

MINUTES OF THE SELMA CITY COUNCIL MEETING HELD ON MONDAY, JANUARY 28, 2002

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, January 28, 2002 at 5:00 p.m. with the following members present: President George P. Evans and Council members Rita S. Franklin, Jean T. Martin, Nancy G. Sewell, Samuel Randolph, Benny L. Tucker, Bennie Ruth Crenshaw and James Durry. Councilman Glenn Sexton was absent from the meeting. Councilman Sam Randolph and Councilwoman Rita S. Franklin were late for the meeting. Others present were City Attorney Jimmy Nunn, City Clerk Jackie Smith, and the Mayor's Administrative Assistant Sherri James. Mayor James Perkins, Jr. was absent from the meeting. The Reverend Kobi Little 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 Item II – City Department Heads update to the Council be tabled until the next work session. President Evans also added the Garbage Fee Committee Report and Councilwoman Sewell added Youth in Government Update. There being no other additions to the agenda, on motion made by Councilman Durry and seconded by Councilwoman Martin, the agenda was approved as amended.

I. MAYOR'S REPORT

A. Liquor License Application. Mrs. Sherri James presented a transfer lounge retail liquor on behalf of Mr. Roosevelt Johnson of 41 Water Avenue. Mr. Johnson has applied for a transfer license from Club Eclipse to Platinum Club located 1211 Alabama Avenue. Mrs. James stated the Chief of Police has issued a letter of recommendation for approval of the liquor license. A motion was made by Councilman Durry and seconded by Councilwoman Sewell to approve the transfer lounge retail liquor license for Mr. Roosevelt Johnson. The motion passed with a majority vote of the Council. There were six affirmative votes. Present for the vote were the following Council members: Evans, Martin, Sewell, Tucker, Crenshaw and Durry.

B. Sales Tax Report. City Clerk Jackie Smith presented the Council with an amended sales tax report for the fourth month of the fiscal year. Mrs. Smith stated the report presented to the Council on January 15th shows the City sales tax collections at year-to-date deficit of \$365,955. Mrs. Smith further stated that on January 21, 2002 the City received an additional check in the amount of \$217,408 in sales tax collections due that was due in December. When the additional check is factored into December collections, the year-to-date deficit is now \$148,615.

C. Resolution - Brownfields Grant Application. City Clerk Jackie Smith presented the Council with a resolution that ratifies the filing of an EPA Brownfield Pilot Assessment Grant Application, and authorizes James Perkins, Jr. in his official capacity as Mayor, to process all documents necessary in the implementation of this initiative. Mrs. Smith explained that this grant would allow the assessment of commercial properties for actual or perceived contamination. Councilwoman Sewell asked if the matching funds had been allocated for this grant. Mrs. Smith stated she is of the opinion that the matching funds are already included in the fiscal year 2001-2002 budget. A motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw that the Council adopt the resolution ratifying the filing of the Brownfield Grant Application, pending matching funds are already budgeted. On roll call vote the motion passed with a majority vote of the Council. There were five affirmative votes and one negative vote. Councilman Tucker cast the negative vote. Present for the vote were the following Council members: Evans, Martin, Sewell, Tucker, Crenshaw and Durry.

II. APPROVAL OF COUNCIL MINUTES OF PREVIOUS MEETING

President Evans asked if there were any additions or corrections to the minutes of the regular Council meeting held on Tuesday, January 15, 2002. There being no additions or corrections, a motion was made by Councilwoman Sewell and seconded by Councilman Durry to adopt the minutes of the regular Council meeting held on January 15, 2002. The Council voted unanimously to adopt the minutes as recorded.

President Evans asked if there were any additions or corrections to the minutes of the reconvened Council meeting held Tuesday, January 15, 2002. There being no additions or corrections, a motion was made by Councilman Sewell and seconded by Councilman Durry to adopt the minutes of the reconvened Council meeting held on January 15, 2002. The Council voted unanimously to adopt the minutes as recorded.

III. CITY ATTORNEY'S REPORT

A. Approval of Attorney Fees for Gamble, Gamble, Calame and Wilson. Attorney Nunn stated attorneys were present at the work session to discuss the settlement of a lawsuit filed against the City of Selma by Clarence Strong. Attorney Nunn stated details of the settlement were discussed confidentially and presented an invoice from Gamble, Gamble, Calame and Wilson in the amount of \$22,783.57 for legal defense of the lawsuit. A motion was made by Councilwoman Martin and seconded by Councilman Tucker to approve payment of the invoice in the amount of \$22,783.57 as legal fees to the law firm of Gamble, Gamble, Calame and Wilson. On roll call vote the motion passed with a unanimous vote of the Council. There were six affirmative votes. Present for the vote were the following Council members: Evans, Martin, Sewell, Tucker, Crenshaw and Durry.

B. Claims Against the City. Attorney Nunn stated Council members were presented copies of claims 01-038, 02-001 and 02-002 at the work session for informational purposes only. A recommendation would be made at a future date once the investigative process has been completed. Attorney Nunn stated that since the purchase of the general liability insurance policy, he would review claims and forward to them to the insurance agent. Attorney Nunn also stated he is in the process of scheduling a meeting with the insurance agents and he will notify Council to be present to ask questions.

C. Ordinance – Tax on Adult Video Gaming Machines. Attorney Nunn presented the Council with a copy of an ordinance from the City of Montgomery that was recently adopted to levy a \$750 municipal tax, annually, on each adult video gaming machine within the Corporate Limits of the City of Montgomery. Attorney Nunn stated the City of Selma currently has a moratorium in force prohibiting the placement of any additional adult video gaming machines. Attorney Nunn stated Mayor Perkins, Tax Collector Martha Jackson and he has reviewed the ordinance and is in support of such a tax on the machines in Selma. There are approximately 200 machines and the tax would generate between \$150,000 to \$200,000 in additional revenue. Attorney Nunn presented a draft ordinance for a similar tax for the City of Selma. President Evans suggested this ordinance be placed on first reading for review and more discussion by Council members. Councilwoman Sewell made a motion to place the ordinance taxing the adult video gaming machines on first reading. Councilwoman Martin seconded the motion and the Council voted unanimously to place the ordinance on first reading. Present for the vote were the following Council members: Evans, Martin, Sewell, Tucker, Crenshaw and Durry.

D. Ordinance – Heavy Loaded Trucks. Attorney Nunn presented the amended ordinance that governs the routes of heavy loaded trucks and called Council attention to Section Six, Section Seven and Section Eight as the amendments to the current ordinance. Attorney Nunn stated this ordinance was placed on first reading at the January 15, 2002 Council meeting. A motion was made by Councilman Tucker to adopt the ordinance as amended. Councilwoman Sewell seconded the motion and on roll call vote the motion passed with a unanimous vote of the Council. Present for the vote were the following Council members: Evans, Franklin, Martin, Sewell, Tucker, Crenshaw and Durry.

III. CITY ATTORNEY'S REPORT

E. Ordinance to Amend Personnel Rules and Regulations. Attorney Nunn presented Council with copies of the amended ordinance of the Personnel Rules and Regulations to include a section for due process for the Police Chief. Attorney Nunn called Council attention to Section Three of the ordinance as the amended to the current ordinance. Section Three outlines the process of due process for the Police Chief as provided for by Alabama Legislative Act No. 2001-463 that was adopted in July of 2001. Attorney Nunn stated this ordinance has been presented for first reading and discussed at several previous Council meetings. A motion was made by Councilwoman Martin to adopt the amended ordinance of the Personnel Rules and Regulations to include a section for due process for the Police Chief. Councilwoman Crenshaw seconded the motion and on roll call vote the motion passed with a majority vote of the Council. There were six affirmative votes and one negative vote. Councilman Tucker cast the negative vote. Present for the vote were the following Council members: Evans, Franklin, Martin, Sewell, Tucker, Crenshaw and Durry.

A brief discussion followed whereby Councilwoman Sewell called attention to Section II-D of the ordinance that makes reference to the appointment of department heads by the Mayor or Council. Councilwoman Sewell stated the pleasure of the Council was to retain the power to appoint department heads and she felt the wording of this ordinance could pose a problem in the future. President Evans stated this ordinance has been discussed on numerous occasions and encouraged Council members to discuss information at work sessions to avoid these types of controversies. Councilwoman Franklin stated Attorney Nunn should rewrite the language in this section to reflect the Council's desire to retain appointment power. A motion was made by Councilwoman Sewell to rescind the ordinance to amend the Personnel rules and Regulations that was adopted at the meeting tonight. Councilwoman Franklin seconded the motion and on roll call vote the motion to rescind the ordinance passed with a majority vote of the Council. There were six affirmative votes and one negative vote. Councilwoman Crenshaw cast the negative vote. Present for the vote were the following Council members: Evans, Franklin, Martin, Sewell, Tucker, Crenshaw and Durry.

Councilwoman Martin then withdrew her motion for the adoption of the ordinance and Councilwoman Crenshaw withdrew her second. The ordinance was then retained on first reading and Attorney Nunn was instructed to rewrite the language of Section II-D relative to the appointment of department heads.

IV. MR. RON SALTER – MATCHPOINT TENNIS TOURNAMENT

Mr. Ron Salter stated he was present before the Council to make a brief presentation on the Matchpoint Tennis Program. Mr. Salter stated the Tennis Academy has been in session for approximately three weeks and includes children in middle school and high school. Mr. Salter stated a press conference was held on this morning to officially announce the first annual James Perkins, Jr. Tennis Classic to be held on May 3rd and May 4th. Mr. Salter also informed the Council that the nationally known radio syndication Tom Joyner Morning Show will be in Selma to kick-off the Tennis Classic. Mr. Salter stated corporate sponsors have been secured to help make this event a success. A brief synopsis of the two-day events was distributed and Mr. Salter explained some of the events are still in the planning stages and not yet confirmed. Councilwoman Martin and President Evans asked Mr. Salter to keep the Council apprised of information and press conferences regarding this event.

V. NEIGHBORHOOD REVITALIZATION PROJECT

President Evans recalled a recent newspaper article where Councilman Tucker was advocating a clean city by urging Council members and citizens to keep Selma clean. President Evans commended Councilman Tucker for his efforts and asked the Community Development Committee to work with the Community Development Office to come up with a plan for on-going neighborhood clean up and revitalization. Councilwoman Crenshaw stated the Community Development Committee has met with the Public Works and General Services Departments and a plan is being developed to combat this nation-wide problem of trash and litter. President Evans stated this is a serious matter and he would like to see continuous efforts to remedy this problem.

VI. GARBAGE FEE UPDATE – COMMITTEE REPORT

Councilman Durry stated the Garbage Fee Council Committee was appointed to review the exemption process of the recently amended Garbage Fee Ordinance. Councilman Durry stated it is the consensus of the Committee to set a limit on the amount of household income rather than the present exemption of an individual whose sole source of income being Social Security or SSI. The Committee also outlined other measures they felt warranted an exemption. President Evans asked that this report be made a part of the official minutes and placed on the agenda for the next Council work session and Council meeting.

VII. STANDING COMMITTEE REPORTS

RECREATIONN COMMITTEE REPORT

Councilman Durry stated the Recreation Department employees are working to repair the baseball fields and get them ready for spring practice. Councilman Durry also informed the Council that March 23rd is being proclaimed J. D. Taylor Day to honor Mr. John D. Taylor for his untireless dedication to the Selma Parks and Recreation Department. President Evans recommended a schedule of events be placed in the box of each Council member. Councilwoman Sewell suggested the Council issue a proclamation for this event.

ADMINISTRATIVE COMMITTEE REPORT

Councilwoman Crenshaw stated she would present information at the next Council meeting relative to the Police Chief.

PUBLIC SAFETY COMMITTEE REPORT

The Public Safety Committee report was informational only.

COMMUNITY DEVELOPMENT COMMITTEE REPORT

Councilwoman Martin stated she is of the opinion that the Council should have more contact with department heads and she would like for department heads to meet with both the Mayor and Council on a regular basis.

PUBLIC WORKS/GENERAL SERVICES COMMITTEE REPORT

There was no report from the Public Works/General Services Committee.

VII. STANDING COMMITTEE REPORTS

DISCRETIONARY FUND COMMITTEE REPORT

Councilwoman Sewell distributed copies of contribution sheets for the HGHG Senior Adult Care Center and asked Council members to indicate the amount of their contribution.

In addition, Councilwoman Sewell informed the Council of Youth in Government Day that is scheduled for January 30th. Councilwoman Sewell distributed an agenda for Council review and encouraged each Council member to participate in the planned activities.

VIII. OTHER REPORTS AND ANNOUNCEMENTS

Mr. Sam Walker stated he was present before Council to make them aware of two internationally known dignitaries that will be coming to Selma over the next two months. On February 11th the King of Zulu Nation of South Africa will visit Selma during his tour of the United States. The Council is invited to attend a breakfast in his honor at 7 o'clock at the St. James Hotel. During the Bridge Crossing Jubilee Weekend on March 2nd and March 3rd the President of South Africa will be in Selma. A dinner reception for the President is being planned.

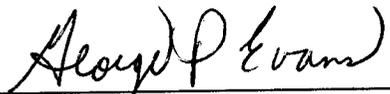
IX. TREE COMMISSION REPORT

Mr. Hans Poulsen, Chairman of the Tree Commission introduced the Tree Commission members to the Council. Mr. Poulsen stated the Tree Commission has a total budget of \$13,000 with \$10,000 allocated to the Forestry Commission, \$1,000 for tree replacement and planting and \$2,000 for travel. Mr. Poulsen stated it is the consensus of the Commission that the Council lower the travel budget to \$1,000 and increase the amount for tree replacement and planting to \$2,000. This change would not increase the overall budget, but would allow for more tree planting. Councilwoman Franklin motioned that the Council allow the transfer of funds between line items, as requested by Mr. Poulsen. Councilwoman Sewell seconded the motion and the motion passed with a unanimous vote of the Council. Present for the vote were the following Council members: Evans, Franklin, Martin, Sewell, Randolph, Tucker, Crenshaw and Durry.

Mr. Hans Poulson also stated it is the consensus of the Tree Commission to go on record requesting the Council authorize enforcement of the law prohibiting placing signs on trees and utility poles. Mr. Poulsen asked that the public be placed on notice of the enforcement of the ordinances and after a specified date, fines and summons be issues for violators. Councilwoman Sewell motioned that the Council go on record to immediately enforce the ordinances that prohibits placing signs on trees and utility poles and to seek public service news announcements to inform the public. Councilwoman Franklin seconded the motioned and the motion passed with a unanimous vote of the Council. Present for the vote were the following Council members: Evans, Franklin, Martin, Sewell, Randolph, Tucker, Crenshaw and Durry.

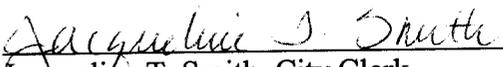
Councilwoman Franklin stated the State of Alabama law covers sign placement on utility poles and local law covers sign placement on trees. Councilwoman Franklin stated as the Council liaison to the Tree Commission she is in agreement with the Commission because the type of nails being used to place the signs is bruising the trees. President Evans asked Attorney Nunn to provide Council members with a copy of both ordinances at the next work session. Mr. Poulsen asked that the hand written Tree Commission report be made a part of the official Council minutes.

There being no other business to come before the Council, on motion made and duly seconded the Council voted by unanimous consent to adjourn at 6:35 p.m.



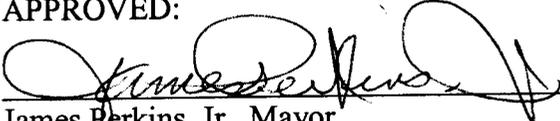
George P. Evans, President

ATTEST:



Jacqueline T. Smith, City Clerk

APPROVED:



James Perkins, Jr., Mayor

1/28/2002

* Mayor James Perkins, Jr.
Council President George Evans
Members of the Selma City Council
Citizens of Selma

* Don Hans Poulsen - Chairman of the "Selma Tree Commission"

Other members are:

- Mrs Sally Jackson
- Mrs Charles Breeding (our newly appointed member)
- Mr. James Perkins, Sr. (~~not a member of the Selma Tree Commission~~)
- Mr. Bill Sellen
- Mr. Ken Dumas (a licensed certified forester)
- Mr. Charlie Hines (a certified Landscape Architect)

* Our purpose in appearing before you is to make a formal request

* The city of Selma Budget Committee has allocated the Tree Commission a budget of \$13,000.00 for the year 2002.

* of that \$13,000.00 the City of Selma has deducted \$10,000.00 payable to the "Ala. Tombigbee Forester" leaving the Tree Commission \$3,000.00 to work with in the year 2002.

* of this \$3,000.00 the budget committee stipulated that \$1,000.00 be used for "tree replacement and new plantings" and \$2,000.00 be used for "Travel and conference expenses."

* The tree commission Board is of the opinion our purpose would be better served if the budget committee would authorize our request to lower the budget for Travel and conference ^{expenses} from \$2,000.00 to \$1,000.00 and increase our budget for tree replacement and new plantings from \$1,000.00 to \$2,000.00. The bottom line remain the same.

We would like this to be entered in the minutes as a formal request

Item #2

1/28/2002

* The Selma Tree Commission would like to go on record as having brought to your attention Mr. Mayor and members of the city Council - There are laws prohibiting the practice of placing signs on trees and utility poles within the police jurisdiction of the City of Selma.

We as members of the Selma Tree Commission request these laws no longer be ignored and that our police department enforce these laws.

We suggest that the public be informed through our local newspaper, radio and TV stations as a news item, that the practice of placing signs on trees and utility poles within the police jurisdiction of the City of Selma will no longer be tolerated after a certain date.

This includes political signs, yard sale signs, signs advertising entertainment and coming attractions and notices of any kind.

Any violations of these laws after a given date should result in possible fines and court costs.

We would ^{like} this also to be entered in the minutes as a formal request. Thank you.

Mrs Breeding would like to make a brief statement.

I yielded to Mrs Breeding

~~That~~

RESOLUTION

CITY OF SELMA

EPA BROWNFIELDS PILOT ASSESSMENT GRANT APPLICATION

WHEREAS, the City Council of the City of Selma, Alabama recognize the importance of assessing commercial properties for actual or perceived contamination; and

WHEREAS, the City of Selma is firmly committed to a the goal of providing quality commercial properties for future investments and investors; and

WHEREAS, the Selma City Council herein ratifies the City of Selma's Application to the Federal Environmental Protection Agency for assistance in assessing possible contaminated properties in the amount of \$200,000; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Selma, Alabama herein ratifies the filing of said application, including all understandings and assurances contained therein, and authorizes James Perkins, Jr., in his official capacity as Mayor, to process all documents necessary in the implementation of this initiative.

RATIFIED BY THE CITY COUNCIL OF THE CITY OF SELMA, ALABAMA ON THIS _____ DAY OF JANUARY, 2002.

George P. Evans, President
Selma City Council

Attest:

James Perkins, Jr., Mayor
City of Selma

Jacqueline Smith
City Clerk

COPY

RESOLUTION

THAT, WHEREAS, the City Council did previously instruct the City Attorney and the Code Enforcement Officer to institute appropriate legal proceedings under the authority of Section 6-101 through Section 6-107 of the Code of Ordinances of the City of Selma against the owners of certain real estate located within the City of Selma, which said real estate, because of its condition, has been classified as a “dangerous building” and/or a “nuisance” under the Code of Ordinances of the City of Selma; and,

WHEREAS, the City Clerk did send a certified letter to certain property owners and/or their agents and said notice was personally served upon the hereinafter named individuals advising them that said property had been classified as a “dangerous building” and/or a “nuisance” under the Code of Ordinances of the City of Selma; and,

WHEREAS, said notices were sent certified mail by the City Clerk of the City of Selma, return-receipt requested, notifying each property owner and further advising that said property owner had thirty (31) days in which to rectify the condition of the said property or demolish the structure and did further advise each property owner of their right to appeal to the Board of Adjustment for Code Appeals within (10) days after the receipt of said letter if they desired to contest the findings of the Code Enforcement Officer that their said property was a “dangerous building” and/or a “nuisance”; and,

WHEREAS, the Board of Adjustment for Code Appeals meeting will be scheduled to hear appeals in the Council Chambers of the City Hall upon receipt of a Notice of Appeals from property owners.

WHEREAS, the hereinafter described property has been declared a “dangerous” building and/or “nuisance” within the provisions of the Code of Ordinances of the City of Selma, Alabama:

OWNERS NAME & ADDRESS

PROPERTY ADDRESS

**Emma L. Burgess
523 9th Court N.
Birmingham, AL 35204**

1942 Philpot Avenue

**Edward & Cora Carter
38 Robbins Court
Haverstraw, NY 10927**

**Mary A. Kelley
C/O Archie Reeves
P. O. Box 447
Selma, AL 36702**

**Shellie Howard
4640 Landline Road
Selma, AL 36702**

**Frederick Williams
509 Broad Street
Hueytown, AL 35023**

**Bonnie Caldwell
403 7th Street
Tallasse, AL 36078**

**Hamilton H. Taylor, Est
2935 Tyler Road
Montgomery, AL 36110**

**Tommie & Bernice Blythe
328 Crestwood Drive
Selma, AL 36701**

**Jody Pilcher
P. O Box 1250
Selma, AL 36702**

**Lucille Baker Bayne
6820 AL Hwy 22 North
Selma, AL 36701**

**Alabama Nat'l Guard CU
P. O Box 3199
Montgomery, AL 36109**

**Joseph Heirs Moore, Jr.. Est
3330 East Outter Drive
Detroit, MI 48234**

**John Douglas White
241 12th Street N. E.
Washington, DC 20002**

**Julius Griffin
1829 S. Hamlin
Chicago, IL 60623**

**Johnson Heirs
503 Old Montgomery Hwy
Selma, AL 36701**

1012 L. L. Anderson

809 1st Avenue

1606 Jerome Street

1001 Griffin Avenue

2202 Selma Avenue

1112 Griffin Avenue

2255 Alabama Avenue

121 Lamar Street

405 Water Avenue

216 Water Avenue

3106 Magazine Street

202 Dedman Street

3216 Bristol Street

1500 1st Avenue

Dorothy Lee Gardner
1911 First Avenue
Selma, AL 36702

1216 Griffin Avenue

Ben Ellis
403 7th Street
Tallasse, AL 36078

810 Griffin Avenue

Matthew Leshore
1818 Range Street
Selma, AL 36702

1520 Kayser Street

WHEREAS, the Code Enforcement Officer, Henry Hicks, Sr., has reported to the City Council that the condition of the hereinabove set forth real estate has not been corrected and that said real estate is still classified as a “dangerous building” and/or “nuisance” within the meaning of Section 6-101 of the Code of Ordinances of the City of Selma.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELMA AS FOLLOWS:

1. That the City Council does hereby find that the property or real estate hereinabove listed is a dangerous building within the meaning of the Code of Ordinances of the City of Selma and that said property owners did, in fact, receive notice of the finding of the Code Enforcement Officer of the City of Selma and have not taken any measures or steps to remedy said condition or demolish said real estate.

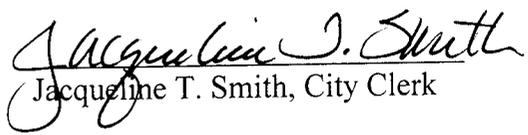
2. That the Code Enforcement Officer, Henry Hicks, Sr., be and is hereby ordered to proceed to remedy the condition or demolish the dangerous buildings listed above. That after said condition is remedied or demolished, the Code Enforcement Officer, Henry Hicks, Sr., be and he is hereby ordered to notify the Tax Collector of the City of Selma of the exact amount which was spent in remedying or demolishing said buildings and which said amount will be assessed against the real estate upon which said building is situated and constitute a lien thereon upon recording.

3. That the City Attorney be, and is hereby ordered to forward a copy of this Resolution to each of the property owners listed above and the City Clerk is directed to publish a copy of this notice in the Selma Times-Journal.

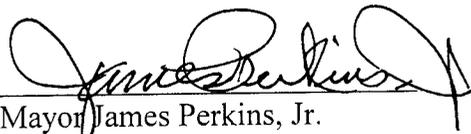
ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELMA, ALABAMA on this the 28th day of January, 2001.


George P. Evans, President

ATTEST:


Jacqueline T. Smith, City Clerk

APPROVED:


Mayor James Perkins, Jr.