

MINUTES OF THE SELMA CITY COUNCIL MEETING HELD ON MONDAY, JULY 29, 2002

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, July 29, 2002 at 5:00 p.m. with the following members present: President George P. Evans and Council members Rita S. Franklin, Nancy G. Sewell, Samuel Randolph, Benny L. Tucker, Bennie Ruth Crenshaw and James Durry. Councilwoman Jean T. Martin was absent from the meeting due to an illness. Councilman Glenn Sexton was absent from the meeting on vacation. Others present were Mayor James Perkins, Jr., City Attorney Jimmy Nunn, City Clerk Jackie Smith, and the Mayor's Administrative Assistant Sherri James. Father Carroll Plourde 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 announced an Executive Session would be held immediately following the Council meeting to discuss pending claims and lawsuits. There being no other additions to the agenda, on motion made by Councilwoman Sewell and seconded by Councilman Randolph, the agenda was approved as recorded.

President Evans asked if there were any additions or corrections to the minutes of the regular Council meeting held on Monday, July 8, 2002. There being no additions or corrections to the minutes, a motion was made by Councilwoman Franklin and seconded by Councilman Tucker to adopt the minutes as recorded. The motion carried with a unanimous vote of the Council.

I. MAYOR'S REPORT

A. Resolution – ALDOT Highway 80 Enhancement Grant. Mayor Perkins informed the Council that the City of Selma has received a TEA 21 grant for Highway 80 from the Alabama Department of Transportation in the amount of \$240,047. The Mayor stated the approval to execute the contract must be done by Council resolution. A motion was made by Councilwoman Franklin to approve the adoption of a resolution authorizing Mayor James Perkins, Jr. to execute the contract between the City of Selma and the Alabama Department of Transportation. The motion was seconded by Councilwoman Crenshaw. A roll call vote was taken and the motion carried with a unanimous vote of the Council.

B. Central Selma Sanitary Sewer Project Update. Mayor Perkins informed the Council that contractors performing work on the Central Selma Sanitary Sewer Project experienced several cave-ins and other problems that caused an overrun above and beyond grant funding for the project. Cave-ins occurred on Marie Foster Blvd, Griffin Avenue and L. L. Anderson Avenue that caused additional expenditures in the amount of \$63,555 over the grant amount. Mayor Perkins stated he was presenting this as information only and he would make a recommendation at a future date for payment on these additional expenditures.

C. Riverfront Development Initiative. Mayor Perkins informed the Council that city officials were recently notified by Senator Shelby that the City of Selma has been awarded a grant in the amount of \$500,000 for property acquisition as part of the Riverfront Development Initiative.

D. Liquor License Applications. Mayor Perkins informed the Council that Chief Green has presented three (3) liquor license applications along with a recommendation for approval of each. A restaurant retail liquor license application was presented on behalf of Mr. Kindaka J. Sanders and Mr. Maurice L. Watson for 12th Stone Diner Theatre located 1408 Water Avenue. A retail table wine transfer application was presented on behalf of Mr. Mahendrakumar S. Patel for Shopper #209 located 215 W. Highland Avenue and Shopper #210 located 602 Broad Street.

I. MAYOR'S REPORT

D. Liquor License Applications. Councilwoman Franklin stated Attorney Nunn is currently drafting a set of policies and procedures for the approval or denial of liquor license applications and suggested the Council delay a vote on the applications until the next Council meeting. Mayor Perkins and President Evans agreed with Councilwoman Franklin. A motion was made by Councilwoman Franklin and seconded by Councilwoman Sewell to place the three liquor license applications on first reading. The motion carried with a unanimous vote of the Council.

E. Transfer Funds to Code Enforcement Budget. Mayor Perkins stated action was taken at the last Council meeting action to transfer \$10,000 from the Bell Road Sewer Project line item to the Code Enforcement budget to demolish additional condemned structures. Mayor Perkins stated Engineer David Painter consulted with him about the need for a change order. The physical work began last week on the Valley Creek Sewer Project and additional exploration work is required due to obstructions while drilling. Mayor Perkins stated initial work indicated a 8' pipe was not located and the 8' pipe must be replaced to correct flow problems being encountered. Mr. Painter estimated an additional \$20,000 to \$25,000 in costs to complete the project.

Mayor Perkins recommended the Council rescind its previous action to transfer \$10,000 from the Bell Road Sewer project to the Code Enforcement budget. A motion was made by Councilwoman Crenshaw to rescind the previous action to transfer \$10,000 from the Bell Road Sewer project. Councilman Randolph seconded the motion. The motion carried with a majority vote of the Council. There were six affirmative votes and one negative vote. Councilman Tucker cast the negative vote. Councilwoman Franklin requested an exact fund balance from her bond fund, discretionary fund and Alabama Trust Fund Earnings so that she can assist with project.

F. Sales Tax Report. Mayor Perkins distributed copies of the tenth month sales tax report which shows the City of Selma collected \$60,813 or an increase of 7.0% for the month of July 2002 compared to July 2001. The year to date comparison was reduced to \$317,614 for the year. The Mayor stated he would remain optimistic that sales tax revenue would continue to increase or remain level.

G. Prostate Screening Exams. Mayor Perkins stated all male employees were invited to take a free prostate screening exam. Fourteen employees had prior blood work and the health insurance company has rejected payment. Mayor Perkins asked Council to amend the budget \$672 to pay the costs of screening for the fourteen employees. A motion was made by Councilwoman Franklin and seconded by Councilwoman Crenshaw. A roll call vote was taken and the motion passed with a majority vote of the Council.

H. Rescission of Bid for Digital Cameras. Mayor Perkins stated that the Council adopted a resolution on July 8, 2002 to award the bid to Hi-Tech Computers, Inc. for the purchase of five (5) digital cameras and accessories for the Selma Police Department. On July 9, 2002 Ms. Bessie Curtis informed the City Clerk that the software included in the bid award does not meet specifications and cannot be used. Mayor Perkins stated based on this information, it is necessary that the Selma City Council rescind the resolution adopted for stated bid award. A motion was made by Councilwoman Crenshaw to rescind the adoption of the resolution awarding a bid to Hi-Tech Computers, Inc. for the purchase of five (5) digital cameras. Councilwoman Sewell seconded the motion. A roll call vote was taken and the motion passed with a majority vote of the Council. There were six affirmative votes and one negative vote. Councilman Tucker cast the negative vote.

I. City/County Employees Family Fun Day. Mayor Perkins invited the Council and city employees and their families to attend the City/County Employees Family Fun Day when the Selma Cloverleafs play on Sunday, August 4th at 3 o'clock. The Mayor stated community interest had declined and different organizations were sponsoring the fun days in attempt to booster community support. Mayor Perkins encouraged the Council and employees to attend this event.

I. MAYOR'S REPORT

J. Summer Youth Employment Program Update. Mayor Perkins distributed copies of the information the Council requested regarding the summer youth and their job assignments. Mr. Darryl Thomas presented each Council member with a commemorative tee shirt for supporting the project. Mr. Thomas stated that Friday, August 2, 2002 would be the last day of work for the youth and invited all Council members to attend the exit conference on Monday, August 5, 2002 to address the youth and hear their thoughts and ideas of the program.

K. All-Lock Facility. Mayor Perkins informed the Council that the ADEM required testing procedures being used at the old All-Lock facility since 1998 when the City acquired the property, is no longer acceptable. Mayor Perkins stated he and other officials met with ADEM on July 9th and were informed that the monitoring process was no longer feasible. ADEM also provided city officials with a very rigid set of requirements for monitoring at the old All-Lock facility. Mayor Perkins stated the ADEM requirements also require a geohydrologist be hired to deal with this issue. ADEM provided a list of companies qualified to perform the required monitoring.

Mayor Perkins stated Mr. Larry Friday who is an environmentalist, was assigned to consult with CH2M Hill representatives in handling this issue. Mr. Friday and CH2M Hill representative, Mr. Shannon was present to address the Council regarding this matter. Mr. Friday spoke briefly, informing the Council that certain chemicals used at the facility have found its way to the soil and underground water. CH2M Hill estimated it will initially cost some \$22,000 to begin work required by ADEM. Mayor Perkins requested the Council amend the general fund budget \$25,000 to be appropriated to resolve the contamination problem at the old All-Lock facility. A motion was made by Councilwoman Sewell and seconded by Councilwoman Franklin to amend the budget \$25,000 for costs to resolve the contamination problem at the old All-Lock facility. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

L. Resolution – The Frazer Lanier Company & Merchant Capital. Mayor Perkins presented a resolution that was tabled at the last Council, meeting requesting permission to proceed with negotiations to formulate a financing plan for the City of Selma. Mayor Perkins read the resolution, that in summary states it is deemed in the best interest of the City of Selma to select The Frazer Lanier Company as the Senior Manager and Merchant Capital Investment Bankers as the Co-Manager for the refinancing and/or acquisition of long term debt. The resolution also selects the Peoples Bank and Trust Company to serve as Bond Trustee. Mayor Perkins stated the resolution was changed to make The Frazer Lanier Company the Senior Manager because of their good knowledge and understanding of working with City of Selma officials.

A brief discussion followed and several Council members voiced their opinion on this matter. Councilwoman Franklin stated it was her understanding that a financial forecast was requested prior to proceeding with negotiations. Councilwoman Crenshaw stated each company was allowed to make a presentation and each company expressed a desire to work with the Finance Director to develop a financial forecast. President Evans stated he was going to rescue himself from voting on this particular matter.

A motion was made by Councilwoman Crenshaw and seconded by Councilman Randolph to adopt the resolution as presented. A roll call vote was taken and the motion passed with a majority vote of the Council. There were three affirmative votes, two negative votes and two abstentions. Council members Franklin and Tucker cast the negative votes. Council members Evans and Durry abstained on the vote. At the conclusion of the vote Mr. Johnny Ford and Mr. Robert Thomas both thanked the Council for allowing their companies to work for the City of Selma in the refinancing and acquisition of long term debt.

I. MAYOR'S REPORT

M. Draft Copy of FY 02/03 Budget. Finance Director Bob Sanders presented the Council with copies of a draft budget for fiscal year 2002-2003. The draft copy contains previous year 2001-2002 budget amounts and new proposed budget amounts. Employee benefits have been delineated into each department's budget rather than in the general government department. Mayor Perkins stated no capital items have been included in this budget because the City will seek to address capital items in the long-term financing transactions. President Evans asked that the pages on the draft budget be numbered in sequential order for easy referral during discussions.

N. Fire Battalion Chief Vacancy. Mayor Perkins reminded the Council that Battalion Chief Herman Moore retired on June 30, 2002 and the vacancy is causing high tension and frustrations in the Fire Department and needs to be addressed immediately. Councilwoman Sewell requested a delay on addressing this issue until a more in-depth discussion could be held in the Executive Session. Mayor Perkins read a prepared statement making his recommendation based on honoring the recommendation of Chief Allen and Assistant Fire Chief Walker.

A brief discussion followed and Councilwoman Sewell made a motion to table this matter until issues have been discussed and addressed in an Executive Session. Councilwoman Franklin seconded the motion and it carried with a unanimous vote of the Council. Mayor Perkins concurred with the decision to table for further discussion.

II. CITY ATTORNEY'S REPORT

A. Noise Ordinance. Attorney Nunn presented Council with a draft noise ordinance for informational purposes only. Upon discussion from Council members regarding the amount of the fines and the enforcement of the fines, Attorney Nunn stated he would amend the ordinance after Council has more time to review it. Attorney Nunn stated the amendment would include increasing the fine from \$200 to \$500.

B. Resolution – Condemned Property. Attorney Nunn presented Council with copies of a resolution containing the listing of twenty-one condemned structures that have been identified for demolition. Attorney Nunn stated each property owner was properly notified and given thirty days to respond or ask for an appeal. Attorney Nunn read the resolution that states the Code Enforcer institutes appropriate legal proceedings under the authority of Section 6101 through Section 6-107 of the Code of Ordinance. The property owner(s) and location is listed below:

<u>OWNER</u>	<u>LOCATION</u>
Carolyn Bell	1417 Minter Avenue
Joseph Moore, Jr. Heirs of Estate	3106 Magazine Avenue
John D. Mobley, Sr.	1912 Second Avenue
Fulton Edwards Estate	1331 Keller Avenue
Lawrence E. Towns	1802 Selma Avenue
Lena Wilson	1404 Minter Avenue
Mary, Peter, James Rogers, et. al	1411 Weaver Street
	1413 Weaver Street
	1415 Weaver Street
	1417 Weaver Street
Ben Ellis	810 Griffin Avenue
Clifford Twilly	1408 M. L. King, Jr. Street
James Jemison and Betty Jemison	110 Division Street
Alberta Juison	420 L. L. Anderson Avenue
James C. Utsey	1203 King Street
Mortgage Investors, Inc.	1202 Franklin Street
Joseph and Clara Bell Irby	1822 St. Phillip Street
Arthur and Ceola Kelly, Sr.	313 Philpot Avenue
Vaughan Phodie	1131 L. L. Anderson Avenue
Alberta Hale	2128 Selma Avenue
Aubrey and Vicie S. Larkin	2207 Selma Avenue

II. CITY ATTORNEY'S REPORT

B. Resolution – Condemned Property. A motion was made by Councilwoman Crenshaw and seconded by Councilman Tucker to adopt the resolution containing condemned structures to be demolished according to the Code of Ordinances. The motion passed with a unanimous vote of the Council.

C. Cable Rates and Charges. Attorney Nunn stated Council approval is required to institute a procedure for regulating cable rates. Attorney Nunn stated the process includes the submission an application to the FCC seeking to regulate the basic cable service. Attorney Nunn suggested the best method to regulate the rate increase would be to bring in competition from other cable companies. A motion was made by Councilwoman Sewell and seconded by Councilman Tucker to approve the resolution authorizing the submission of an application to the FCC to regulate basic cable rates. The motion passed with a unanimous vote of the Council.

D. City/County Jail Inmates Medical Treatment. Attorney Nunn stated the City of Selma has engaged in a contract with Dallas County to house its inmates at the County Jail and provide medical treatment and payment for treatment of inmates. Attorney Nunn distributed copies of a case from the Supreme Court of Alabama relative to the City of Midfield vs Baptist Health Systems. In the case Baptist Health Systems was denied a summary judgement. The court granted the City of Midfield's motion holding that as a matter of law Midfield is not responsible for the medical bills of jail inmates. Attorney Nunn stated based on this decision, he would like the approval of the Council to seek an Attorney General opinion on our contract with the Dallas County Jail. A motion was made by Councilman Tucker and seconded by Councilwoman Crenshaw to resolve that Attorney Nunn seek an Attorney General opinion on this matter. The motion passed with a unanimous vote of the Council.

III. POSTMAN HOUSE LOUNGE

Attorney Nunn stated issues surrounding the Postman House Lounge was discussed previously by the Council and it was the consensus of the Council to postpone the discussion on this matter until the next Council work session.

IV. BUDGET 2002-2003

President Evans asked if there were any questions regarding the fiscal 2002-2003 budget. There being no discussion, President Evans suggested Council members study the budget and be prepared for discussion at the next work session.

V. MR. ELI WELCH

Mr. Eli Welch, Principal of Selma High School, stated he was present before Council to make a presentation to those officials who were absent during the previous meeting he attended. Mr. Welch invited the Council to attend a celebration that would be held in recognition for the school becoming academically clear. The event is scheduled for August 8th from 5:30 until 8:30 at the school. Mr. Welch thanked the Council and the Mayor for their support and asked for their continuous support during the upcoming school year.

VI. C.O.L.A - RETIRED CITY EMPLOYEES

Councilwoman Franklin presented Council with a packet of information on the Retirement Systems of Alabama C.O.L.A. including a letter stating the cost of living adjustment had been approved by the Legislature. To provide for this adjustment, the City of Selma would have to appropriate approximately \$42,000. Councilwoman Franklin stated the Alabama League of Municipalities has requested a representative from the Retirement Systems meet with the Executive Committee at the next executive meeting.

VII. REVENUE ENHANCEMENT AND COST REDUCTION SURVEY

President Evans stated the Revenue Enhancement and Cost Reduction Survey would be discussed at the next Council work session.

VIII. FIRE BATTALION CHIEF VACANCY

President Evans stated the Fire Battalion Chief vacancy would be tabled until after further discussion in an Executive Session at the conclusion of the regular meeting.

IX. NORFOLK SOUTHERN PROPOSAL

Councilwoman Franklin stated she opposes the Norfolk Southern proposed railroad closings. President Evans suggested this matter be tabled until further discussion in the Executive Session.

X. STANDING COMMITTEE REPORTS

RECREATION COMMITTEE REPORT

Councilman Durry announced the ribbon cutting ceremony for the East Selma Pond Project is scheduled for August 9th at 10 o'clock.

ADMINISTRATIVE COMMITTEE REPORT

Councilwoman Crenshaw announced that August 17th and August 18th has been proclaimed Amelia and Sam Boyton Days. Councilwoman Crenshaw requested funds in the amount of \$3,000 be transferred from previously allocated funds for One Voice to fund a banquet for this celebration. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Sewell to approve the transfer of funds. The motion passed with a majority vote of the Council. Councilwoman Franklin stated she did not feel the City could afford this expenditure at this time.

ADMINISTRATIVE COMMITTEE REPORT

A motion was made by Councilwoman Crenshaw to transfer \$3,000 from the Special Projects Account, previously set aside for One Voice, to fund a banquet for the Boynton Day. A roll call vote was taken and the motion passed with a majority vote of the Council. There were six affirmative votes and one negative vote. Councilwoman Franklin cast the negative vote and asked that the record reflect her vote was due to the unexpected expense.

PUBLIC SAFETY COMMITTEE REPORT

There was no report from the Public Safety Committee.

COMMUNITY DEVELOPMENT COMMITTEE REPORT

There was no report from the Community Development Committee.

PUBLIC WORKS AND GENERAL SERVICES COMMITTEE REPORT

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

DISCRETIONARY FUND COMMITTEE REPORT

There was no report from the Discretionary Fund Committee.

A motion was made by Councilwoman Franklin to adjourn at 7:35 p.m. to an Executive Session. Councilman Tucker seconded the motion. The motion carried with a unanimous vote of the Council.

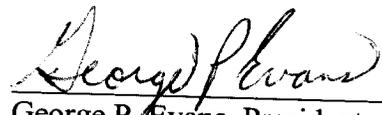
A motion was made Councilwoman Sewell to reconvene from the Executive Session at 8:45 p.m. Councilwoman Crenshaw seconded the motion and the Council voted unanimously to return to session.

X. BATTALION CHIEF VACANCY

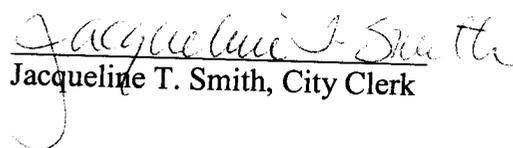
President Evans stated the floor was open for nominations for the Fire Battalion Chief vacancy. Councilwoman Martin was present at the Council meeting during this vote. Councilwoman Franklin nominated Captain Mike Stokes. Councilwoman Crenshaw nominated Captain Joe Phillips. A motion was made by Councilman Durry and seconded by Councilwoman Sewell to close the nominations with the two names submitted. The motion passed with a unanimous vote of the Council. President Evans asked for a roll call vote with each Council member naming his or her choice. A roll call vote was taken and Mike Stokes received four votes and Joe Phillips received four votes. Council members Evans, Franklin, Martin and Sewell voted for Mike Stokes. Council members Randolph, Tucker, Crenshaw and Durry voted for Joe Phillips. Due to a tie vote, neither candidate received enough votes to receive the appointment.

Mayor Perkins suggested the Council accept the recommendation of the Fire Chief and Assistant Fire Chief and appoint Captain Joe Phillips as Fire Battalion Chief. A lengthy discussion followed, after which a motion was made by Councilwoman Crenshaw and seconded by Councilman Randolph to accept the recommendation to appoint Captain Joe Phillips. The motion died for the lack of a majority vote. There were three affirmative votes and four negative votes. Council members Tucker, Franklin, Sewell and Evans cast the negative vote.

There being no further business for discussion, on motion made and duly seconded the Council voted unanimously to adjourn at 9:45 p.m.


George P. Evans, President

ATTEST:


Jacqueline T. Smith, City Clerk

APPROVED:


James Perkins, Jr., Mayor

RESOLUTION

COPY

WHEREAS, the City Council of the City of Selma is hereby authorizing and empowering the City Attorney to request an advisory opinion from the Attorney General's Office on behalf of the City Council.

WHEREAS, on December 13, 1999, the City of Selma entered into an agreement with the Dallas County Commission for the operation of a joint City/County Jail. Further, Dallas County would provide a facility to house City prisoners, thus eliminating the present City jail facility in exchange of a payment of Two Hundred Thousand Dollars and No Cents (\$200,000.00) per year by the City of Selma.

WHEREAS, the agreement stated that the City of Selma shall not be responsible for any costs or expenses relating to operation of the Jail facility, but shall be responsible for and shall pay all bills and charges for any medical treatment of its City inmates.

WHEREAS, on March 2, 2001, the Supreme Court of Alabama issued a ruling in the case of *Baptist Health Systems, Inc. v. City of Midfield*, stating that a City is not responsible for the charges billed to it by a hospital for City inmates medical.

WHEREAS, this opinion is opposite and contradicts the contractual relationship between the City of Selma and Dallas County Commission whereby the City of Selma contracted to pay for medical expenses of its inmates based on a different understanding of the law.

WHEREAS, the City Council of the City of Selma is in agreement to seek an opinion as to the substantial financial expense and liability that was incurred via the contractual relationship with Dallas County Commission.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Selma, Alabama, hereby authorize and empower the City Attorney to request an advisory opinion from the Attorney General's Office on behalf of the City Council.

BE IT FURTHER RESOLVED, that the said request shall solicit an answer in the form of an advisory opinion from the Attorney General's Office seeking clarification on the contract between the City of Selma and Dallas County Commission relating to the requirement of paying medical bills for City inmates, and further, what effect does the Supreme Court's decision have on said contractual relationship which states a City does not have a duty or requirement to pay for medical bills and expenses of its inmates.

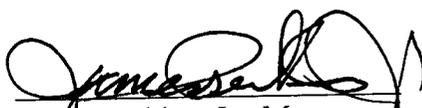
ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELMA, ALABAMA, on this the 29th day of July, A.D., 2002.


George P. Evans, President

ATTEST:


Jacqueline T. Smith, City Clerk

APPROVED:


James Perkins, Jr., Mayor

RESOLUTION

WHEREAS, the City of Selma has received a TEA-21 grant from the Alabama Department of Transportation in the amount of \$240,047; and

COPY

WHEREAS, the Alabama Department of Transportation has prepared a grant agreement for execution by both parties.

NOW THEREFORE BE IT RESOLVED, that the City of Selma enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a Transportation Enhancement project with partial funding by the Federal Highway Administration, which agreement is before this Council; and

THAT the agreement be executed in the name of the City of Selma, for and on behalf of the City, by it's Mayor, James Perkins, Jr., and

THAT it be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Clerk of the City of Selma.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELMA, ALABAMA ON THIS THE 29 DAY OF July, 2002.

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

ATTEST:

Jacqueline Smith
Jacqueline Smith
City Clerk

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

I, the undersigned qualified and acting City Clerk of the City of Selma, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council named therein, at a regular meeting of such Council held on the 29 day of July, 2002, and that such resolution is on file in the City Clerk's Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this 7 DAY OF August 2002.

Jacqueline Smith
Jacqueline Smith, City Clerk

RESOLUTION

COPY

WHEREAS, the elected officials of the City of Selma realize that current interest rates are at an all-time low and desire to seek the feasibility of refinancing eligible long-term debt and the possibility of acquiring additional long-term financing; and

WHEREAS, James Perkins, Jr. in his official capacity as Mayor of the City of Selma caused to be delivered, Request for Proposals, to five (5) investment banking institutions, namely, Merchant Capital Investment Bankers, The Frazer Lanier Company, Harveston Securities, Morgan Keegan and SouthTrust Bank Corporation; and

WHEREAS, upon review of each proposal by the Mayor, Finance Director, and City Clerk it is deemed in the best interest of the City of Selma to select The Frazer Lanier Company as the Senior Manager and Merchant Capital Investment Bankers as the Co-Manager for the refinancing of City of Selma eligible long-term debt and the acquisition of any additional long-term financing; and

WHEREAS, upon further review by the Mayor, Finance Director, and City Clerk it is also deemed in the best interest of the City of Selma to select the Peoples Bank and Trust Company to serve as Bond Trustee; and

COPY

WHEREAS, after negotiating the terms and conditions of the investment plan, said investment plan will be presented to the Selma City Council for final approval.

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Selma, Alabama authorizes and empowers James Perkins, Jr., Mayor of the City of Selma, to negotiate terms of the long-term debt financing with The Frazer-Lanier Company as Senior Manager and Merchant Capital Investment Bankers as Co-Manager and the Peoples Bank and Trust Company to serve as Bond Trustee.

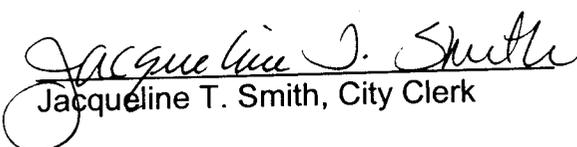
NOW THEREFORE BE IT FURTHER RESOLVED THAT the Senior Manager will formulate the financing plan to include a recommendation for Bond Counsel and Underwriter's Counsel.

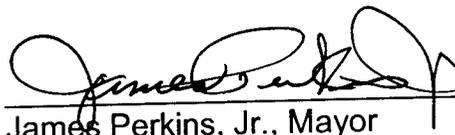
ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELMA, ALABAMA ON THIS THE 29th **DAY OF** JULY, 2002.


George P. Evans, President of Council

ATTEST:

APPROVED:


Jacqueline T. Smith, City Clerk


James Perkins, Jr., Mayor

RESOLUTION

302874

THAT, WHEREAS, the City Council did previously instruct the City Attorney and the Code Enforcer 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-one (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 ten (10) days after the receipt of said letter if they desired to contest the findings of the Building Inspector that their said property was a “dangerous building” and/or a “nuisance”; and,

WHEREAS, the Board of Adjustment for Code Appeals was scheduled to hear appeals in the Council Chambers of the City Hall on July 23, 2002, at 10:00 a.m., at which time no property owners on the list appeared.

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:

COPY

OWNER

LOCATION

Carolyn Bell
1623 Montrose Drive
Tuscaloosa, AL 35405

1417 Minter Avenue
Selma, AL 36701

Joseph Moore, Jr. Heirs of Estate
3330 East Outter Drive
Detroit, MI 48234

3106 Magazine Avenue
Selma, AL 36701

John D. Mobley, Sr.
120 Barber Avenue
Coatsville, PA 19320

1912 2nd Avenue
Selma, AL 36701

Fulton Edwards Estate
c/o Eva L. Edwards
1514 Lawrence Street
Selma, AL 36701

1331 Keller Avenue
Selma, AL 36701

Lawrence E. Towns
1809 Selma Avenue
Selma, AL 36701

1802 Selma Avenue
Selma, AL 36701

Lena Wilson
c/o Lena Moore
2950 Newton Drive
Pensacola, Fl 32503

1404 Minter Avenue
Selma, AL 36701

Mary, Peter, James Rogers, et al.
1509 Weaver Street
Selma, AL 36701

1411 Weaver Street
Selma, AL 36701

1413 Weaver Street
Selma, AL 36701

1415 Weaver Street
Selma, AL 36701

1417 Weaver Street
Selma, AL 36701

Ben Ellis
403 7th Street
Tallassee, AL 36078

810 Griffin Avenue
Selma, AL 36701

RESOLUTION

COPY

WHEREAS, the City of Selma invited and accepted bids during the month of April 22, 2002 through May 9, 2002 on a bid proposal on the Valley Creek Sanitary Sewer Rehabilitation Project (Valley Creek-2002A). Further detailed specifications were given in the Bid (Valley Creek-2002A); and

WHEREAS, the City Clerk has complied with Sections 41-16-50 through 41-16-63 of the Code of Alabama, 1975, and has given notice thereof by advertising the bid in City Hall and the Selma Times-Journal; and

WHEREAS, the City Clerk opened the sealed bids on May 9, 2002 and Hillabee Creek Construction Company, Inc. was the lowest responsible bidder; and

WHEREAS, unforeseeable circumstances has occurred in the horizontal drilling process and a new scope of work must be developed to complete the Valley Creek Sewer; and

WHEREAS, Hillabee Creek Construction Company, Inc. has issued a supplemental contract and change order for new and additional work in the amount of \$26,561; and

WHEREAS, the City of Selma sought advice from the Attorney General's Office, via Mr. Don Lawley; and

WHEREAS, the Attorney General's Office did advise officials of the City of Selma that due to the unforeseeable circumstances involved, this project would be classified as exempt from the normal ten percent limitation on change orders.

building and/or “nuisance” within the provisions of the Code of Ordinances of the City of Selma,

Alabama:

COPY

OWNER

LOCATION

Carolyn Bell
1623 Montrose Drive
Tuscaloosa, AL 35405

1417 Minter Avenue
Selma, AL 36701

Joseph Moore, Jr. Heirs of Estate
3330 East Outter Drive
Detroit, MI 48234

3106 Magazine Avenue
Selma, AL 36701

John D. Mobley, Sr.
120 Barber Avenue
Coatsville, PA 19320

1912 2nd Avenue
Selma, AL 36701

Fulton Edwards Estate
c/o Eva L. Edwards
1514 Lawrence Street
Selma, AL 36701

1331 Keller Avenue
Selma, AL 36701

Lawrence E. Towns
1809 Selma Avenue
Selma, AL 36701

1802 Selma Avenue
Selma, AL 36701

Lena Wilson
c/o Lena Moore
2950 Newton Drive
Pensacola, Fl 32503

1404 Minter Avenue
Selma, AL 36701

Mary, Peter, James Rogers, et al.
1509 Weaver Street
Selma, AL 36701

1411 Weaver Street
Selma, AL 36701

1413 Weaver Street
Selma, AL 36701

1415 Weaver Street
Selma, AL 36701

1417 Weaver Street
Selma, AL 36701

Ben Ellis
403 7th Street
Tallassee, AL 36078

810 Griffin Avenue
Selma, AL 36701

Clifford Twilly
P. O. Box 142
Pine Hill, AL 36769

1408 Martin Luther King Street
Selma, AL 36701

James Jemison and Betty Jemison
326 Woodrow Avenue
Selma, AL 36701

110 Division Street
Selma, AL 36701

COPY

Alberta Arlene Juison
Alexina Johnson
1302 Pollard Street
Selma, AL 36701

420 L. L. Anderson Avenue
Selma, AL 36701

James C. Utsey
629 Barrett Road
Selma, AL 36702

1203 King Street
Selma, AL 36701

Mortgage Investors, Inc.
1211 28th Street, South
Birmingham, AL 35205

1202 Franklin Street
Selma, AL 36701

Joseph and Clara Bell Irby
James Brown-Viola Smith
1822 St. Phillip Street
Selma, AL 36701

1822 St. Phillip Street
Selma, AL 36701

Arthur and Ceola Kelly, Sr.
c/o SSG James Kelly
1363 Fire Fly Circle
Colorado Springs, CO 80916

313 Philpot Avenue
Selma, AL 36701

Vaughan Phodie
P. O. Box 864
Selma, AL 36702

1131 L. L. Anderson Avenue
Selma, AL 36701

Alberta Hale
2128 Selma Avenue
Selma, AL 36701

2128 Selma Avenue
Selma, AL 36701

Aubrey and Vicie S. Larkin
2713 Church Street
Selma, AL 36701

2207 Selma Avenue
Selma, AL 36701

WHEREAS, the Code Enforcer, Henry Hicks, 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.

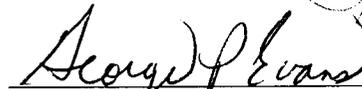
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELMA AS FOLLOWS:

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 Building Inspector 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 Enforcer, Henry Hicks, 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 Enforcer, Henry Hicks, 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.

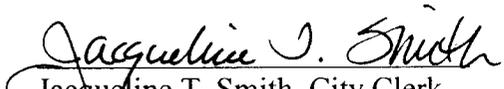
ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELMA, ALABAMA

on this the 29 day of July, 2002.

COPY


George P. Evans, President

ATTEST:


Jacqueline T. Smith, City Clerk

APPROVED:


Mayor James Perkins, Jr.