

**MINUTES OF THE
SELMA CITY COUNCIL MEETING
HELD ON THURSDAY, MAY 22, 2003**

The Selma City Council met in a regular session in the Council Chambers of City Hall on Thursday, May 22, 2003 at 5:00 p.m. with the following members present: President George P. Evans and Council members Glenn Sexton, Rita S. Franklin, Jean T. Martin, Nancy G. Sewell, Samuel Randolph, Bennie R. Crenshaw and James Durry. Others present were Acting City Clerk Lois Williams, Finance Director Vickey Locke, City Attorney Jimmy Nunn and the Mayor's Administrative Assistant Sherri James. Mayor James Perkins, Jr. and Councilman Benny L. Tucker were absent from the meeting. The Reverend Ralph Joseph gave the invocation.

I. MR. CARL C. MORGAN, JR

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

- Went to Montgomery to Alabama Historic Commission as a follow-up on our meeting of March 27, 2003 with Dr. Warner. As of this time, the Governor has not made any appointments for the vacancies on the Advisory Board, nor has he reappointed those members whose terms have expired. However, they are continuing to serve until they are reappointed or a replacement is made.
- Met with Mayor Shelton Day in Thomasville to discuss the waste disposal system. We are working toward finalization.
- Went to Linden & Demopolis to bring them up-to-date on the waste project. They both missed our last meeting.
- Met with Mayor, City Attorney, Larry Friday and Charles Moseley to discuss the project.

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. There were no additions to the agenda. A motion was made by Councilwoman Sewell and seconded by Councilman Sexton to approve the agenda. The motion carried with a unanimous vote of the Council.

President Evans stated because the Council members have not had a chance to review the minutes, they would have to table them until the next Council meeting on Monday, June 9, 2003. A motion was made by Councilwoman Franklin and seconded by Councilwoman Crenshaw to table the minutes until the next regular Council meeting. The motion carried with a unanimous vote of the Council. President Evans stated that in the future he would like for the minutes to be ready by Wednesday after each Council meeting.

II. CITY ATTORNEY'S REPORT

A. Resolution – Selma Water Works. Attorney Nunn stated that at the last Council meeting the Council asked him to review the resolution for the Selma Water Works as it relates to urging the Attorney General's office to move swiftly on an opinion concerning the investigation, and he asked what the Council's decision is on tonight regarding the resolution. President Evans stated that the opinion on the resolution was discussed in the work session and based on the information from the Attorney General's office this item will be tabled. A motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to table the

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B. Attorney Fees – Gamble, Gamble, & Calame. Attorney Nunn presented a statement as it relates to the attorney fees in the amount of \$60,969.66, from the law firm of Gamble, Gamble, & Calame. He stated he is asking for the approval of these attorney fees. President Evans stated they have had some dialogue about these fees and Attorney Nunn was

II. CITY ATTORNEY'S REPORT

asked to contact them to find out if there could be some deductions made, but he was not able to get any deductions. Mr. Bill Gamble stated that he would consider the Council's request for a reduction of fees when submitting the next invoice, therefore, the Council members are back to approving the original request to pay these fees to the firm for the legal advisory to the City. After a brief discussion, a motion was made by Councilwoman Franklin and seconded by Councilwoman Crenshaw to amend the budget to pay the fees requested expeditiously and in installments if necessary. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

C. Letter – Smith, Eubanks, Smith & Tumlin. Attorney Nunn presented the Council with a letter from Smith, Eubanks, Smith & Tumlin as it relates to the agreement of the Authur J. Lewis historic collection that is located within the Smitherman Building. He stated that it was requested to have an indemnification clause added to the original agreement, however, they were not in agreement with this request. Attorney Nunn stated that the Council has now agreed to proceed with the approval of the original agreement and to give the authority to Mayor Perkins to execute the contract. Attorney Nunn stated at this time he is asking for approval of the original agreement without any amendments as it relates to the loaner of property located in the Smitherman Building. A motion was made by Councilwoman Franklin and seconded by Councilwoman Sewell to proceed with the original agreement. The motion carried with a unanimous vote of the Council.

D. Communication District & E-911 - Ordinance. Attorney Nunn presented the Council with a copy of an ordinance regulating the siting of wireless telecommunications facilities. Attorney Nunn stated that the E-911 district wants to erect a tower in the historic district. Attorney Nunn stated that our consultant, Mr. Monroe, was in Selma from New York on Tuesday, along with our engineers from Huntsville, and we all had an opportunity to view the sites and the recommendation is that E-911 should go through the application process as any other applicant would. Attorney Nunn stated that it is neither his recommendation to amend this ordinance nor the recommendation of the consultants to amend the ordinance. Attorney Nunn stated to the Council that they should please remember that there is a lawsuit pending the City of Selma, and that lawsuit is the reason the ordinance was adopted.

III. COMMUNICATION WITH DEPARTMENT HEADS

President Evans stated that he would like to discuss the procedures outlined concerning Council members having dialogue or communication with department heads. President Evans stated he indicated in the work session that he attended a meeting with Mayor Perkins about a week or two ago regarding this process and established with him that in the future if there are matters that arise that possibly need clarification with these individuals or with Mayor Perkins, before any information is released to anyone, that we would discuss the matter in a work session or an executive session prior to moving forward with it. President Evans stated the purpose of this process is necessary to prevent misinformation that could possibly be damaging and/or in error with this Council. President Evans stated information was released to the media concerning this matter that was not applicable to the City of Selma and also implicated that Mayor Perkins was in violation of city code with information given to department heads, when in fact, Mayor Perkins was not, and President Evans stated he is not in agreement with the process by which this was handled. President Evans stated he does agree that the Council needs to be able to communicate with department heads and they need to develop some type of procedural policy for dialogue with them so that no one will feel threatened or intimidated. President Evans stated that if this kind of issue comes up again and it is not discussed in a work session, the Council member responsible will be called out of order and no discussion will be allowed.

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Councilwoman Franklin presented pictures to the Council of a drainage problem on Wilkins Road that she states she has been having a problem with in her ward because she has not been able to communicate with the department head. President Evans stated there are drainage problems throughout the City and because of the sewage and drainage system in the City it would

III. COMMUNICATION WITH DEPARTMENT HEADS

probably cost millions of dollars to correct the problem in the City. After further discussion, President Evans stated each Council member needs to do whatever research necessary to document information concerning the problem and follow the proper procedure to make the department and Mayor Perkins aware of the situation so that maybe some type of solution can be developed.

IV. SUMMER YOUTH PROGRAM

President Evans stated that Mr. Daryl Thomas presented a report on the Summer Youth Program and there were twelve youth selected for each ward. President Evans stated that Mr. Thomas and Mrs. Davis have done a great job with the selection process and the report includes the procedure for training of the youth selected, the duration of the program, and the amount of money the youth will receive. President Evans stated that the selection process has been completed and ninety-six youth will be employed.

V. SCHOOL BOARD APPOINTMENT TERMS

President Evans stated that Dr. Allen, who was appointed to the School Board, should only serve a one-year term left from the five-year term of Mr. Cantrell. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Sewell to appoint Dr. Allen for a one-year term on the school board. The motion carried with a unanimous vote of the Council.

VI. RESOLUTION – REVEREND JOHN HUNTER, SR.

President Evans stated that a resolution for Reverend John Hunter, Sr., who was funeralized on today, has been adopted. President Evans stated that the resolution was presented to the family by Mayor Perkins on behalf of the City of Selma, and it will be placed in the public library and all libraries in the City. A motion was made by Councilwoman Franklin and seconded by Councilman Durry to adopt the resolution for Reverend John Hunter, Sr. The motion carried with a unanimous vote of the Council.

VII. STANDING COMMITTEE REPORTS

RECREATION DEPARTMENT COMMITTEE REPORT

There is no report from the Recreation Department Committee.

ADMINISTRATIVE COMMITTEE REPORT

There is no report from the Administrative Committee.

PUBLIC SAFETY COMMITTEE REPORT

Councilwoman Franklin stated the agenda for the Public Safety Committee would have to be continued until prior to the next Council meeting. Councilwoman Franklin stated she will forward a letter given to her by Councilwoman Martin regarding a "spud gun" that shoots potatoes and tennis balls. President Evans asked Attorney Nunn to do research on this matter and get back to the Council.

COMMUNITY DEVELOPMENT COMMITTEE REPORT

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COMMUNITY DEVELOPMENT COMMITTEE REPORT

There is no report from the Community Development Committee.

PUBLIC WORKS/GENERAL SERVICES COMMITTEE REPORT

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

VII. STANDING COMMITTEE REPORTS

DISCRETIONARY FUND COMMITTEE REPORT

Councilwoman Sewell stated that she understands that most Council members have depleted their discretionary funds, but those who may have funds available to please help out this young lady, Alfreda Upshaw, to fund an African Dance Group.

VIII. MAYOR'S REPORT

President Evans stated that Mayor Perkins' Administrative Assistant Sherri James would be making the Mayor's report tonight in his absence.

A. Resolution- Community Development Block Grant. Mrs. Sherri James stated that approval is requested for a resolution given to the Council by Mrs. Elizabeth Driggers concerning the Community Development Block Grant application for Weed & Seed/Central Sanitary Sewer Improvements. A motion was made by Councilwoman Franklin and seconded by Councilwoman Martin to approve this resolution. A roll call vote was taken and the motion carried with a unanimous vote of the Council.

B. Contract – Pyro Productions Fireworks. Mrs. Sherri James stated that approval is requested for a contract for fireworks display on the Fourth of July in the amount of \$10,000.00 to be paid from the 2002-2003 Community Development matching funds. A motion was made by Councilwoman Martin and seconded by Councilman Randolph to approve this contract. A roll call vote was taken and the motion carried with a majority vote of the Council. Councilwoman Franklin stated she will be voting no on this contract because the City has to pay over \$60,000.00 in legal fees. Councilwoman Crenshaw stated she would vote yes based on the knowledge that, if necessary funds are needed in the general fund, they could be taken from the Community Reinvestment and Councilwoman Sewell concurs.

C. Contract – Berry Productions. Mrs. Sherri James stated that approval is requested for a contract for stage, lighting and sound system for the Fourth of July in the amount of \$2,400.00 to be paid from the 2002-2003 Community Development matching funds. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Martin to approve this contract. A roll call vote was taken and the motion carried with a majority vote of the Council. Councilwoman Franklin stated she will be voting no on this contract because the City has to pay over \$60,000.00 in legal fees. Councilwoman Crenshaw stated she would vote yes based on the knowledge that, if necessary funds are needed in the general fund, they could be taken from the Community Reinvestment and Councilwoman Sewell concurs.

D. Summer Food Program. Mrs. Sherri James stated that the City of Selma is pleased to announce the Summer Food Program for children ages 0-18 years will be offered again this year. Mrs. James stated the dates of operation will be June 9, 2003 through July 31, 2003, all meals are free and served on site Monday through Friday. A motion was made by Councilman Durry and seconded by Councilwoman Sewell to approve this program. The motion carried with a unanimous vote of the Council.

IX. ATTORNEY CARTLEDGE BLACKWELL & MR. DICK BEAN – E-911

Attorney Cartledge Blackwell stated he would like to express that he is glad to have the opportunity to be on the agenda tonight and he thanked the Council. Attorney Blackwell stated along with him is Mr. Steve Tidwell, Chairman of the Dallas County Communication District

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IX. ATTORNEY CARTLEDGE BLACKWELL & MR. DICK BEAN – E-911

he felt that by the City of Selma being a part of the communications district, that the City of Selma was exempt from the wireless telecommunications ordinance. He further stated that if the City of Selma was not comfortable with this, that the other option would be to amend the ordinance so that the Dallas County Communications District would be exempt from the ordinance should the City decide to stay on board or not to stay on board with the communications center. Attorney Blackwell stated should the City agree to join with the new location, that the City and County each would pay thirty percent of the monthly financing relative to the loan arrangements they have made with the Peoples Bank & Trust Company. He asked if the Council could respond to their request as soon as possible.

X. COMMITTEE FOR COMMUNICATIONS/E-911 CONSOLIDATION

President Evans stated he would appoint a committee to outline the Communications/E911 consolidation and the members are as follows: Councilwoman Martin, Chairperson, Councilwoman Franklin, Councilwoman Crenshaw and Attorney Nunn.

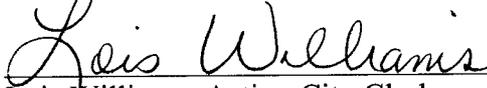
XI. OTHER BUSINESS

Councilman Sexton stated that he would like to ask Mrs. Vickey Locke, Finance Director, if all of the money that is in the Credit Union has been moved. Mrs. Locke stated that \$8,000.00 was moved on last week and that she is contacting them every week.

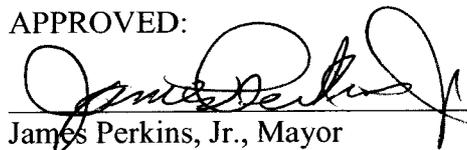
There being no other business to come before the Council, on motion made Councilwoman Franklin and seconded by Councilwoman Martin, the Council voted by unanimous consent to adjourn at 7:08 p.m.


George P. Evans, President

ATTEST:


Lois Williams, Acting City Clerk

APPROVED:


James Perkins, Jr., Mayor