

## **MINUTES OF THE SELMA CITY COUNCIL MEETING HELD ON MONDAY, OCTOBER 23, 2000**

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, October 23, 2000 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 James Perkins, Jr., City Attorney Jimmy Nunn, City Clerk Jackie Smith, and the Mayor's Administrative Assistant Sherri James. The Reverend Charles A. Lett 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 to the agenda prepared for this meeting. There being no additions to the agenda, on motion made by Councilwoman Sewell and seconded by Councilwoman Franklin the agenda was approved as prepared.

President Evans asked if there were any additions or corrections to the minutes of the regular Council meeting held on Monday, October 11, 2000. There being no additions or corrections to the minutes, on motion made by Councilwoman Martin and seconded by Councilman Tucker the minutes were approved as recorded. President Evans asked if there were any additions or corrections to the minutes of the special called Council meeting held on Wednesday, October 23, 2000. There being no additions or corrections to the minutes, on motion made by Councilwoman Franklin and seconded by Councilwoman Crenshaw the minutes were approved as recorded.

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

**A. 12<sup>th</sup> Month Financial Report.** Mayor Perkins presented the Council with the 12<sup>th</sup> month financial statement, which is the last month in the fiscal year 1999-2000. The financial report shows the City operated approximately \$55,000 over budget. Mayor Perkins explained that the City received reimbursements to the general fund in the amount of \$452,000, which is not included in the report. When these reimbursements are factored in, the City actually operated approximately \$396,000 under budget for the last fiscal year.

**B. Sales Tax Report.** Mayor Perkins presented the Council with the Sales Tax Report for the first month of the fiscal year 2000-2001. The report shows the City collected \$1,012,949 during the month of October 2000 as compared to \$847,342 during the month of October 1999. The year-to-date comparison reflects a \$165,607 or 19.5% increase. The Mayor further explained that the report does not indicate of true comparison because of State reporting procedures. Mayor Perkins predicted a more accurate reading beginning in the early months of 2001.

**C. Bid – Repairs to Fire Station.** Mayor Perkins presented the Council with a tabulation sheet from bids taken by the City Clerk to make repairs to the roof of Fire Station Number 4. The Mayor stated that the variables in the bid amounts are very inconsistent and asked for the opportunity to review the bid specifications and possibly re-bid the repairs. Mayor Perkins asked that this matter be tabled until he has an opportunity to review the bid process and develop a format to ensure the City receives the best bid.

**I. MAYOR'S REPORT**

**D. AmeriCorp Digital Divide Budget.** Mayor Perkins stated that Councilwoman Sewell presented a budget proposal from the Digital Divide Grant and requested a budget amendment of \$33,000 as the City's matching funds. Mayor Perkins stated that he requested Mrs. Lola Rogers in the Community Development Office review the budget proposal. Mrs. Rogers stated that she is of the opinion that a cash match of \$68,000 is required to operate the program successfully. Councilwoman Sewell explained that the purpose of the Digital Divide Grant is designed to bridge the gap as it relates to technology; in addition, students will receive a stipend and funds towards their college education. Mayor Perkins asked the Council to amend the general fund budget and make an additional appropriation of \$68,000 as matching funds for the Digital Divide Grant. A motion was made by Councilwoman Sewell and seconded by Councilman Tucker. On roll call vote, the Council voted unanimously to fund the Digital Divide Grant.

**F. Policy and Purchasing Management Procedures.** Mayor Perkins informed the Council that purchase requisition procedures are currently nonexistent when purchasing goods and services for the City. The Mayor stated he is in the process of implementing a purchasing and management policy where departments will make purchases using purchase requisitions and purchase orders. The Mayor further stated that this new process would be designed to eliminate audit exceptions. Mayor Perkins stated that prior to implementing the new procedures, all vendors would be notified of the mandates to follow the new procedures or be faced with a delay in receiving payments.

**G. Budget Preparation.** Mayor Perkins informed the Council that work sessions are scheduled this week with Department Heads to discuss budget requests. Mayor Perkins stated it is his desire to work and have a prepared budget by November 13, 2000. The Mayor referred to Section 94 of the Alabama Constitution that relates to private corporations, associations or individuals receiving public funds. Mayor Perkins stated that several questions have arisen concerning discretionary funds and it is his recommendation that the City move towards a grant type policy whereby the City receives annual grant applications from organizations with community based projects. The proposals would be reviewed by a Council Committee and awarded based on merit. The organization would then provide the City with a contract for measurable services in return. Councilwoman Sewell asked that the present policy on the handling of discretionary funds, through a letter of solicitation, be continued until a solution on this matter is reached. President Evans stated that this subject is an area for more discussion and dialog to determine the most viable solution.

**H. Per Diem Rate.** Mayor Perkins distributed copies of the travel policy that was developed in 1998 and designed to move the City into compliance with IRS rules and regulations governing travel and per diem rates. Mayor Perkins stated that the Council recently authorized the per diem rate be reverted back to \$75 which is an amount that was adopted by the Council in the early 1990's. Mayor Perkins stated reverting to the \$75 could substantially increase the budget. The Mayor asked the Council to consider an In-State rate of \$40 and Out-of-State rate of \$75 and other policy documentation as prepared.

**I. Garbage Fees.** Mayor Perkins asked the Council to support him in his efforts to enforce City Codes. There is approximately \$800,000 in uncollected garbage fees and Mayor Perkins stated he would be seeking legal means to collect these fees and other outstanding revenues.

**J. Resolution –Community Development Block Grant Project.** Mayor Perkins presented a resolution for Council adoption that authorizes and directs him in his official capacity as Mayor; to sign documents and provide such information to the Alabama Department of Economic and Community Affairs as may be required to administer the Central Selma Sanitary Sewer Improvements Project. A motion was made by Councilwoman Crenshaw and seconded by Councilman Durry to adopt the resolution as prepared. The Council voted unanimously to adopt the resolution.

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

**K. Resolution – Nathan Bedford Forrest Monument.** Mayor Perkins stated that at the October 13, 2000 Council meeting the Mayor and City Council, with the exception of Councilman Sexton, voted to adopt a resolution recommending to the Board of Directors of the Joe T. Smitherman Historic Building, that the recently erected monument of Nathan Bedford Forrest be removed from the lawn of the Joe T. Smitherman Historic Building, and the bust of Nathan Bedford Forrest be placed inside the Museum, as part of history, provided a more balanced representation of the historical significance of the monument be presented at the new site.

Mayor Perkins informed the Council that he has met with several citizens including Mr. Benny Austin who presented a letter with additional suggestions and an attached letter from the former Mayor Joe T. Smitherman stating that he had given permission for the organization to place the monument at the Smitherman Building and a copy of the minutes from the meeting of the Smitherman Historic Building Board of Directors. After further investigation into this matter, Mayor Perkins stated that the Code of Alabama states the Council has the authority to manage city finances and property; therefore, the agreement made by former Mayor Joe Smitherman is invalid.

A lengthy discussion followed whereby Mayor Perkins concluded, after careful review, that his position is right and the monument should be moved by the organization, within a time span to be specified by the Mayor, or he will order it moved to an identified site.

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

**A. Ordinance – Rules and Procedures for the Selma City Council.** City Attorney Jimmy Nunn presented an Ordinance of Rules and Procedures that governs the Selma City Council. Attorney Nunn stated that the ordinance was placed on first reading at the October 9<sup>th</sup> Council meeting. Several Council members expressed the desire to delete, change the wording, or add to portions of the rules and procedures. A motion was made by Councilwoman Crenshaw to adopt the Ordinance of Rules and Procedures, pending amendments as stated. Councilman Sexton seconded the motion and on roll call vote the Council voted unanimously.

**B. No-Smoking Ordinance.** City Attorney Jimmy Nunn presented a draft ordinance of non-smoking policies for Council review. Attorney Nunn stated that several citizens volunteered to assist the City of Selma in promoting its non-smoking policies. This ordinance was tabled for discussion at the Council work session scheduled for November 9<sup>th</sup> at 5:30 p.m.

**C. Legal Update.** City Attorney Jimmy Nunn informed the Council that there are some sixteen lawsuits and thirty claims pending against the City of Selma. Attorney Nunn stated he is of the opinion that some of these pending case be settled because the legal fees charged has exceeded the settlement amount. Attorney Nunn also informed the Council that he has been unsuccessful in reaching a settlement in the Rachel West Nelson case and it will proceed towards a trial.

## **III. STANDING COMMITTEE REPORTS**

### **ADMINISTRATIVE COMMITTEE REPORT**

There was no report from the Administrative Committee.

### **RECREATION COMMITTEE REPORT**

There was no report from the Recreation Committee.

### III. STANDING COMMITTEE REPORTS

#### PUBLIC SAFETY COMMITTEE REPORT

A. **Pine Beetles – All Lock Facility.** Councilman Sexton stated that he has been contacted by residents in the area of the old All Lock Company on Water Avenue stating there is a major problem with pine beetles in the wooded area behind the facility. Councilman Sexton stated that individuals who are interested in cutting and clearing the area to solve this problem approached him and offered to pay the City of Selma \$21,000 from the proceeds of the timber that will be sold from the land. This matter was tabled until a later date.

B. **Retail Liquor License – St. James Hotel.** Councilman Sexton presented a retail liquor license on behalf of Mr. John Jewett for the St. James Hotel located 1200 Water Avenue. Councilman Sexton stated that this new application is necessary because of new general managers at the hotel. A motion was made by Councilman Sexton and seconded by Councilwoman Franklin to approve the retail liquor license for the St. James Hotel. There were eight affirmative votes and one negative vote. Councilwoman Crenshaw cast the negative vote.

#### COMMUNITY DEVELOPMENT COMMITTEE REPORT

A. **Resolution – Entrepreneurship Day 2000.** Councilwoman Crenshaw reminded the Council that Mr. Jimmy Coleman is sponsoring an Entrepreneurship Summit on October 26, 2000 and read a proclamation proclaiming Entrepreneurship Day in Selma and encouraging all citizens to participate. A motion was made by Councilwoman Sewell and seconded by Councilwoman Crenshaw to adopt the proclamation as read. The Council voted unanimously on the motion.

#### PUBLIC WORKS AND GENERAL SERVICES COMMITTEE REPORT

The Public Works and General Services Committee report was informational only.

### IV. OTHER REPORTS AND ANNOUNCEMENTS

A. **Ms. Lawanda Cherry.** Ms. Lawanda Cherry stated she was present before the Council on behalf of the fourth and fifth grades classes at Payne Elementary School to request financial support to assist with a field trip to Memphis, Tennessee. President Evans stated this request would be considered through the proposed grant writing process that the Council is looking at to fund these types of requests.

B. **Ms. Becky Nichols – Dallas-Selma Public Library.** Ms. Becky Nichols stated she was present to inform the Council of the many services the Public Library offers to the citizens of Selma and Dallas County and to request \$35,000 in funding that was cut from the Library's appropriation several years ago be restored. Ms. Nichols stated that the services being provided has out creased the revenues and the Library is struggling to meet its financial demands. Ms. Nichols stated that she has met with officials of the Dallas County Commission and they have agreed to allocate an additional \$20,000 to the Library this year. The Council pledged its full support to this matter during budget hearings.

C. **Ms. Olivia Hardy – Selma Youth Development Center.** Ms. Olivia Hardy stated she was present on behalf of the Selma Youth Development Center to make a funding request that provides assistance to the Center to sponsor different programs. Ms. Hardy presented the Council with a preliminary budget to support her request for funding. Councilwoman Sewell stated that this request would be addressed during budget hearings.

**IV. OTHER REPORTS AND ANNOUNCEMENTS**

**D. Mr. Ocie Acoff – Perry Varner Boot Camp.** Mr. Ocie Acoff stated he was present on behalf of the Dallas County Commission and the Perry Varner Boot Camp to make a request for financial support in the amount of \$20,000. Mr. Acoff informed the Council that the boot camp has reopened to serve juveniles of this area as an alternative to sending area youths to the Department of Youth Services where they are placed at more risk. Mr. Acoff stated any funds received from the City would be used to purchase a van. Councilwoman Crenshaw stated she would like to see the Perry Varner Boot Camp included as a line item in the general fund budget.

**V. REZONING PETITION**

City Attorney Jimmy Nunn informed the Council that an ordinance to make certain changes in the present zoning map of the City of Selma was presented to the Council and placed on first reading at the October 9<sup>th</sup> Council meeting. The ordinance proposed to reclassify property located on Highland Avenue and Lauderdale Street from an R75 district to a B3 district. Councilwoman Sewell stated that the location will be used to construct an office suite and the residents concurred with the rezoning petition. A motion was made by Councilwoman Sewell and seconded by Councilman Durry. On roll call vote, the Council voted unanimously to adopt the ordinance as presented.

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 7:30 p.m.

  
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George P. Evans, President

ATTEST:

APPROVED:

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

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

**RESOLUTION**

**WHEREAS, the City of Selma applied for and received a grant in the amount of \$500,000 from the Competitive Large City Community Development Block Grant Program of the Alabama Department of Economic and Community Affairs for the Central Selma Sanitary Sewer Improvements; and**

**WHEREAS, the grant requires that the Mayor of the City of Selma sign certain documents pertaining to the administration of the grant prior to conditions being removed and "Release of Funds" and during the project implementation and progress; and**

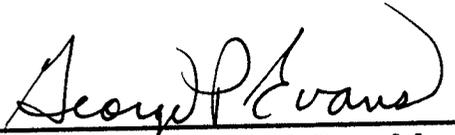
**WHEREAS, the City Council of the City of Selma, Alabama approved a resolution on June 12, 2000, giving the then Mayor, Joe T. Smitherman, authority to execute documents and obligate \$50,000 cash in matching funds toward the project; and**

**WHEREAS, James Perkins, Jr. is now the Mayor of Selma, Alabama, and should be the authorized representative to execute documents required for the program.**

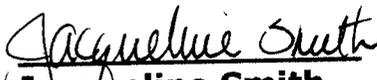
**NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Selma, Alabama hereby authorizes and directs James Perkins, Jr., in his official capacity as Mayor, to sign documents and provide such information to the Alabama Department of Economic and Community Affairs as may be required to administer the Central Selma Sanitary Sewer Improvements Project.**

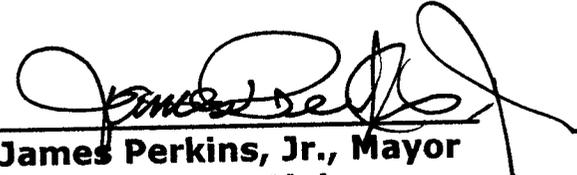
**BE IT FURTHER RESOLVED, that the City Council of the City of Selma, Alabama, re-obligate \$50,000 in cash matching funds toward this project.**

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELMA, ALABAMA ON THIS THE 23 DAY OF October, 2000.**

  
**George P. Evans, President  
Selma City Council**

**ATTEST:**

  
**Jacqueline Smith  
City Clerk**

  
**James Perkins, Jr., Mayor  
City of Selma, Alabama**