

**MINUTES OF THE
SELMA CITY COUNCIL MEETING
HELD ON MONDAY, SEPTEMBER 8, 2003**

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, September 8, 2003 at 5:00 p.m. with the following members present: President George P. Evans and Council members Glenn Sexton, Rita S. Franklin, Jean T. Martin, Nancy G. Sewell, Samuel Randolph, Benny L. Tucker, Bennie R. Crenshaw and James Durry. Others present were Acting City Clerk Lois Williams, Acting City Treasurer Cynthia Mitchell, City Attorney Jimmy Nunn, Mayor James Perkins, Jr. and the Mayor's Administrative Assistant Sherri James. Dr. Dwight D. Irons 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 that she would like to add the Christmas Lighting Update to the agenda. Councilman Durry stated that he would like to add the East Selma Pond Grand Opening, find space for Elmwood Cemetery, and citizens of the lower end of Race Street and River Road to the agenda. Councilman Sexton stated that he would like to add the City/County Jail contract to the agenda. Councilwoman Sewell stated that she would like to add Youth-In-Government to the agenda. Councilman Sexton stated that that he would like to add the Alabama State Department of Public Examiners to the agenda. Councilwoman Crenshaw stated that she would like to add Pep Rally for Shrondrell Hunter to the agenda. Attorney Nunn stated that he would like to request executive session following the conclusion of the agenda items to discuss good name and character. A motion was made by Councilwoman Sewell and seconded by Councilman Tucker 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 Special Called meeting held on Wednesday, August 20, 2003. There being notice of a correction by Councilwoman Martin to the minutes, a motion was made by Councilwoman Franklin and seconded by Councilman Durry to adopt the minutes with the requested corrections. 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 Council meeting held on Monday, August 25, 2003. There being no corrections to be made to the minutes, a motion was made by Councilwoman Sewell and seconded by Councilwoman Martin to adopt the minutes with the requested corrections. The motion carried with a unanimous vote of the Council.

I. MR. CARL C. MORGAN, JR.

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

- The Alabama Historical Commission Board of Directors (statewide) held their quarterly board meeting in Selma. The site committee met Monday morning at Cahawba. A reception hosted by the Selma-Dallas County Historical Association was held Monday evening at Sturdivant Hall.
- Went to Montgomery to discuss the agenda for the advisory committee meeting to be held August 20-21. This will be my last meeting as chairman; in fact, my last meeting as a member of the committee.

I. MR. CARL C. MORGAN, JR.

- The Cahawba Advisory Committee held its quarterly meeting. The meeting on the 20th was held in the newly remodeled Chamber of Commerce building. The meeting on Thursday was held on site at Cahawba. New officers were elected in accordance with the new legislative act passed at the last session of the legislature.
- Attended the City Council meeting and made my report for July activities.
- Met with Jerry Sailors of Coosa Alabama River Improvement committee to recommend a possible replacement on the board of directors as my term is ending.

II. PROCLAMATION – JANNIE VENTER

President Evans stated that the Council is very honored to give praise to Mrs. Jannie Venter, who has been in the gospel radio industry for 30 years, referred to as the “Queen of Gospel Music”, she will celebrate her anniversary on Sunday, September 14, 2003 4:00 p.m. at the Convention Center. President Evans stated that the Mayor and the Council has signed a proclamation in honor of her achievements over the years proclaiming Sunday, September 14th as Jannie Venter Day. President Evans read excerpts from the proclamation that was presented to Mrs. Venter.

III. PROCLAMATION – JAI MILLER

President Evans stated that the Council would like to pay tribute and honor to Mr. Randall Jai Miller, who has reached higher grounds in athletics and has signed to play professional baseball with the Florida Marlins, and to also attend and play football on a four-year scholarship at Sanford University in California. Mr. Miller is Selma’s only high school graduate to sign with a professional sports team. Mr. Miller has been known for excellence in skills in basketball and football as well as baseball. President Evans stated that the Mayor and the Council has signed a proclamation to pay tribute to Mr. Miller for his accomplishments in the area of baseball and proclaiming Friday, September 12th as Jai Miller Day. President Evans read excerpts from the proclamation that was presented to Mr. Miller.

IV. PROCLAMATION – MARIE FOSTER

Councilwoman Crenshaw stated that a proclamation is being prepared in memory of Mrs. Marie Foster, who passed away on Saturday morning. President Evans stated that she was known best for being one of the “courageous eight” during the civil rights movement in 1964.

V. PRESENTATION – REFORM PRESBYTERIAN CHURCH

Miss Valeria Jones and her staff presented a plaque to Reverend Ralph Joseph and the Reform Presbyterian Church on behalf of the City of Selma employees for sponsoring the City’s first employee appreciation luncheon. Miss Jones thanked the Mayor, all Council members and department heads for their support and many contributions for this occasion.

President Evans stated that he would like to recognize the presence of Dallas County Commissioner Curtis Williams.

Citizens’ Request

President Evans asked if there are any citizens present who have questions or concerns regarding the ward realignment. President Evans stated that the ward realignment plans are located on the back wall of the chambers for anyone who would like to view them. There were no comments from the citizens present.

VI. MAYOR'S REPORT

A. Contract – Borland Benefield. Mayor Perkins stated that the Council has been presented with copies of the contract concerning Boreland Benefield and asked if the Council would favorably approve this contract. Mayor Perkins stated that based on the contract content, Mrs. Cynthia Mitchell will be serving temporarily as Acting City Treasurer, Mrs. Sequita Oliver as Assistant Treasurer, and to have Mr. Charlie Pomitier serve in the technical assistance capacity to facilitate the Finance Department.

B. Liquor License. Mayor Perkins stated that there is one liquor license from Cheer's, Janie Blevins, 1105 Broad Street, not sure why there is another license since there was one submitted about six months ago. Mayor Perkins stated if the Council desires to put on first reading that would be his recommendation. A motion was made by Councilwoman Sewell and seconded by Councilwoman Tucker to place this liquor license on first reading. The motion carried with a majority vote of the Council. Councilwoman Crenshaw abstained from voting.

C. Proposals for Executive Session. Mayor Perkins stated that he has two items dealing with the proposals for executive session, one for potential litigation and the other for name and character.

D. Hickory Street Project. Mayor Perkins stated that the bids will be submitted in October. Councilman Sexton asked why this project was not turned over to Tommy Smith's department and utilize Asphalt Contractors. Mayor Perkins stated that would be in violation of the state bid law and Asphalt Contractors agreement does not include labor.

E. Chris Samuel's Project. Mayor Perkins stated that the meeting regarding the Chris Samuel's project went extremely well. Mayor Perkins stated that the architect will provide a written report of the meeting so that the City will have documentation on record for the meeting. Mayor Perkins stated that the public is really excited about this project and there were some safety issues that were addressed and they were addressed to the satisfaction of those present. Mayor Perkins stated that the solution accepted by the consensus was to leave the West side of Valley Creek Circle dead ended and to open the East end of the circle with sidewalks added to the neighborhood so that the children will have a safe play area.

VII. Councilwoman Franklin stated that she has received anonymous mail that has been very upsetting to her, it is very unpleasant and she just wanted to let the Mayor and the Council to know at the same time. She stated that it was delivered to her mailbox, but she did not open it, she carried it to her attorney on Friday and opened it in the presence of the attorney and it has to do with City government. Mayor Perkins stated that he is not aware of what Councilwoman Franklin is referring to. Councilwoman Crenshaw stated that Councilwoman Martin has also received unpleasant mail and should read its contents as well.

VIII. E-911 UPDATE

President Evans stated that Bret Howard is expect to be present tonight and there are some issues that need to be resolved concerning the E-911 situation. President Evans stated that he would like to update the Council on some things that he has been informed of, but he would also like for Mr. Howard to be present during this discussion and he is not present yet. President Evans stated all attempts to set up a meeting with Judge Jones or the County Commission have failed because of some conflicts in schedules, but that what he has been told by Bret Howard, Attorney Blackwell and Mr. Richard Bean is that in approximately three weeks they will be opening the E-911 office on Dallas Avenue and what concerns him is that once E-911 moves and the City has not taken the steps necessary to move with them, then the City will have a ring down or no type of E-911 services for the City. President Evans stated that he understands that there are three phone lines that need to be moved by contacting BellSouth, from the Police Department to

VIII. E-911 UPDATE

Dallas Avenue, there is dispatch equipment that needs to be moved to Dallas Avenue, and the power link needs to be moved. President Evans stated that concerning the City getting a reduction or a balance, from all indication he has received that is not going to happen. Councilwoman Crenshaw stated that a commitment has already been made, she stated she did not vote for that commitment, but she feels that the commitment needs to be followed through and move forward to the next step.

Dallas County Commissioner Curtis Williams stated that he has called Mr. Howard and he is on his way to the meeting. Councilwoman Crenshaw stated she would like to know from Commissioner Williams if there was any discussion in the Dallas County Commission regular meeting regarding the E-911 and the City as far as a reduction for the City. Commissioner Williams stated that there was no discussion about a reduction for the City, but personally he does not have a problem with a reduction for the City, he further stated, it takes a majority, as you very well know, in this democracy to rule and one person's vote doesn't count. Commissioner Williams also stated he would rather Mr. Howard address the issue because he has been working to try to get both the City and the County to work together on this issue, and the Commission was under the impression that the City would come aboard. Commissioner Williams further stated that no one has contacted him to set up a meeting of any kind.

After further discussion, Mayor Perkins stated that he has said all along that what needed to be discussed is the relationship between the City and the County Commission and not between the City and E-911. Mayor Perkins stated that a contract was sent to his office and to President Evans dated August 27, 2003 and he still says that this process is wrong; Mayor Perkins stated that there are a lot more expenses involved in the contract and what E-911 is saying and what they are doing are two totally different things.

Mr. Howard stated that the target date for the opening of the E-911 facility on Dallas Avenue is October 1, 2003, and as far as the City moving into the building, a number of things need to be done such as the phone company needs to be contacted by the City to transfer the phone lines which are currently ringing at Franklin Street, the NCIC machine needs to be moved by the City, connection for base radio system needs to be moved by the City, and these things need to be done prior to September 30th in order to be ready for the October 1st start date. Mr. Howard further stated that if these things are not done a ring-down would have to take place until BellSouth moves the necessary lines.

Mayor Perkins stated that his recommendation is to respectfully request deferment of this move until these issues are resolved and if they refuse to do so then the City needs to do whatever is necessary to make sure that the City of Selma is properly represented in this transaction. Mayor Perkins stated that if the Council chooses to move, with all due respect, he does not want to have anything to do with this decision and if the Council desires, they have his permission to direct the Chief of Police to execute these procedures, because this transaction will cost the City a tremendous amount of money.

Commissioner Williams stated that he would like to let the Council know that he is willing to meet on this issue at any time and any day and he realizes that we can work together and hope to be able to work through this matter, and he also suggested that the two attorneys should get together and review the contract for legal concerns. President Evans stated that he concurs with Commissioner Williams and asked Attorney Nunn if he would get with Attorney Blackwell and discuss the necessary issues of the contract.

After further discussion, a motion was made by Councilwoman Franklin and **seconded by** Councilman Tucker to move forward with E-911 in its move from Franklin Street to Dallas Avenue, to appropriate \$226,000.00 to pay salary and benefits and overtime of said employees,

VIII. E-911 UPDATE

and to accept the recommendation by the Mayor to have President Evans request Chief Robert Green to handle all the necessary telephone and communication services (T1 line, moving of NCIC computer, emergency and administrative phone lines 874-6611, 6612, 6613 & 6614) and other issues included but not limited to the necessary moving of equipment that should be handled by the City to Dallas Avenue. A roll call vote was taken and the motion passed with a majority vote of the Council. Councilman Randolph and Councilwoman Crenshaw cast negative votes.

IX. CITY ATTORNEY'S REPORT

A. Claim – Selma Square Apartments. Attorney Nunn stated that a copy of this claim was placed in the Council's mailboxes regarding the individual who requested that some vehicles at Selma Square Apartments that needed towing. Attorney Nunn stated that Officer Carter was requested to tow the vehicles; a boat was also towed by AL's Wrecker Service and has been held about a year that involves a storage fee as it relates to this matter. Attorney Nunn stated that after reviewing the claim, he sees no liability of the City or Officer Carter and it is his recommendation that this claim is denied. A motion was made by Councilwoman Franklin and seconded by Councilman Randolph to deny this claim. The motion carried with a majority vote of the Council. Councilwoman Crenshaw was absent from the Chambers when this vote was taken.

B. Ordinance - Transient Merchant. Attorney Nunn stated that per Councilman Sexton's request a transient merchant ordinance was placed on first reading during the last Council meeting. Attorney Nunn stated that the ordinance has been prepared, it needs to be reviewed by the Council for additions or corrections, and it is his recommendation to leave on first reading until the next Council meeting. President Evans stated that the ordinance would remain on first reading until the next Council meeting.

C. Resolution – Opinion - Jail Contract. Attorney Nunn stated that as per the Council's request, an opinion request has been forwarded to the Attorney General and there has been no response as it relates to the opinion regarding E-911. Attorney Nunn stated the resolution presented to the Council tonight is regarding the jail contract in which it is his opinion that an opinion from the Attorney General is needed. A motion was made by Councilwoman Sewell and seconded by Councilman Randolph to authorize Attorney Nunn to seek an attorney general opinion on the jail contract. The motion carried with a majority vote of the Council. Councilman Tucker, Councilwoman Franklin and Councilman Sexton opposed the motion.

D. Resolution - Industrial Development Appointments. Attorney Nunn stated that per the request of the Council, a resolution has been prepared for the appointment of Mr. Elan Holley to replace Mr. Richard Morthland, whose term ended, and reappoint Mr. Steven Rogers to the Industrial Development Board. A motion was made by Councilwoman Sewell and seconded by Councilwoman Franklin to ratify and approve the resolution as written. The motion carried with a unanimous vote of the Council.

E. Contract – Ambulance. Attorney Nunn stated that there is another ambulance provider in the City of Selma named Care Ambulance, and there is also Haynes Ambulance. Attorney Nunn stated that the contract for Haynes Ambulance terminates as of October 1, 2003, if the contract is not negotiated prior to this date, it will become month to month thereafter. Attorney Nunn stated that the League has advised him to negotiate a contract with both providers to rotate the ambulance services in the City of Selma. He stated that if an agreement is not met then the services must follow the state bid law. Following a brief discussion, President Evans asked Attorney Nunn if he would set up times that the Council can meet with both providers on Monday, September 22, 2003, one at 3:00 p.m. and one at 3:30 p.m.

IX. CITY ATTORNEY'S REPORT

F. Police Manual. Attorney Nunn stated that scheduled completion of the manual will be tomorrow, September 9, 2003. Attorney Nunn stated that it will be presented to the Public Safety Committee and then to the City Council.

G. Cable - Charter Communications. Attorney Nunn stated he has reviewed the contract again and it states that Charter Communications shall maintain a local (available by phone without long distance charge) business office. Attorney Nunn stated he would provide copy of the contract for the Council.

BUSINESS ITEMS:

X. CENTRAL ALABAMA ANIMAL SHELTER UPDATE

President Evans asked Mayor Perkins if there is any additional information regarding the breakdown of the funds from the oil lease balances. Mayor Perkins stated there is no information at this time. President Evans stated that the current balances were received, but they are still waiting on information on old balances.

XI. NEW WORLD SYSTEMS

President Evans asked Mayor Perkins if there is any additional information regarding the issue with New World Systems. Mayor Perkins stated that work is in progress on this issue.

XII. SEPTEMBER WORSHIP SERVICE

President Evans stated that Councilwoman Sewell has invited everyone to attend Brown Chapel AME Church on September 21, 2003 at 11:00 a.m. worship services.

XIII. LIQUOR LICENSES (1ST READING)

Councilwoman Crenshaw stated that she has a liquor license application for three businesses, first, Jeffrey Glen Crawford, 1124 Water Avenue, Riverfront Steakhouse, restaurant retail license. A motion was made by Councilwoman Crenshaw and seconded by Councilman Sexton to approve this license. The motion carried with a majority vote of the Council. Councilwoman Franklin opposed the motion.

Second, Maurice Watson, 1408 Water Avenue, Twelve Stone. A motion was made by Councilwoman Crenshaw and seconded by Councilman Durry to approve this license. The motion carried with a majority vote of the Council. Councilwoman Franklin abstained from voting.

Third, Kaleb Patel, Highway 80, Johnny's Package Store, license transfer. A motion was made by Councilwoman Crenshaw and seconded by Councilman Sexton to approve this license. The motion carried with a unanimous vote of the Council.

XIV. MEDICAL CENTER PARKWAY TRAFFIC UPDATE

President Evans asked Mayor Perkins if any additional information has been obtained regarding the traffic situation on Medical Center Parkway. Mayor Perkins stated that there is no update at this time.

XV. VACANT ALLEYS /TRANSFER OF DEEDS TO ADJACENT PROPERTY OWNERS

Councilman Randolph stated that there are three alleys in his ward from the 1500 block of St. Ann Street to St. Phillips Street. Councilman Randolph stated that these alleys are not clean and are being used for inappropriate means, they have not been cleaned in a number of years and he feels that if the City cannot clean them then the property owners adjacent to the alley should be deeded the property by the City. President Evans asked Attorney Nunn about the legality of such a process. Attorney Nunn stated that it would be best if the property owners would come forward with the request because it would be more simple and quicker process. Attorney Nunn stated that if the Council makes the request, it would have to go before the Probate Judge. After further discussion, President Evans asked Councilman Randolph and any other Council members who have property owners in their ward who are interested in obtaining an alley would make this request, and he also asked each Council member to put a notice in writing to Attorney Nunn.

XVII. CHRISTMAS LIGHTING UPDATE

Councilwoman Franklin stated that she would like an update from the Mayor regarding the restoration of the Christmas tree lighting. Mayor Perkins stated that this process is in motion and contract is scheduled to be executed by October 1, 2003.

XVIII. EAST SELMA POND OPENING

Councilman Durry stated that he would like to announce and invite everyone to the formal opening of the pond in East Selma. Councilman Durry stated that the opening will take place on Saturday, September 14, 2003, from 10 a.m. to 12:00 p.m.

XIX. CEMETERY – EAST SELMA

Councilman Durry stated that he was asked to obtain information regarding property for a cemetery in East Selma. Councilman Durry stated that he has received information regarding a sight across from Elmwood Cemetery on the East side of Race Street. After further discussion, President Evans stated that he had received information that this area is a flood plan area and he asked Mayor Perkins if it would be appropriate for Councilman Durry to speak with Mr. Peoples regarding this issue.

XX. YOUTH IN GOVERNMENT

Councilwoman Sewell stated that she and Councilwoman Martin will be hosting the kick off meeting for the Youth-In-Government on September 16, 2003, at 8:00 a.m. in the Council Chambers, they are expecting forty, bright, young and talented sophomores and juniors and she asks the Mayor and each Council member to make a presentation.

XXI. ALABAMA STATE DEPARTMENT OF PUBLIC EXAMINERS

Councilman Sexton stated he would like to make a motion to bring in the Alabama State Department of Public Examiners, based on what has taken place at General Services and the City's regular financial problems; he feels we need an outside source, and the motion was seconded by Councilwoman Franklin. President Evans stated that he understood the State Examiners would not be available to come at this time, and he asked if they were available to come now. Councilwoman Franklin stated that based on the information she shared with the Council regarding the mail that she received, she feels they should ask the Examiners to come to examine finances from October 1, 2003 to the present and if Councilman Sexton had not made

XXI. ALABAMA STATE DEPARTMENT OF PUBLIC EXAMINERS

the motion, she would have. Councilman Sexton stated that President Evans would need to contact them again and state that it is an emergency. After further discussion, the motion on the floor was withdrawn by Councilman Sexton and seconded by Councilwoman Franklin.

XXII. PEP RALLY – SHONDRELL HUNTER

Councilwoman Crenshaw stated that September 18, 2003 is proclaimed Miss Shondrell Hunter Day; there will be a pep rally on the steps of City Hall at 4:00 p.m.

XXIII. ILLEGAL DUMPING – RACE STREET

Councilman Durry stated that he would like to report illegal dumping of garbage at the end of Race Street and at the end of Mulberry Street. President Evans stated that he would like to ask the Mayor if he would get Code Enforcement to check on this situation.

XII. STANDING COMMITTEE REPORTS

RECREATION DEPARTMENT COMMITTEE REPORT

There is no report from the Community Development Committee.

ADMINISTRATIVE COMMITTEE REPORT

Councilwoman Crenshaw stated that Congressman Artur Davis will hold a Town Hall meeting on September 15, 2003 at the Convention Center from 6:00 p.m. to 8:00 p.m. Councilwoman Crenshaw also stated that there will also be a free health screening the same day from 10:00 a.m. to 2:00 p.m.

PUBLIC SAFETY COMMITTEE REPORT

There is no report from the Community Development Committee.

COMMUNITY DEVELOPMENT COMMITTEE REPORT

There is no report from the Community Development Committee.

PUBLIC WORKS/GENERAL SERVICES COMMITTEE REPORT

Councilman Sexton asked if the Mayor was going to address the issue regarding the sinkhole. Mayor Perkins stated that no amount has been established.

DISCRETIONARY FUND COMMITTEE REPORT

Councilwoman Sewell stated that she has two requests for discretionary funds and the lists are circulating.

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 recess into executive session at 8:46 p.m.

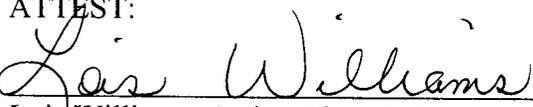
EXECUTIVE SESSION

The meeting reconvened at 9:45 p.m. following executive session with an item of business regarding the adoption of the contract for services with Borland Benefield. A motion was made by Councilwoman Franklin and seconded by Councilman Randolph to approve the adoption of this contract mentioned earlier in the meeting by Mayor Perkins. A roll call vote was taken and the motion passed with a majority vote of the Council. Councilman Sexton was absent from the Chambers when this vote was taken and Councilman Tucker cast a negative vote.

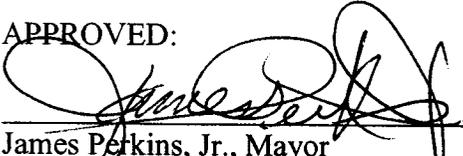
There being no other business to come before the Council, on motion made by Councilwoman Franklin and seconded by Councilwoman Sewell, the Council voted by unanimous consent to adjourn at 9:48 p.m.



George P. Evans, President

ATTEST:


Lois Williams, Acting City Clerk

APPROVED:


James Perkins, Jr., Mayor