

**MINUTES OF THE  
SELMA CITY COUNCIL MEETING  
HELD ON MONDAY, NOVEMBER 3, 2003**

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, November 3, 2003 at 5:00 p.m. with the following members present: President George Evans and Council members Glenn Sexton, Rita S. Franklin, Jean T. Martin, Nancy G. Sewell, Samuel Randolph, Benny L. Tucker, Bennie R. Crenshaw and James Durry. Others present were City Clerk Lois Williams, City Attorney Jimmy Nunn, and the Mayor's Administrative Assistant Sherri James. Reverend Ralph Joseph gave the invocation. Mayor James Perkins, Jr. was absent from the meeting. Councilwoman Crenshaw arrived in the Council Chambers at 5:35 p.m.

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. Councilwoman Sewell stated that she would like to add Mr. Hart Sims of North Dallas Water Works to the agenda. President Evans stated that he would like to add Youth-In-Government to the agenda. Councilwoman Sewell stated she would like to give a committee report of the issue concerning the Council Secretary. A motion was made by Councilwoman Sewell and seconded by Councilwoman Franklin to approve the agenda as amended. The motion carried with a unanimous vote of the Council.

President Evans asked if there were any additions or corrections to the minutes of the regular meeting held on Monday, October 13, 2003. There being no corrections to be made to the minutes, a motion was made by Councilwoman Martin and seconded by Councilman Durry to adopt the minutes as written. The motion carried with a unanimous vote of the Council.

President Evans asked if there were any additions or corrections to the minutes of the special called Council meeting held on Thursday, October 16, 2003. There being no corrections to be made to the minutes, a motion was made by Councilwoman Martin and seconded by Councilman Randolph to adopt the minutes as written. The motion carried with a unanimous vote of the Council.

President Evans asked if there were any additions or corrections to the minutes of the regular Council meeting held on Monday, October 27, 2003. There being no corrections to be made to the minutes, a motion was made by Councilman Durry and seconded by Councilman Randolph to adopt the minutes as written. The motion carried with a unanimous vote of the Council.

**I. WARD REALIGNMENT**

President Evans asked if there were any citizens present that would like to address any concerns regarding the new ward realignment, which are posted on the wall in the back of the Chambers. There were no citizens' questions or responses at this time.

**II. CITIZENS' REQUESTS**

**A. Reverend Jakki Caldwell-Phillips.** Reverend Phillips addressed the Council representing the Love-In-Action program which is a non profit organization for children who are non privileged providing them with opportunities in several areas. On behalf of the Cultural Arts that was implemented with this program she ask the Council's support and any other assistance, the center is in the ward of Councilwoman Crenshaw and she resides in the ward of Councilwoman Sewell and she ask them as well as the Council President to contribute to our open door event, which we have a limited budget and have been in existence since 1999. Listed in the package that was presented are brief outlines of things needed to make this event an overall success and the reason for being here is to solicit and depend on the generosity and charity of the Council to assist in this area.

## II. CITIZENS' REQUESTS

Councilwoman Sewell requests the Council to contribute from the list that is already circulating to the Council members for this matter.

**B. Mr. Robert Turner.** Mr. Robert Turner addressed the Council regarding the City's Wrecker Service rotation list. Mr. Turner stated that it has been said that we are trying to keep an individual off the rotation, but that is not the case. When the ordinance was written, and a recovery boom was needed on the equipment, the company should be capable of servicing a wreck at all times of rotation including weekend and holidays. Mr. Turner stated that he is not afraid of competition but everyone should have the proper equipment to handle the job, he has been in business for 28 years for the City of Selma and the ordinance was adopted twenty years ago and it does need to be changed a little in some areas.

## III. CITY ATTORNEY'S REPORT

**A. Letter – League of Municipalities.** Attorney Nunn stated that a letter from the League of Municipalities as it relates to the removal of the Mobile Home on Mechanic Street and the advice of the League was not to proceed with the removal and stay clear from this matter for several reasons. Attorney Nunn further stated that we should hold them accountable on any violation, take them to court and site them per day for violation of city code.

**B. Ordinance - Amend Chapter 21 - Wrecker & Towing Service.** Attorney Nunn stated that the Council has been given a copy of an ordinance to amend chapter 21 known as the traffic and vehicles of the City of Selma for wrecker and towing services. Attorney Nunn stated that the amendment refers to section 21-302(c)(2) is hereby deleted and repealed. Attorney Nunn further read and discussed from the original ordinance the specifications of the wrecker requirements to be deleted. Attorney Nunn stated that upon Chief Green's recommendation, the amended section is not needed in the ordinance. After further discussion, President Evans stated that the ordinance has already been approved at the last Council meeting and a follow-up will be done and necessary steps will be taken to resolve the matter.

**C. Redistricting.** Attorney Nunn stated that he would have more information concerning redistricting for the Council at the next Council meeting.

Attorney Nunn stated that this concludes his report and other issues will be discussed during executive session.

## BUSINESS ITEMS:

## IV. FINANCIAL UPDATE 1999 BOND FUND, OIL LEASE & DISCRETIONARY FUNDS

Councilwoman Franklin stated that Attorney Nunn has given her a copy of the form needed to move money from the 1999 Bond Fund or Alabama Trust Fund, but she has not received what she asked for; the analysis of the accounts, the amount of the accounts and the disbursements. After further discussion, President Evans stated that this item will be tabled until the next Council meeting.

## V. NEW WORLD SYSTEMS

President Evans stated that there is no update on New World and this item will be tabled.

**VI. MEDICAL CENTER PARKWAY TRAFFIC LIGHT UPDATE**

Councilwoman Franklin stated that this is in her ward, but neither she nor the Public Safety Committee can do anything with this matter because this is where City and County joins and a traffic study is needed which she stated Mayor Perkins is working on and this item can be tabled at this time.

**VII. TOWER FOR POLICE/ FIRE DEPARTMENT (311 DALLAS AVENUE)**

President Evans stated that he is not sure if this matter is taken care of, but from previous discussions, he is aware that there will need to be a tower at 311 Dallas Avenue, and the question is when and how will this take place. After a brief discussion, President Evans stated that this item would be continued until an update can be obtained from Mayor Perkins or Chief Green.

**VIII. COMMITTEE REPORT ON RENAMING STREETS**

Councilwoman Martin stated that the committee has not met, however, she drove down the street in question (Franklin) which Mr. Doyle has requested a change, and she wants the committee to offer an alternative to the name change such as monument or some other form of recognition, because this street is one of the busiest streets and rather than create confusion in trying addresses and E-911 information, she suggests an alternative. President Evans stated that the committee should move forward with discussion for another alternative and report a recommendation at the next Council meeting.

**IX. VIOLENCE - STREET FIGHTING OUTSIDE LIQUOR ESTABLISHMENTS**

Councilwoman Franklin stated that this matter was discussed during the town hall meeting and will probably be addressed during the task force meetings; therefore, no further discussion is requested at this time.

**X. CELL PHONE BILL VS. BEEPER COST**

Councilwoman Franklin stated that there is a need for a cost comparison between the cell phones and beepers because some of the cell phones are not working inside buildings and beepers will work inside buildings. Councilman Sexton stated that he requested a cell phone expense report and asked if it is available tonight. President Evans stated that each Council member should have a copy of the cell phone report. Councilman Sexton stated he would like to see an itemized detail of each Councilperson's cell phone expense so that a comparison can be made. Councilwoman Crenshaw asked why is this information needed and she stated that a cost comparison should not require individual use, but should only require total expense. After further discussion, President Evans stated that the Council members' phones were previously changed to a better system for less cost with more minutes. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Sewell to make cell phone minutes left over each month by a Council member available for use by any other Council member, and as long as the minutes are within the plan allowance, a Council member would not have to pay out of pocket. A roll call vote was taken and the motion passed with a majority vote of the Council. Councilman Tucker abstained from voting.

**XI. DEPARTMENT OF LABOR-SELMA POLICE DEPARTMENT, WEED & SEED, SELMA HOUSING AUTHORITY DETAIL**

Councilwoman Franklin stated that a negative reimbursement shows up on the financial statement as overtime for police officers. Councilwoman Franklin stated that by

**XI. DEPARTMENT OF LABOR-SELMA POLICE DEPARTMENT, WEED & SEED, SELMA HOUSING AUTHORITY DETAIL**

Memorandum sworn supervisors can no longer work these details and she further stated that Councilman Durry knows more about the Weed & Seed detail, but for the Selma Housing Authority, that money comes back in the form of \$130,000.00 plus around \$40,000.00 in lieu of property taxes, totaling \$170,000.00 going back into the general fund. Councilwoman Franklin stated that we are not offsetting that money to show that it is a plus to the general fund for the police department, it keeps showing up as a negative, even though money is coming back in. Councilman Durry stated that the Weed & Seed strategy calls for a certain number of officers to be paid by Weed & Seed, and that number of officers are obligated to put more emphasis within the Weed & Seed area and they do work overtime at times, but they are paid through Weed & Seed and there is not any overage on the part of the City of Selma in terms of Weed & Seed. Councilwoman Franklin stated that she does not think it is fair to be able to exclude anyone from working overtime, there are fair employment-department of labor regulations and she suggest the City Attorney to check into this issue. After a brief discussion, Attorney Nunn stated that he and Ms. Mitchell have discussed this issue and work is in progress.

**XII. ORDINANCE – REDUCTION OF PAID HOLIDAYS**

Miss Valeria Jones, Personnel Director, stated that she has studied and discussed the holiday issue with the City of Prattville and it has been verified that Prattville did eliminate several holidays that they considered as minor holidays, not national holidays, and in comparing these findings to the City of Selma, it was found that Selma would not benefit financially from eliminating holidays granted and savings are already in effect due to the fact that the holidays eliminated in Prattville are not observed in Selma, such as Columbus Day, Jefferson Day, Confederate Day and Jefferson Davis Holiday. Miss Jones also stated that every employee with the City of Selma does not receive an additional pay for holidays, this includes departments that are scheduled to work around the clock regardless of holidays, therefore, if an employee is scheduled to work during a given holiday, no extra time is given and all hours worked are paid as straight time; any employee scheduled to work on a holiday is automatically given a holiday time off approved to be taken at another time. Miss Jones further stated that if the City of Selma eliminates any of the given holidays, the only savings would be in terms of productivity. Councilwoman Sewell stated that Prattville had thirteen holidays and reduced theirs to nine and Selma has eleven and looking at the possibility of eliminating two holidays. After further discussion, Councilwoman Franklin stated that she suggest leaving this item alone at this time considering the information given by Miss Jones.

**XIII. ORDINANCE – SELMA WATER WORKS & SEWER BOARD**

Councilwoman Franklin stated that as everyone knows, she voted no on this ordinance that was passed on last Monday, and she has some concerns for this ordinance not becoming effective for January 2004 and if it is going to be enforced or changed, the money should be collected monthly from January 2004 – December 2004 and paying in January 2005; this has been discussed time and time again at the last Council meeting and since the last Council meeting she has had numerous calls from people who are upset about the 3% because the average person does not know how it is going to affect them and they realize that the Water & Sewer Board does not have that kind of money just lying around to pay in December and then again in January. Councilwoman Franklin stated that people are concerned about back charges for them because they don't know what the Water & Sewer Board are planning on doing, and she further stated that she and Councilwoman Sewell were given a copy of section 11-88-16 and the last sentence states that "no license or excise tax may be imposed by any authority in respect of the privilege of engaging any of the activities ordered by this chapter"; the ordinance that passed came

**XIII. ORDINANCE – SELMA WATER WORKS & SEWER BOARD**

from the Department of Revenue code and this section (11-88-16) came from the State of Alabama code, and a long time ago when water businesses were established in the 1930's, these license fees were started. Councilwoman Franklin stated that the Water Boards that are located in the County are also upset about this because they say they do not have the money to pay if it comes home to haunt them on the police jurisdiction, and also that they are a division of the County government. Councilwoman Sewell stated that she concurs with Councilwoman Franklin and she received a phone call at home from Mr. Hart Sims just prior to leaving home and they met with him to discuss this matter.

Attorney Nunn stated that he was aware of this code prior to preparing the ordinance and if you read your ordinance, it reads "Water & Sewer Boards", and this is an authority, the Council does not appoint the authority or select any members and they fall under a separate category. After further discussion, Attorney Nunn stated that he would draft a letter to all the Water & Sewer Boards or Authorities, and if they can show proof that they operate under this code (11-88-16), then the City of Selma cannot license or tax them, but if they operate under the codes 11-53-13, 11-52-53 or 11-52-80 in the City of Selma or the Police Jurisdiction, then the City of Selma can tax them.

**XIV. WORSHIP SERVICES/CHURCH VISITATION**

President Evans stated that this item would be tabled until the next Council meeting.

**XV. ETHIC COMMISSON LETTER OF MAY 13, 2003 – LEGAL FEES**

President Evans stated that this item would be discussed in executive session.

**XVI. ACCOUNTS FOR PERIOD ENDING SEPTEMBER 30, 2003**

Councilwoman Franklin stated that when the Council receives their financial statements and changes need to be made, Mayor Perkins has said that they could just tell him what needs to be changed, and what she is referring to is that on certain accounts there are obligated and un-obligated funds and she would like to know what is obligated and what is un-obligated from the September 30, 2003 period; she would like to know how much of the \$1.2 million bond fund is already obligated to the Animal Shelter. President Evans asked if Ms. Williams and Mrs. James would make a note of this information to be provided.

**XVII. ORDINANCE – TRANSIENT MERCHANTS**

Councilwoman Franklin stated that there is still a problem with merchants selling on the street corners and they are moving from one place to another if a person who owns the property asks them to leave. After a brief discussion, President Evans stated that we will have to keep the Police Department informed of this situation and alert them when there is an occurrence because it hurts our local businesses.

**XVIII. YOUTH-IN-GOVERNMENT**

President Evans stated that he has had some concerns since the vote was taken at the last Council meeting, as well as Councilwoman Martin, regarding the Youth-In-Government money in the amount of \$4,300.00 that included RIF; he stated he is really concerned about our funds because we have not begun to see what the City will be faced with considering this is just the beginning of the fiscal year, and he had some thought about a way to revisit this matter and he has discussed this issue with Councilwoman

**XVIII. YOUTH-IN-GOVERNMENT**

Sewell because he is not satisfied with the vote he made for these funds and he would like to suggest using discretionary funds for this program; he feels other Council members would be willing to give from their funds as well. President Evans stated that he would like to revisit this action and request to rescind the motion made in the last Council meeting and give from discretionary funds to take care of this program because he would like to try to find a way to save as much money as possible for situations that may arise unexpectedly. After further discussion, President Evans stated that he would move on for lack of a motion to rescind this action.

**EXECUTIVE SESSION:**

Attorney Nunn request a motion to recess into executive session at this time. A motion was made by Councilwoman Sewell and seconded by Councilman Durry to recess into an executive session at 7:01 p.m. to discuss legal matters and good name and character. The motion carried with a majority vote of the Council. Councilman Tucker abstained from voting.

**BUSINESS ITEMS:**

The Council reconvened into regular session at 8:10 p.m. and proceeded with the agenda business items.

**XIX. COMMITTEE REPORT - COUNCIL SECRETARY SALARY**

Councilwoman Sewell stated that a committee was asked to meet regarding the salary increase for the Council Secretary, Ms. Diana Johnson, and a meeting was held at 4:00 p.m. on today with two members of the committee, Councilwoman Franklin and herself; Miss Jones could not make the meeting due to a conflict with another meeting and Councilwoman Crenshaw could not attend, but they did converse with her via a telephone call during the meeting. Councilwoman Sewell stated that the committee is still of the same opinion that the consensus is to move forward with changing the title to Administrative Assistant to the Council and increase the salary to \$30,000.00. After further discussion, President Evans stated that they would continue dialogue and table this item and he would talk with Ms. Johnson.

**XX. STANDING COMMITTEE REPORTS**

**RECREATION COMMITTEE**

There is no report from the Recreation Committee.

**ADMINISTRATIVE COMMITTEE**

There is no report from the Administrative Committee.

**PULBIC SAFETY COMMITTEE**

There is no report from the Public Safety Committee.

**COMMUNITY DEVELOPMENT COMMITTEE**

There is no report from the Community Development Committee.

**XX. STANDING COMMITTEE REPORTS**

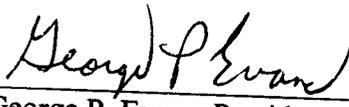
**PUBLIC WORKS/GENERAL SERVICES**

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

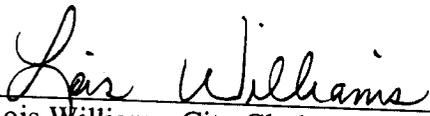
**DISCRETIONARY FUNDS COMMITTEE**

Councilwoman Sewell stated that she has a request for discretionary funds by Reverend Jakki Caldwell Phillips and the Animal Shelter.

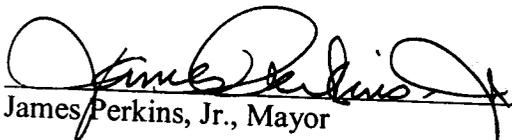
There being no other business to come before the Council, on motion made by Councilwoman Sewell and seconded by Councilwoman Martin, the Council voted by unanimous consent to adjourn this meeting at 8:30 p.m.

  
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George P. Evans, President

**ATTEST:**

  
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Lois Williams, City Clerk

**APPROVED:**

  
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James Perkins, Jr., Mayor