

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

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, September 10, 2001 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 Ruth Crenshaw, and James Durry. Others present were Mayor Perkins, City Attorney Jimmy Nunn, City Clerk Jackie Smith, and the Mayor's Administrative Assistant Sherri James. The Reverend Dr. Stuart Thomas Wilson 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 asked that the Council go into an Executive Session after adjournment of the Council meeting. There being no other amendments to the agenda, on motion made by Councilwoman Martin and seconded by Councilwoman Sewell, the agenda was approved with the stated amendments.

President Evans asked if there were any additions or corrections to the minutes of the August 27, 2001 Council meeting. There being no additions or corrections to the minutes, on motion made by Councilwoman Sewell and seconded by Councilman Sexton, the minutes were approved as recorded.

### **I. MAYOR'S REPORT**

**A. HUD Community Renewal Project.** Mr. Jim Walter, a representative of HUD, stated he was present to inform the Council of HUD's Community Renewal Project and how the Selma area would benefit being a Renewal Community. Mr. Walter informed the Council that community selection is a competitive process and only thirty-nine sites would be selected throughout the United States. Mr. Walter recommended the City of Selma take the necessary action to be included in the selection process to become a Renewal Community. Councilwoman Martin made a motion indicating the City Council of the City of Selma fully supports HUD Renewal Project and approves being included in the selection process to become a Renewal Community. Councilwoman Crenshaw seconded the motion that received a unanimous vote of the Council.

**B. Liquor License Applications.** Mayor Perkins presented six applications on behalf of area businesses requesting a Lounge Retail Liquor License. The applications are listed below and they were placed on first reading and turned over to the Public Safety Committee for review.

1. **Tabard's Inn, Inc.** – Mr. Albert C. Hatcher has submitted a lounge retail liquor license application for Tabard's Inn, Inc. The club is located in the Selmont area at 1110 Churchhill Avenue. Tabard's Inn has a club license and is requesting a change to retail license.
2. **Roger's Loung, Inc.** – Mr. George Thacker has submitted a lounge retail liquor license application for Roger's Lounge, Inc. The club is located 2005 Highway 14 East. Roger's Lounge has a club license and is requesting a change to retail license.
3. **Club 49, Inc.** – Mr. Henry Jackson has submitted a lounge retail liquor license application for Club 49, Inc. The club is located 3215 Water Avenue. Club 49 has a club license and is requesting a change to retail license.
4. **Top Class Lounge, Inc.** – Mr. Tommy Thomas has submitted a lounge retail liquor license application for Top Class Lounge, Inc. The club is located 979 Cecil Jackson Bypass. Top Class Lounge, Inc. has a club license and is requesting a change to retail license.

**I. MAYOR'S REPORT**

**B. Liquor License Applications.**

5. **Double G. Social Club, Inc.** – Ms. Virginia Henderson has submitted a lounge retail liquor license application for Double G Social Club, Inc. The club is located 1629 West Highland Avenue. Chief Tate is recommending this application be approved.
6. **Darrell's Sports Bar & Grill** - Mr. Darrell Bossie has submitted a lounge retail liquor license application for Darrell's Sports Bar and Grille. The club is located 207 Highway 80 East. Chief Tate is recommending this application be approved.

**C. Sales Tax Report.** Mayor Perkins distributed copies of the eleventh month sales tax report which shows a decrease of \$191,252 or 11.40% for this fiscal year. Collections for the month were \$901,655 compared to \$957,192 for the same period last year. The Mayor emphasized that this decline is a nation-wide trend and city officials must seek ways to counter attack declining sales tax.

**D. Southern Company Energy Solutions Proposal.** Mayor Perkins stated he was absent during the last Council meeting and he asked Council for clarity on the Southern Company Energy Solutions proposal that Council voted to accept at the last meeting. President Evans and Mr. Atchison briefed the Mayor on the proposal

**E. Budget FY 2001-2002.** Mayor Perkins distributed a draft copy of the 2001-2002 budget that includes payroll detail and corrections of clerical errors with an attachment of explanation. Mayor Perkins explained that this draft copy includes department heads requests with the exception of payroll changes. The Mayor stated the draft budget is not a balanced budget and includes a deficit of over \$600,000. Mayor Perkins asked the Council to discuss in proposed changes with him and not the Department Heads to prevent any confusion from a possible misunderstanding. President Evans scheduled a budget work session for Tuesday, September 18<sup>th</sup> at 3:30.

**F. Resolution TEA-21.** Mayor Perkins presented Council with a resolution for the submission of an application for a TEA-21 Enhancement Grant to the Alabama Department of Transportation on behalf of the City of Selma, Dallas County Commission, Selma and Dallas County Chamber of Commerce, Selma and Dallas County Economic Development Authority, and the Craig Field Airport and Industrial Authority. The amount of the grant request is \$250,000 with a match of \$10,000 and \$3,000 for professional landscape architect. Councilwoman Martin made a motion to approve the resolution authorizing the submission of the TEA-21 grant application and to approve the matching funds and fees for professional landscape architect. Councilwoman Crenshaw seconded the motion and on roll call vote the motion was adopted with a unanimous vote of the Council.

**G. Jail Warden Positions.** Councilman Randolph stated it has been rumored by Councilman Sexton that Mayor Perkins dismissed nine jail wardens without prior notice and consideration and asked Mayor Perkins to comment on this matter. Mayor Perkins stated that such rumor is untrue and he resented the fact of being wrongly accused of dismissing nine jail wardens when he is only enforcing a contract that was negotiated in 1999. Mayor Perkins stated Councilman Sexton was instrumental in negotiating the City/County Jail contract and each Council member from the previous administration was well aware of what the contractual agreement required.

## II. CITY ATTORNEY'S REPORT

**A. Condemned Houses Update.** Attorney Nunn presented the Council with a letter from Mr. Darryl Moore, Building Inspector, confirming that an inspection of the property listed below was made, and the demolition was completed within the guidelines of the Code. The properties are as follows:

1. 1418 Lawrence Street.
2. 1217 Mabry Street
3. 1814 Marie Foster Blvd.
4. 1576 Marie Foster Blvd.
5. 1211 St. Phillip Street
6. 1409 Weaver Street

**B. Special Care Facilities Financing Authority Board Members and Terms.** Attorney Nunn presented the Council with a letter from the law office of Hobbs and Hain relative to the Special Care Facilities Financing Authority Board Members and their terms. Mr. Hobbs is requesting the Board members be re-appointed in order to effectuate the closing of the Vaughan/Province transaction. The appointments and terms are as follows:

|                   |               |                   |
|-------------------|---------------|-------------------|
| James H. Carter   | Chairman      | 11/2/93 – 11/2/01 |
| Fred Williams     | Vice-Chairman | 11/2/95 – 11/2/03 |
| Edward Livingston | Sec/Treasurer | 11/2/97 – 11/2/05 |

Councilwoman Sewell made a motion to ratify, affirm and approve the Special Care Facilities Financing Authority Board Members and terms as listed above. Councilman Tucker seconded the motion. The motion was adopted with a unanimous vote of the Council.

**C. Rezoning Ordinance.** Attorney Nunn presented the Council with copies of an ordinance that was placed on first reading at the last Council meeting to rezone property located on Medical Center Parkway. The property is the future site of the new Dunn Nursing Home and is currently zoned R-50-B. The ordinance will rezone the property to a B2 district to be consistent with other properties in the area. Councilwoman Franklin made a motion to adopt the ordinance rezoning the property described on Medical Center Parkway from R-50B to B2. Councilman Sexton seconded the motion and on roll call vote the ordinance was adopted by a unanimous vote of the Council.

**D. Claim of Steve South.** Attorney Nunn informed the Council that the claim filed on behalf of Mr. Steve South has been sent back to the attorneys in an attempt to settle this matter. Attorney Nunn stated a report on this matter would be made once a response is received.

**E. Garbage Fee Collection Ordinance.** Attorney Nunn stated the Garbage Fee Collection ordinance was placed on first reading at the last Council meeting. Attorney Nunn stated he talked with Mr. Johnny Moss about the Section 8 residents' ability to pay additional fees for garbage collection services. Mr. Moss stated Section 8 couldn't increase its lease agreement to include the \$8 per month fee.

A lengthy discussion followed including clarification on different sections of the ordinance. Attorney Nunn stated the way the ordinance is structured the property owner will be held responsible for ensuring the \$8 per month fee is paid to the City, with arrears being turned over to a collection agency. Mayor Perkins explained that the Finance Director would be responsible for initiating a phase of public relations and citizen notification from October through December and start the actual collection process on January 2, 2002. The Selma WaterWorks has agreed to continue collections until January 2, 2002. Councilwoman Franklin motioned to adopt the ordinance as presented to be implemented for collection by the City in January 2, 2002. Councilwoman Martin seconded the motion and on roll call vote the ordinance was adopted by a majority vote of the Council. There were seven affirmative votes and two negative votes. Councilmen Durry and Tucker cast the negative votes. Councilwomen Sewell and Crenshaw asked that the record reflect the City of Selma will help those individuals who cannot afford to pay the garbage fee.

## **II. CITY ATTORNEY'S REPORT**

**F. Wireless Telecommunication Facilities Ordinance.** Attorney Nunn stated the Wireless Telecommunication Facilities ordinance was placed on first reading at the last Council meeting. Attorney Nunn explained that the ordinance requires the applicant to place funds in an escrow account to cover the costs associated with attaining a permit from the City. Attorney Nunn stated it would be a last resort to place a tower on residential property. Councilwoman Franklin referred to Section 9 – Height of Telecommunication Tower and suggested it be stipulated in the ordinance that no tower will be placed in the light path of area runways. Attorney Nunn stated this section would be amended to include the suggested stipulation. Councilwoman Sewell made a motion to adopt the ordinance as presented with the amendment to Section 9 as stated. Councilman Tucker seconded the motion and on roll call vote the ordinance was adopted by a unanimous vote of the Council.

## **III. CARL C. MORGAN, JR.**

Mr. Carl C. Morgan, Jr., who serves as a liaison for city government stated he was present before Council to make his monthly report. Mr. Morgan's report included information on a visit to Montgomery to the Alabama Historical Commission relative to the continued development of Old Cahawba; a visit to Greenville to discuss the purchase of the electricity that will be generated by the incinerator when it is in operation; and a Board meeting of the Rural Heritage Foundation with regard to the grant for the Canning Kitchen.

## **IV. YEARGAN CONSTRUCTION CLAIM**

President Evans stated that the claim filed on behalf of Yeargan Construction was discussed in more detail at the work session. The claim seeks damages in the amount of \$300 for reimbursement of expenses paid to Roto-Rooter. Attorney Nunn stated it is his recommendation that this claim be denied. Councilwoman Franklin referred to a letter received from Mr. Tommy Smith, Director of Public Works, that states the claim was the result of a private line being obstructed. Councilwoman Franklin made a motion to accept the recommendation of the City Attorney and deny the claim of Yeargan Construction. Councilman Tucker seconded the motion. The motion passed with a unanimous vote of the Council.

## **V. HEAVY LOADED TRUCKS ORDINANCE**

Councilwoman Franklin stated Attorney Nunn and Lt. Evans are still working on an ordinance governing heavy loaded trucks and asked that this ordinance continue to be tabled.

## **VI. JOB DESCRIPTION/PAY PLAN PROPOSAL**

Councilwoman Crenshaw informed the Council that the Administrative Committee met with representatives from the two companies proposing to develop job descriptions and a pay plan for the City. Auburn University has done similar work for the City in the past and the Administrative Committee and the Personnel Director feel they are best suited to perform the task. The proposed cost from Auburn University is \$21,000 and payments could be deferred over a period of twelve to twenty four months. Decisions Unlimited has done similar work but not for the City of Selma. The proposed cost from Decisions Unlimited is \$13,000 and a majority of the costs would have to be paid initially. Councilwoman Crenshaw asked that this matter be tabled so she can share more information with Council members.

## **VII. LEGISLATION AFFECTING POLICE DEPARTMENT OFFICIALS**

Councilwoman Franklin stated the Council has been provided information relative to Legislative Act 2001-463 that passed on July 15, 2001. The law makes reference to the Police Chief and possibly Assistant Chiefs becoming merit system employees. Councilwoman Franklin motioned that the City of Selma seek an Attorney General Opinion on this matter for more clarity. Councilman Sexton seconded the motion and it passed with a unanimous vote of the Council.

## **VIII. RAILROAD CROSSING REPAIRS**

Councilman Sexton stated he has been in constant contact with railroad officials and he is awaiting a reply as to a meeting with Council members to discuss a schedule of repairs. President Evans suggested Mayor Perkins contact railroad officials for immediate action.

## **IX. ALATAX**

Finance Director Bob Sanders stated after meeting with officials from three different sales tax collection agencies it is his recommendation the City remain with the State Department of Revenue for collection. Mr. Sanders stated his recommendation is based on the fact that most taxpayers in Selma are small-based and our maximum fee is two percent or \$3.66 per account. Councilman Sexton stated that the information he received is in conflict with what Mr. Sanders has provided. President Evans suggested this matter be tabled for further dialog.

## **X. STANDING COMMITTEE REPORTS**

### **RECREATIONN COMMITTEE REPORT**

Councilman Durry informed the Council that the Recreation Football Program has began and volunteer coaches are needed. Councilman Durry also stated he requested the Selma Housing Authority provide transportation for youth in the East Selma area.

### **ADMINISTRATIVE COMMITTEE REPORT**

There was no report from the Administrative Committee.

### **PUBLIC SAFETY COMMITTEE REPORT**

Councilwoman Franklin informed the Council that a new Urban Forester, Mr. Virgil Matthews, has been hired. Mr. Matthews will meet with the Council soon.

### **COMMUNITY DEVELOPMENT COMMITTEE REPORT**

There was no report from the Community Development.

### **PUBLIC WORKS/GENERAL SERVICES COMMITTEE REPORT**

**A. Bridge Construction.** Councilman Sexton informed the Council that the bridge near Bloch Park is soon to be under construction and the public should be made aware of traffic congestion in the area.

**B. Lights on Edmund Pettus Bridge.** Mayor Perkins stated he has located the original design drawings of the Edmund Pettus Bridge and lights atop the bridge were in the original drawings. Mayor Perkins stated he is under the assumption that the lights were removed due to age and insect infestation. The Mayor stated he would talk to Alabama Power Company about new light technology and reinstallation of the lights.

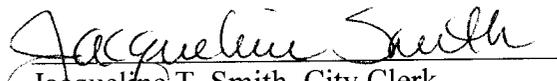
**XI. VIOLENCE AGAINST WOMEN & CHILDREN UNIT**

Mrs. Susan Keith stated she was present before Council to make them aware of the problems in this area with domestic violence, statutory rape and sexual abuse cases. Mrs. Keith informed the Council that the District Attorney's Office has applied for a grant to establish a Selma-Dallas County Violence Against Women and Children Unit. If the grant is awarded a prosecutor will be hired to prosecute these particular type crimes only. The total grant is \$250,000 with a 25% match that she would like to see split evenly by the City and County. The City's share would be \$32,000. Mrs. Keith stated City support is badly needed and she requested the Council include this amount in their next fiscal budget. Council members pledged the City's support of this unit and Mrs. Keith stated she would address the Council again in the future with more details. A motion was made by Councilwoman Sewell and seconded by Councilwoman Martin to accept the recommendation of Mrs. Susan Keith contingent upon Dallas County Commission pledging it's one-half financial support and if City funds are available. The motion passed with a unanimous vote of the Council.

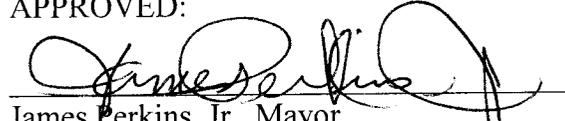
There being no further business to come before the Council, on motion made and duly seconded, the Council voted by a unanimous consent to adjourn at 7:45 p.m. and go into an Executive Session.

  
\_\_\_\_\_  
George P. Evans, President

ATTEST:

  
\_\_\_\_\_  
Jacqueline T. Smith, City Clerk

APPROVED:

  
\_\_\_\_\_  
James Perkins, Jr., Mayor

**CERTIFICATE OF THE CITY CLERK OF  
THE CITY OF SELMA, ALABAMA**

**COPY**

I, Jacqueline T. Smith, the duly elected, qualified and acting Clerk of the City of Selma, Alabama (the "Municipality"), hereby certify as follows:

1. The Municipality is now and has been for more than 50 years a municipality duly organized and existing under the laws of Alabama. To the best of my knowledge and belief, there are no local or special laws of the State of Alabama pertaining to or having any bearing on or restricting the exercise by the Municipality of any power or authority in connection with any of the matters hereinafter referred to.

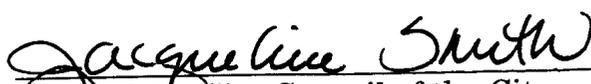
2. Pursuant to a resolution adopted by the governing body of the Municipality, The Special Care Facilities Financing Authority of the City of Selma (the "Authority") was duly incorporated as a public corporation and now exists under Code of Alabama 1975, Title 11, Chapter 62, as amended. The certificate of incorporation of the Authority has not been amended or not revoked, and the Authority has never been dissolved.

3. The following named persons are the members of the Board of Directors of the Authority duly elected as such by the governing body of the Municipality for a term of office ending on the date set opposite each name.

| <u>Name of Member of<br/>Board of Directors</u> | <u>Date of End<br/>of Term</u> |
|---|--------------------------------|
| James H. Carter                                 | November 2, 2001               |
| Fred Williams                                   | November 2, 2003               |
| Edward T. Livingston                            | November 2, 2005               |

4. No member of the Board of Directors of the Authority is an officer of the Municipality.

WITNESS MY SIGNATURE as Clerk of the City Council of the City of Selma, Alabama, under the seal of the City, this 24<sup>th</sup> day of September, 2001.

  
Clerk of the City Council of the City  
of Selma, Alabama

(SEAL)



# CITY OF SELMA

POST OFFICE BOX 450  
SELMA, ALABAMA 36702-0450  
PH. (334) 874-1234 • FAX (334) 874-2182

OFFICE OF THE CITY  
COUNCIL

COUNCIL MEMBERS:

GLENN SEXTON  
WARD 1

RITA SIMS FRANKLIN  
WARD 2

JEAN T. MARTIN  
WARD 3

NANCY G. SEWELL  
WARD 4

SAMUEL L. RANDOLPH  
WARD 5

B. L. TUCKER  
WARD 6

BENNIE RUTH CRENSHAW  
WARD 7

JAMES (JIM) DURRY  
WARD 8

## MEMORANDUM

GEORGE PATRICK EVANS  
PRESIDENT

RITA SIMS FRANKLIN  
PRESIDENT PRO TEMPORE

**Memo To:** Council Members – B. L. Tucker, Glenn Sexton, Samuel Randolph

**From:** George Evans  
President, Selma City Council

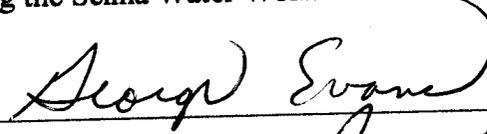
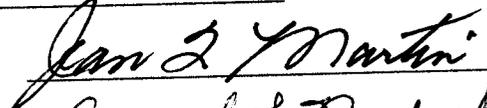
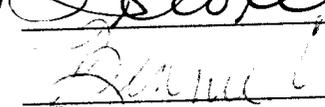
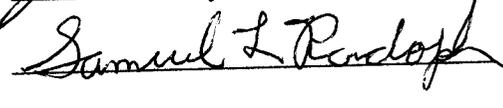
**Date:** September 10, 2001

**RE:** Selma Water Works

The members of the Council have scheduled an Executive Session with Council members (only) after tonight's meeting. This meeting has been scheduled to get some clarification as to the appointment of the Mayor back as Superintendent of the Selma Water Works, and to discuss the moral questions, as it relates to the citizens of Selma who are employees of the Selma Water Works.

We would appreciate your cooperation in communicating with the members of the Council your true feeling, in terms of a solution to this problem. We feel that these concerns need to be discussed and resolve in order to bring closure to these concerns.

Also, as a result of this meeting we hope to decide how to handle future administrative and personnel issues regarding the Selma Water Works.

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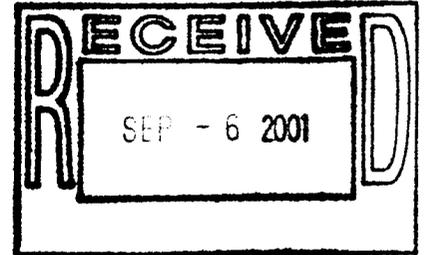
**HOBBS & HAIN, P.C.**  
 707 SELMA AVENUE  
 P. O. DRAWER 1190  
 SELMA, ALABAMA 36702-1190

RALPH NICOLSON HOBBS  
 BARRY R. BENNETT  
 JAMES B. MCNEILL, JR.

(334) 874-6683  
 (334) 872-8434  
 FAX (334) 872-8435

BRUCE VALENTINE HAIN (1915-1995)  
 SAM EARLE HOBBS (1917-1994)

September 6, 2001



**VIA HAND DELIVERY**

Jimmy Nunn, Esq.  
 City Attorney  
 City Hall  
 Broad Street  
 Selma, Alabama 36701

**RE: The Special Care Facilities Financing Authority of the City of Selma  
 Board Members and Terms**

Dear Mr. Nunn:

Pursuant to our conversation last week and this morning, please have the following Special Care Facilities Financing Authority of the City of Selma Board Members re-appointed at the City Counsel Meeting on Monday in order that we can effectuate the closing of the Vaughan/Province transaction.

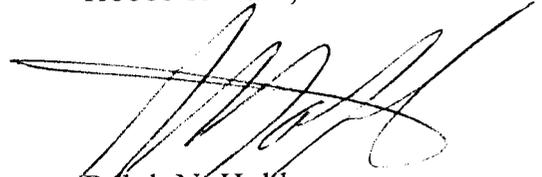
| <u>Name:</u>         | <u>Office:</u>      | <u>Date of Beginning of<br/>Current Term:</u> | <u>Date of Ending of<br/>Current Term:</u> |
|----------------------|---------------------|---|--|
| James H. Carter      | Chairman            | November 2, 1993                              | November 2, 2001                           |
| Fred Williams        | Vice-Chairman       | November 2, 1995                              | November 2, 2003                           |
| Edward T. Livingston | Secretary-Treasurer | November 2, 1997                              | November 2, 2005                           |

Enclosed for your information and file, please find a copy of the "Incumbency, No-Litigation, Signature, Indebtedness and Other Closing Certificates of the Special Care Facilities Financing Authority of the City of Selma pertaining to the issuance of \$15,150,000 Health Care Facility Revenue Refunding Bonds, (Vaughan Regional Medical Center) Series 1993" regarding the referenced bond issue.

If you have any questions, please contact me at your convenience.

Sincerely,

Hobbs & Hain, P.C.

A handwritten signature in black ink, appearing to read 'R. Hobbs', with a long horizontal stroke extending to the left.

Ralph N. Hobbs

cc: Hon. James Perkins, Mayor