitations can be established.

C. Ordinance - "S.A.F.E." Program. Attorney Nunn stated the Council has a copy of ordinance #O117-03/04 regarding the "S.A.F.E." program, effective January 01, 2001, which requires all municipalities to place their public deposits within a financial institution that has deposit insurance under the provisions of the Federal Deposit Insurance Act, Chapter 14A of the Alabama Code. A motion was made by Councilwoman Franklin and seconded by Councilwoman Sewell 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. After further discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilman Randolph to rescind the previous adopted resolution regarding the "S.A.F.E." program. The motion carried with a unanimous vote of the Council.

D. Water Treatment Plant. Attorney Nunn stated the Council has a copy of a Deed of Conveyance and a description of two partials of a lot. Attorney Nunn stated Mr. Gary Thompson, Attorney for the Water & Sewer Board, telephoned Mayor Perkins as it relates to the water tower located near General Services on Minter. Attorney Nunn stated this area is where the garbage trucks are parked and the Water & Sewer Board wants to paint the tower and place a fence around the property for security purposes. Attorney Nunn stated it has been determined per the deed that the entire lot was not transferred to the Water & Sewer Board, only the land upon which the tower is located. After further details were discussed, a motion was made by Councilman Sexton and seconded by

III. CITY ATTORNEY'S REPORT

Councilman Randolph to give the Water & Sewer Board permission to move forward with the painting of the tower and the removal of the garbage trucks, until further research of this property can be done. The motion carried with a unanimous vote of the Council.

E. ALL-Lock Facility – Lease Agreement. Attorney Nunn stated there is a proposed corporation in the City who wishes to lease the ALL-Lock facility and negotiations are ongoing. Attorney Nunn stated reports from the EPA have been received and it is their recommendation to also use an environmental attorney to prepare the lease agreement as it relates to what needs to be included in the agreement dealing with environmental matters to protect the City's interest in the future. Attorney Nunn stated they have spoken with some attorneys and a draft lease agreement is being prepared, he stated this has been done because of the essence of time concerning this matter. Attorney Nunn stated the cost for consulting these attorneys would be around \$2,000.00 to \$3,000.00, which is being negotiated along with the lease agreement. Mayor Perkins stated negotiations are ongoing and they continue to work through the details.

BUSINESS ITEMS:

IV. COUNCIL/MAYOR RELATIONSHIP (PUBLIC FORUM)

President Evans stated he has spoken with the Council regarding a forum for the public to have dialog with the Council in an effort to clarify some issues as it relates to the Council and the Mayor's inability to work together. President Evans stated Councilwoman Sewell and Councilman Durry were appointed to a committee to bring the Council a recommendation on ways to appropriately address any questions from anyone who feels that this Council or an individual Council member appear to be trying to disrupt the current administration. Councilwoman Sewell stated she and Councilman Durry recommend holding a public forum at the Convention Center whereby the Council can answer any questions that the citizens may have.

During a lengthy discussion, Councilwoman Crenshaw stated it should be made a matter of record of those Council members who are interested in the need for a public forum and she stated she does not understand why a public forum is needed at this time. Councilwoman Crenshaw further stated the citizens would have been more receptive to try to understand what was going on if this had been at least one year into this mayor's administration or two years ago, rather than at this time during a political year and the City could have moved forward sooner.

President Evans stated ninety percent of the items that have been presented to the Council have been approved, because it takes five votes, and he has supported many more items than not, check the record and this can be verified in the minutes. President Evans further stated, making reference to a flyer he received, there are at least twenty items on this flyer that had to be approved by the Council and based on this record the City is moving forward. Councilman Durry stated he concurs with President Evans and he also stated the public, in general, does not understand the full ramification of what the Council does in terms of their actual individual opinions. Councilman Durry stated the Council is mandated, as the governing body to make the decisions that are made and the Council has been supportive of most items brought to them. Councilman Durry further stated two years ago, what was emulated then is not the issue in the City today.

A motion was made by Councilwoman Sewell and seconded by Councilman Durry to move forward with the public forum, date and time to be announced. The motion carried with a majority vote of the Council members present. Councilwoman Martin was absent from the Chambers when the vote was taken. There were six

BUSINESS ITEMS:

IV. COUNCIL/MAYOR RELATIONSHIP (PUBLIC FORUM)

affirmative votes and two negative votes. Councilwoman Crenshaw and Councilman Randolph cast negative votes.

President Evans stated a tentative date would be Monday, July 19, 2004 from 6 p.m. – 7 p.m. and Councilwoman Sewell and Councilman Durry will work on pulling this together.

V. CITY AUDIT REPORT UPDATE

President Evans asked Ms. Cynthia Mitchell, City Treasurer, if she could give the Council an update concerning the City's audit. Ms. Mitchell stated she spoke to Mr. Long just prior to coming to Council meeting, but he did not give her a date that the update on the audit would be given. President Evans stated he would contact Mr. Long on behalf of the Council to find out if the Council could get an update by the next Council meeting.

VI. BEAUTIFICATION CHAIRPERSON

Councilwoman Crenshaw stated she has spoken with several people concerning this matter. Councilwoman Crenshaw stated some concerns have been expressed regarding the extent of the duties of the chairperson and the Council may need to get a redefinition of what this position entails.

VII. GRASS AND SHRUBBERIES CUTTING

Councilwoman Sewell stated the grass and shrubberies in the City as a whole is still in need of cutting. Councilwoman Sewell stated the Council needs to do whatever is necessary to provide the General Services Department with adequate manpower on staff to use the tractors that are sitting idle. President Evans stated a list of vacancies in this department is being reviewed. Mrs. Sherri James reminded the Council of the procedure by which a job is posted for vacancies and she also stated Mr. John Smith, General Services Superintendent, has been utilizing staff from the Cemetery Department to drive the tractor for grass cutting.

VIII. CITY SCHOOL BOARD VACANCY

Councilwoman Crenshaw stated there is currently one vacancy on the Selma City School Board for 2004 and she has spoken with Dr. Carter concerning this matter. Councilwoman Franklin stated when there is a vacancy, a court order is assigned, which states how vacancies should be filled. President Evans stated Councilwoman Crenshaw would find out what the rotation is at this time.

IX. COUNCILMAN DURRY AWARDED

President Evans stated Councilman Durry has received an award for completing forty hours of certification training as a Council member.

X. STANDING COMMITTEE REPORTS

RECREATION COMMITTEE

There is no report from the Recreation Committee.

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ADMINISTRATIVE COMMITTEE

There is no report from the Administrative Committee.

PUBLIC SAFETY COMMITTEE

There is no report from the Public Safety Committee.

COMMUNITY DEVELOPMENT COMMITTEE

Councilwoman Martin stated she would be attending a conference in Nashville along with Community Development.

PUBLIC WORKS/GENERAL SERVICES

There is no report for the Public Works/General Services Committee.

DISCRETIONARY FUNDS COMMITTEE

There is no report from the Discretionary Funds Committee.

President Evans requested a motion to recess into executive session at this time for the Council to receive and discuss a report on the General Services Department investigation. A motion was made by Councilwoman Franklin and seconded by Councilwoman Sewell to recess into an executive session at 7:45 p.m. The motion carried with a unanimous vote of the Council.

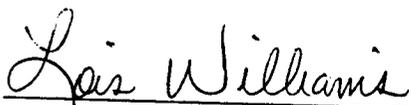
EXECUTIVE SESSION

The Council reconvened into regular session and there being no other business to come before the Council, the Council voted by unanimous consent to adjourn this meeting at 8:01 p.m.



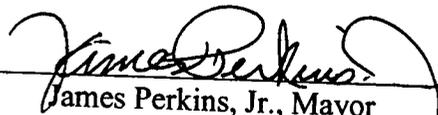
George P. Evans, President

ATTEST:



Lois Williams, City Clerk

APPROVED:



James Perkins, Jr., Mayor