

MINUTES OF THE SELMA CITY COUNCIL MEETING HELD ON MONDAY, MARCH 22, 2004

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, March 22, 2004 at 5:00 p.m. with the following members present: Council President George Evans and Council members Glenn Sexton, Rita S. Franklin, Jean T. Martin, Samuel Randolph, Benny L. Tucker, Bennie R. Crenshaw 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 Sewell arrived at the meeting at 5:13 p.m. Reverend Lee Goodwin 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. President Evans stated he would like to add amendment to the non-smoking ordinance to the agenda. Councilwoman Franklin stated she would like to add executive session, if necessary, to the agenda. Councilwoman Crenshaw stated she would like to add the Good Samaritan Center work program. President Evans stated a public hearing concerning the Central Alabama Animal Shelter rezoning would take place prior to the Mayor's report. A motion was made by Councilwoman Franklin and seconded by Councilwoman Crenshaw to approve the agenda as amended. The motion carried with a unanimous vote of the Council.

President Evans asked if there were any additions or corrections to the minutes of the regular meeting held on Monday, March 8, 2004. There being no corrections to be made to the minutes, a motion was made by Councilwoman Martin and dually seconded by Councilman Sexton and Councilman Randolph to adopt the said minutes as written. 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. Becky Nichols – National Library Week/Centennial. Mrs. Becky Nichols, Director of Public Library, addressed the Council stating she is grateful to the Council for their presence in the lives of the people who use the Selma/Dallas Public Library. Mrs. Nichols stated she would like to invite the Council to be a part of National Library Week Centennial Celebration, April 19, 2004 through April 23, 2004 and she distributed the agenda for the events of the celebration. The official centennial celebration will be June 22, 2004 and the Council is warmly welcome to all of these events. Mrs. Nichols stated that a 100-question trivia about Selma and Dallas Council will be released on Thursday, April 1, 2004 and there will be a \$100.00 prize for answering all questions, which can be found on billboards, the Chamber of Commerce, the Public Library and just talking to people in the community. Questions will be taken through April 16, 2004, and winners will be announced on Wednesday, April 21, 2004.

II. PUBLIC HEARING – ANIMAL SELTER REZONING

Attorney Nunn stated that rezoning for property located on the corner of Bell Road and Medical Center Parkway, which is currently zoned as M2 and the request is that this property be zoned as M3. Attorney Nunn stated the petitioner is the City of Selma and presented to the planning commission during the month of February, and all advertising requirements have been met by proper notification on February 22, 2004, February 29, 2004, March 7, 2004 and March 14, 2004. Attorney Nunn stated a public hearing has been scheduled via his office on today, March 22, 2004, for the purpose of discussing an ordinance that is presented to the Council, at which time all persons who

II. PUBLIC HEARING – ANIMAL SELTER REZONING

are present shall have an opportunity to be heard in opposition of, or in favor of the said **proposed change**. The public hearing is now in session and Attorney Nunn asked if there was anyone present whom wishes to be heard in opposition of the rezoning. There was no opposition. Attorney Nunn asked if there was anyone present whom wishes to be heard in favor of the rezoning. Mayor Perkins asked if all persons in favor of the rezoning would please stand. All persons stood in favor of the rezoning, including Mayor Perkins. A motion was made by Councilwoman Franklin and seconded by Councilwoman Sewell to adopt ordinance #O113-03/04. Councilman Sexton stated he would vote no on this motion because land has already been purchased where the landfill and the Animal Shelter should be located. Councilwoman Franklin amended her motion and it was seconded by Councilwoman Sewell to place the ordinance #O113-03/04 on first reading. The motion carried with a unanimous vote of the Council.

Mayor Perkins stated the property in question by Councilman Sexton was targeted and the cost of construction was prohibiting. Mayor Perkins stated this project could have been abolished all together or the City could be creative and come up with some type of strategy that would work for the City. Mayor Perkins stated this alternative aligns with the funds available to complete the project and that is why the relocation has occurred. Mayor Perkins stated the property for rezoning has already been acquired and the Council voted to approve this property for acquisition for the development of this project. He further stated he appreciates the Council's affirmative vote and this ordinance will be placed on first reading and will be approved at the next Council meeting.

Attorney Nunn stated this concludes the public hearing concerning the Central Alabama Animal Shelter at this time.

III. DALLAS/PERRY COUNTIES SMOKE FREE COALITION

President Evans stated Mrs. Pam Bostick and Dr. Bashir attended the last Council meeting, and they addressed the Council regarding making City of Selma smoke free, businesses and other areas as well. President Evans stated he would like to appoint a task force to work with Attorney Nunn on this project, Councilman Sexton and Councilman Durry. President Evans stated he would also serve on this committee to try to get the businesses involved with the smoke free environment in the city. He stated the other individuals who will serve on this committee are: Pam Bostick, Chairperson, Virginia Jackson, Rebecca Smith, Niko Phillips, Hazel Cunningham and Sallie Lide-Hooker. Councilwoman Sewell asked if President Evans would also add the Youth-in-Government Mayor and Council President. President Evans stated he concurs.

IV. MAYOR'S REPORT

A. Presentation of Certificate of Achievement-Selma High Lady Saints. Mayor Perkins stated he along with President Evans would like to present the Selma High Lady Saints with certificates of achievement in recognition of outstanding performance and contributions to the team winners, 6A Area 4 Regional Championship, First Time Final 4, 6A appearance, on behalf of the City of Selma. Mayor Perkins stated the coaches are: Darryl Davis and Anthony Harris, and the Principal of Selma High School is Mr. James Peterson.

B. Contract – Pyro Productions. Mayor Perkins stated the Planning and Development Office request approval for him to sign a contract with Pyro Productions. Mayor Perkins stated this contract is for the fireworks display on the Fourth of July in the amount of \$10,000.00 included in FY 2003-2004 Planning and Development budget special projects, and he asks the Council's favorable consideration. A motion was made

IV. MAYOR'S REPORT

by Councilwoman Martin and seconded by Councilwoman Crenshaw to adopt the said contract again. The motion passed with a majority vote of the Council. There were eight affirmative votes and one negative vote. Councilwoman Franklin cast the negative vote stating even though she voted for the budget, but she does not feel the City's funds should be spent for this type of community activity.

C. Tax & License Full-Time Position. Mayor Perkins stated a part-time position was included in the budget for the Tax & License office. Mayor Perkins stated in a memo addressed to him from Ms. Cynthia Mitchell, City Treasurer, states Mrs. Martha Jackson, Tax & License Collector wants to hire Carneetie Aaron full-time as of March 24, 2004. Mayor Perkins stated Ms. Mitchell memo further states that the calculated cost of \$11,353.00 would cover the new position through September 28, 2004, these funds will come from the already budgeted salary and fringe benefits associated with Ms. Aaron's part-time position and from the elimination of Mrs. Jackson's garbage supplemental salary & fringes, and the balance of \$6,710.00 will be taken from Hyundai Commitment. A motion was made by Councilwoman Sewell and seconded by Councilwoman Martin to approve the recommendations regarding the full-time position in the Tax & License office. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

D. Selma-CHAT Academy. Mayor Perkins stated CHAT Academy's magnet program has embarked upon a very ambitious project to create a public access channel. Mayor Perkins stated Charter Communications has committed a \$30,000.00 appropriation in support of this project, but the school is in need of an additional \$13,900.00 to make the project a reality. Mayor Perkins stated the Council has been given a special project request submitted to ADECA, in an effort to identify the funds either through the Delta Regional Authority or through ADECA itself. Mayor Perkins stated after a final discussion with Mr. John Harrison, at ADECA, it appears these funds are not available at this time. Therefore, Mayor Perkins stated, in the interest of making this project a reality, he would like to request the Council to consider funding this project. He stated he would not ask for a vote on this matter tonight, this is only informational, but will do so at the next Council meeting, and if the Council should have any questions, please feel free to contact him or Mrs. Charlotte Griffith.

E. Resolution - Fire Grant Application. Mayor Perkins stated the Fire Department desires to apply to the Federal Emergency Management Agency for a FY 2004 grant. Mayor Perkins stated the total cost of the project is \$227,385.00, and the maximum grant amount is \$204,647.00, with a City of Selma pledge match of 10% in the amount of \$27,738.00. Mayor Perkins stated he asked the Council's favorable consideration of this resolution for the submission of this grant application. 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 passed with a unanimous vote of the Council.

F. Contract - City of Selma & R. J. Stidham. Mayor Perkins stated he would like to direct the Council's attention to Appendix B of this contract, which states the Contractor will pay the Consultant in the sum amount of \$150.00 per hour for services provided as agreed, derived exclusively from funds generated from Good Samaritan Project and fundraising activities. Mayor Perkins further stated the Consultant will not be paid from the City of Selma treasury unless specifically authorized by the Mayor and the City Council, and payments shall be based upon the submission of an invoice outlining action taken regarding the contracted services. Mayor Perkins stated this is a part of an effort initiated by Councilwoman Crenshaw in ward seven to help bring this community clinic into existence. A motion was made by Councilwoman Sewell and seconded by

IV. MAYOR'S REPORT

Councilwoman Martin to accept the recommendation to endorse and support this project with the understanding that the Council will not have any financial obligation unless addressed and approved by the Council. The motion carried with a unanimous vote of the Council.

G. Resolution – Police Department Radios. Mayor Perkins stated the Council has been given copies of a resolution #R152-03/04 from the City Clerk for the acquisition of wireless communication devices for the Police Department. Mayor Perkins stated he asks the Council's favorable consideration of the said resolution. A motion was made by Councilman Franklin and seconded by Councilman Sexton to approve the said resolution. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

H. Proclamation – Joyce Marie Ross. Mayor Perkins stated he presents Mrs. Joyce Marie Ross, Author of Marie's Magnificent Recipes with a proclamation on behalf of the City of Selma. Mayor Perkins stated he met Mrs. Ross at a book signing and has an autographed copy of her book. Mayor Perkins read and presented this proclamation to Mrs. Ross.

I. Police Study-Statement of Work. Mayor Perkins stated the Council has been given copies of the statement of work for the police study. Mayor Perkins stated he strongly urge the Council to call or come by his office if they have any information as it relates to this study. Mayor Perkins stated the goal is to get this statement of work out preferably by tomorrow. The email list consists of at least seven or eight consultants, which are nationally scoped.

J. Park Place Pavement Resurfacing Project. Mayor Perkins stated he forwarded correspondence to Councilwoman Franklin regarding the Parkplace resurfacing project. Mayor Perkins stated she responded with a message indicating she feels this is an administrative matter and should move forward. Mayor Perkins stated at the March 8, 2004 Council meeting, Mr. David Painter, City Engineer, Khafra, presented to the Council a status of all the engineering projects he has been working on, and the last item references Park Place pavement resurfacing & repair. Mayor Perkins stated he has spoken with Mr. Painter and the developer, and his concern is whether a private developer should perform work on a public street that is owned by the City. Mayor Perkins stated the answer is no, the City has already done the transfer of property and the street is now a public right-of-way. He further stated that the project should be handled based upon the engineers comments, and according to his letter, the estimated amount is between \$13,000.00 and \$14,000.00.

K. Proposal-Financing Public Basketball in Selma. Mayor Perkins stated he would like to address the basketball proposal found in the package on the table. After a brief discussion, Mayor Perkins stated he would like to have an opportunity to discuss this matter further.

V. CITY ATTORNEY'S REPORT

A. Resolution – Alltel Communications Special Use Permit. Attorney Nunn stated the Council has a copy of a resolution #R151-03/04 to grant Alltel Communications a special use permit site located at 2614 Citizen Parkway. A motion was made by Councilwoman Sewell and seconded by Councilman Randolph to approve the said resolution. The motion carried with a unanimous vote of the Council.

B. Resolutions – Summer Feeding Program. Attorney Nunn stated the Council has a copy of a resolution as it relates to the 2004 Summer Feeding Program. A motion

V. **CITY ATTORNEY'S REPORT**

was made by Councilwoman Crenshaw and seconded by Councilwoman Sewell to approve the said resolution. The motion carried with a unanimous vote of the Council.

C. **Ordinance – Abandoned Vehicles.** Attorney Nunn stated the Council has a copy of an ordinance as it relates to abandoned vehicles. President Evans stated this item should be continued since some Council members were not present when the copies were distributed at the last Council meeting in order to give them a chance to review the ordinance. A motion was made by Councilwoman Sewell and seconded by Councilwoman Crenshaw to continue review of this ordinance until the next meeting. The motion carried with a unanimous vote of the Council.

D. **Ordinance – Wrecker & Towing.** Attorney Nunn stated the Council has a copy of an ordinance for wrecker and towing services. After a brief discussion, a motion was made by Councilwoman Franklin and seconded by Councilwoman Crenshaw to have this ordinance remain on first reading for the purpose of adopting at the next Council meeting. The motion carried with a unanimous vote of the Council.

E. **Ordinance – Classified and Unclassified Employees.** Attorney Nunn stated the next ordinance #O111-03/04 is one to provide a pre-disciplinary hearing prior to suspension or termination of a classified or unclassified employee. After a brief discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilwoman Sewell to place this ordinance on first reading. The motion carried with a unanimous vote of the Council.

F. **Candidate for District Judge – Attorney Nunn.** Attorney Nunn stated he would like to inform the Council that he is a candidate for judgeship. Attorney Nunn stated there are some issues that need to be taken care of during business hours, so he wanted to let the Council know that he will have to take leave sometimes during the day to handle these issues, but he will be available if called.

BUSINESS ITEMS:

VI. **ORDINANCES ENFORCEMENT**

Noise: President Evans stated he is pleased to say that Chief Green has provided him with a letter regarding the loud music citations. President Evans stated because of the noise and concerns from the citizens, there have been 24 citations written for violation of the noise ordinance between March 11, 2004 and March 22, 2004, opposed to a grand total of 10 citations written during the entire year of 2003. The memo stated that officers were able to identify and cite the perpetrators more easily when Operation Eardrum started (placement of officers in unmarked vehicles for the purpose of locating violators of the loud music ordinance), and the enforcement also found a number of wanted persons.

Vicious Dogs/Stray Dogs: Councilwoman Franklin stated there are pictures available of a location on Broad Street across from the Methodist Children's Home, which plainly shows dogs that appear to be breeding there. Councilwoman Franklin stated this situation should be taken care of as soon as possible. President Evans stated the Council needs a report on this situation at the next Council meeting from the Litter Control Officer.

BUSINESS ITEMS:

VII. UPDATE - NATIONAL LEAGUE OF CITIES CONFERENCE

Councilwoman Franklin stated she and Councilman Randolph and Councilman Tucker attended the National League of Cities Conference in Washington, D.C. Councilwoman Franklin stated she brought packets back from the conference for those who did not attend, she stated there were three main speakers who covered a lot of territory, which she shared with the Council. Councilman Randolph stated he received a bronze award for participation in leadership, and only four individuals from the State of Alabama received this award. Councilman Tucker also shared his update of the conference with the Council.

VIII. ALPHA KAPPA ALPHA SORORITY GOLDEN ANNIVERSARY

Councilwoman Sewell stated the Alpha Kappa Alpha Sorority would be celebrating their golden anniversary in the City of Selma. Councilwoman Sewell stated she would like to make a special request for a caravan on March 27, 2004, beginning at 2:00 p.m. from Selma Mall. Councilwoman Sewell stated she would like the Council to approve this concept. A motion was made by Councilwoman Sewell and seconded by Councilman Randolph to approve this concept for the AKA anniversary. The motion carried with a unanimous vote of the Council.

IX. GENERAL SERVICES DEPARTMENT DISCUSSION & APPOINTMENT OF DEPARTMENT HEAD

President Evans stated interviews were conducted on today with three candidates who are interested in the department head position in the General Services department. Councilwoman Crenshaw stated her recommendation is the initial recommendation that was determined by the Administrative Committee to leave things as is at this time. After a lengthy discussion, a motion was made by Councilman Sexton and seconded by Councilman Tucker to vote on one of the three individuals, which are: Mr. John Smith, Mr. Freddie Holmes and Mr. Henry Hicks. A roll call vote was taken and the motion passed with John Smith receiving a majority of five affirmative votes from the Council to be appointed department head for the General Services department. Councilman Sexton, Councilwoman Franklin, Councilwoman Sewell, Councilman Tucker and Councilman Durry cast the affirmative votes for Mr. Smith. Mr. Hicks received four affirmative votes and Mr. Holmes received zero votes.

Councilwoman Sewell stated a salary needs to be set for Mr. Smith and the salary needs to be commensurate with that of a beginning person as Superintendent. Following further discussion, a motion was made by Councilwoman Sewell and seconded by Councilman Sexton to set the salary for Mr. John Smith, General Services Superintendent, at \$33,500.00. Ms. Valeria Jones, Personnel Director, stated the starting salary for Marcus Hopkins was set at \$37,500.00 as interim superintendent and she feels consideration should be given to the fact that there are more than sixty employees in that department, and a salary of \$33,500.00 is not good. Councilwoman Sewell amended her motion and seconded by Councilwoman Franklin to set the annual salary for Mr. John Smith at \$37,500.00, effective Wednesday, March 24, 2004. Mr. Hicks will be asked to remain in the department for a one to two week transitional period, if he desires, and continue to be paid the supplemental salary he currently receives, after which time, his supplemental salary will cease. A roll call vote was taken and the motion passed with a majority vote of the Council. There were six affirmative votes and one negative vote. Councilman Randolph cast the negative vote. Councilwoman Martin and Councilwoman Crenshaw were absent from the Chambers at the time this vote was taken.

XII. STANDING COMMITTEE REPORTS

RECREATION COMMITTEE

There is no report for the Recreation Committee.

ADMINISTRATIVE COMMITTEE

There is no report for the Administrative Committee.

PUBLIC SAFETY COMMITTEE

Councilwoman Franklin stated the statewide clean up is in April and the \$100.00 dues have been forwarded. The next public safety meeting will be announced at a later date.

COMMUNITY DEVELOPMENT COMMITTEE

There is no report for the Community Development Committee.

PUBLIC WORKS/GENERAL SERVICES

Councilman Sexton stated \$50,000.00 was allocated for the construction of Mabry Street, and he asked the Council if the cost goes over the amount of funds approved for a particular project, who should be responsible for payment. After a brief discussion, President Evans stated whenever a project should get close to going over the allocated amount, before proceeding, the contractor should make the Council aware for approval of additional funds.

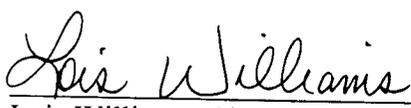
DISCRETIONARY FUNDS COMMITTEE

Councilwoman Sewell stated she has two requests for discretionary funds, Selma High School for \$200.00 and Roderick West, Jr., People to People Student Ambassador, for \$100.00. Councilwoman Sewell also stated Monday, April 5, 2004, Youth-In-Government will celebrate National Kick Butt Day and will visit several places to pick up cigarette butts, and Tuesday, April 13, 2004, they will have their graduation at the St. James Hotel.

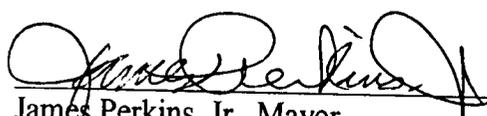
There being no other business to come before the Council, on motion made by Councilwoman Sewell and seconded by Councilwoman Franklin, the Council voted by unanimous consent to adjourn this meeting at 8:12 p.m.


George P. Evans, President

ATTEST:


Lois Williams, City Clerk

APPROVED:


James Perkins, Jr., Mayor