

## **MINUTES OF THE SELMA CITY COUNCIL MEETING HELD ON MONDAY, OCTOBER 22, 2001**

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, October 22, 2001 at 5:00 p.m. with the following members present: President George P. Evans and Council members Glenn Sexton, Rita S. Franklin, Jean T. Martin, Nancy G. Sewell, Samuel Randolph, Benny L. Tucker, James Durry and Bennie Ruth Crenshaw. Others present were Mayor James Perkins, Jr., City Attorney Jimmy Nunn, City Clerk Jackie Smith, and the Mayor's Administrative Assistant Sherri James. The Reverend James Jackson 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 the agenda be amended to include a discussion on the pump station at Park Place. Mayor Perkins asked that the agenda be amended to include a contract for Auburn University to develop a comprehensive pay plan. There being no other amendments to the agenda, on motion made by Councilwoman Sewell and seconded by Councilman Sexton, the agenda was approved with the stated amendments.

President Evans asked if there were any additions or corrections to the minutes of the regular Council meeting held on September 30, 2001. There being no additions or corrections to the minutes of the September 30<sup>th</sup> Council meeting, on motion made by Councilwoman Sewell and seconded by Councilwoman Franklin the minutes were approved as recorded.

President Evans asked if there were any additions or corrections to the minutes of the special called Council meeting held on October 8, 2001. Councilman Sexton asked that Section X – Railroad Crossing Repairs be corrected to list the CSX Railroad official as Lyle Keys, not Bob Keys. There being no other additions or corrections to the minutes of the October 8<sup>th</sup> Council meeting, on motion made by Councilwoman Franklin and seconded by Councilman Sexton the minutes were approved as recorded.

Councilman Tucker asked that the minutes of the regular Council meeting held on Monday, September 24, 2001 be changed to reflect his being absent from the meeting. Councilwoman Crenshaw asked that the minutes also be amended to state in Section III Item #4 – that no Council action was taken.

### **I. PUBLIC HEARING – PROPERTY TAX ASSESSMENTS**

President Evans stated the Council voted at the October 8<sup>th</sup> Council meeting to notify the public that a public hearing would be held on today at 5 o'clock to hear any objections from the citizens regarding their property tax assessments for the tax year 2001-2001. Presidents asked if any citizens were present to voice their objections on current property tax assessments. No citizens were present.

### **II. MAYOR'S REPORT**

**A. Contract – Decisions, Inc.** Personnel Director Valeria Jones presented a contract agreement between the City of Selma and Decisions, Inc. to develop the Fire Captain promotional examination. Ms. Jones stated the retirement of Battalion Chief Michael Cutler will create a vacancy of Fire Captain. The contract amount to develop this exam is \$15,000 plus an additional \$1,000 for related expenses. Councilwoman Sewell made a motion to accept the contract agreement between the City of Selma and Decisions, Inc. to develop the Fire Captain promotional examination. Councilwoman Crenshaw seconded the motion and on roll call vote the motion was approved with a unanimous vote of the Council.

## **II. MAYOR'S REPORT**

**B. Contract – Auburn University.** Personnel Director Valeria Jones presented Council with a contract between the City of Selma and Auburn University for Auburn University to develop a citywide comprehensive pay plan. Ms. Jones stated the contract allows for payment to be made over a span of two fiscal years. The contract states the amount due for fiscal 2001-2001 is \$12,500 and the project is scheduled to begin November 2001. Councilwoman Franklin made a motion to approve the contract with Auburn University in the amount of \$12,500 to develop a citywide comprehensive pay plan. Councilman Sexton seconded the motion and on roll call vote the motion was approved with a unanimous vote of the Council.

**C. 2001-2002 Fiscal Budget.** President Evans stated it is the consensus of the Council to defer this matter until the next Council meeting.

**D. Sewage Problem – Bell Road Industrial Park.** Mayor Perkins stated the sewage problem at Bell Road Industrial Park is also a budget matter and asked that this matter also be deferred until the next Council meeting.

**E. Resolution – Hyundai Motor Company.** Mayor Perkins informed the Council that Montgomery, Alabama is a very serious contender for the new Hyundai Motor Company plant. Mayor Perkins stated he contacted Montgomery Mayor Bobby Bright to see if he welcomed Selma's input to promote the Montgomery site location and Mayor Bright welcomed the input. The Mayor further stated the location would be mutually beneficial if placed in the Montgomery area by way of employment benefits and spin-off industries. Mayor Perkins presented Council with a draft resolution of support to locate the Hyundai plant in Montgomery, Alabama and asked that a delegation of Council members accompany him to the next Montgomery City Council meeting on November 6, 2001 at 2:00 p.m. Councilman Sexton made a motion that the Council adopt the resolution of support to locate the Hyundai plant in Montgomery, Alabama. Councilman Durry seconded the motion and the motion passed with a unanimous vote of the Council.

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

**A. Resolution – Video Gambling Machines.** Attorney Nunn presented Council with copies of a resolution that prohibits the issuance of licenses and permits for video gambling machines within the City of Selma. Attorney Nunn stated this resolution is necessary until the Attorney General is able to obtain an opinion from the courts to determine if they are illegal gambling devices. Councilwoman Franklin made a motion to adopt the resolution prohibiting the issuance of licenses and permits for video gambling machines until further clarification from the District Attorney, the League of Municipalities or the courts of Alabama as to the legality of such machines. Councilwoman Martin seconded the motion and the motion passed with a unanimous vote of the Council.

**B. Resolution – Request for Attorney General Opinion.** Attorney Nunn presented Council with copies of a resolution requesting an Attorney General Opinion relative to Legislative Act 2001-463 affecting Police Department officials. Councilwoman Franklin made a motion to adopt the resolution requesting an Attorney General Opinion relative to Legislative Act 2001-463. Councilman Sexton seconded the motion and the motion passed with a unanimous vote of the Council.

**C. Ordinance to Amend Section 6.9 Building Permit Penalty.** Attorney Nunn stated the ordinance that governs the penalty for failure to purchase a building permit was drafted in 1965 with the penalty being fifty percent of the fee and the fee is based on the dollar amount of the work to be performed. Attorney Nunn stated an amended ordinance was placed on first reading at the last Council meeting. President Evans asked Attorney Nunn about permit requirements for a homeowner to paint their house. Attorney Nunn stated he would ask the Building Inspector to be present at the next Council meeting to provide an answer. Councilwoman Martin made a motion to adopt the ordinance to amend Section 6.9 regulating building permits penalties. Councilwoman Franklin seconded the motion and on roll call vote the motion passed with a unanimous vote of the Council.

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

**D. Claim of Miriam Pfeiffer.** Attorney Nunn informed the Council that he contacted Alfa Insurance Company to ascertain the policy benefits as it relates to the claim of Miriam Pfeiffer for damages to her automobile windshield. According to the agent, Ms. Pfeiffer's policy contains a Five Hundred-Dollar deductible. Attorney Nunn stated it is his recommendation that the City of Selma pay the claim filed on behalf of Miriam Pfeiffer. Councilman Durry made a motion to accept the recommendation of Attorney Nunn and pay the claim of Miriam Pfeiffer. Councilwoman Franklin seconded the motion and on roll call vote the motion to pay the claim passed with a unanimous vote of the Council.

**E. Claim of Lola Sewell.** Attorney Nunn stated he is in receipt of letter from Public Works Director Tommy Smith stating the City had no prior knowledge of a pothole at L. L. Anderson Avenue and Broad Street that Lola Sewell is alleging caused damages to her vehicle. Attorney Nunn stated it is his recommendation this claim be denied based on the fact there was no prior knowledge. Councilman Tucker motioned to pay the claim, since claims had been paid under similar circumstances. Councilwoman Franklin seconded the motion and on roll call vote the Council voted by a majority vote to pay the claim of Lola Sewell. There were seven affirmative votes, one negative vote and one abstention. Councilman Randolph cast the negative vote and Councilwoman Sewell abstained on the vote. Mayor Perkins asked that the record reflect his disapproval of payment of this claim.

**F. Claim of Sherry Mitchell.** Attorney Nunn informed the Council that Councilman Tucker visited the residence of Sherry Mitchell and can confirm that water was flooding the front of the home of Mrs. Sherry Mitchell. Attorney Nunn stated he talked with Mrs. Mitchell and she has incurred an estimated \$800 in out-of-pocket expenses including hiring individuals to come check the problem, shoes and tires for her vehicle. Attorney Nunn stated he is of the opinion that the City of Selma should settle the case for Eight Hundred Dollars. Councilman Tucker made a motion to settle the claim of Sherry Mitchell in the amount of Eight Hundred Dollars. Councilman Durry seconded the motion and on roll call vote the Council voted by a majority vote to pay the claim of Sherry Mitchell. There were eight affirmative votes. Councilwoman Crenshaw was absent from the Council Chambers during this vote.

**G. Claim of Bruce Gates.** Attorney Nunn informed the Council of a claim filed on behalf of Mr. Bruce Gates. The claim states there was a sink hole on the property line and the City brought dirt out on two occasions, filled in the hole and packed the dirt causing his sewer line to separate and crack. Mr. Gates has also submitted receipts in the amount of \$1,475 that was paid to a private contractor to correct the problem. Attorney Nunn stated this claim was forwarded to the Public Works Department for an investigation and he would report back to the Council at a later date.

**H. Declaratory Judgement vs Selma Water Works and Sewer Board.** Attorney Nunn stated due to conflict surrounding the responsibilities of the Selma Water Works and Sewer Board regarding maintenance of sewers lines, he was previously authorized by Council to file a declaratory judgement asking the courts to render clarification as to whose responsibility it is to maintain the sewer lines. Attorney Nunn informed the Council that he filed the declaratory judgement on Thursday, October 18, 2001.

**I. Rezoning Ordinance.** Attorney Nunn stated the petition filed on behalf of Michael Barnett and Jennifer Barnett to request to rezone property located on Old Orrville Road from an R75 to an R50B is still pending. This matter will go back to the Planning Board and then presented to the Council for action.

**IV. NATIONAL LEAGUE OF CITIES VOTING DELEGATES**

President Evans informed the Council of the National League of Cities Conference scheduled for December 4<sup>th</sup> through December 8<sup>th</sup> in Atlanta, GA. President Evans stated it is necessary that the Council appoint a voting delegate, first alternate and second alternate to represent the City of Selma. Councilwoman Franklin made a motion to appoint Mayor James Perkins, Jr. as the voting delegate, President George P. Evans as the first alternate and Councilwoman Jean T. Martin as the second alternate. Councilwoman Crenshaw seconded the motion and the motion passed with a unanimous vote of the Council.

**V. POT HOLES – WINN DIXIE DALLAS AVENUE**

Councilman Sexton thanked Code Enforcement Officer Henry Hicks for handling the matter concerning huge pot holes at the Winn Dixie on Dallas Avenue. Councilman Sexton stated Mr. Hicks allowed the store ten days to correct the problem and Winn Dixie immediately repaired the potholes.

**VI. RESOLUTION – COMB CHORUS**

Councilwoman Sewell stated Mrs. Kathryn Windham appeared before Council and presented the idea of a comb chorus to promote peace and harmony in bringing Selmians together. Councilwoman Sewell presented a resolution declaring Sunday, November 4, 2001 as Comb Chorus Day in Selma. At two o'clock all citizens are encouraged to participate in this event on the front lawn of the public library. Councilwoman Sewell made a motion to adopt the resolution as presented. Councilwoman Crenshaw seconded the motion and the motion passed with a unanimous vote of the Council.

**VII. RECOGNITION OF MRS. L. L. ANDERSON**

Councilwoman Crenshaw invited the Council to attend a play honoring Mrs. L. L. Anderson on Thursday, October 25, 2001 at seven o'clock at the Tabernacle Baptist Church. Ms. Billie Jean Young, nationally acclaimed actress, will be performing in the play.

**VII. PARK PLACE PUMP STATION**

President Evans stated Mr. Harold Spier previously addressed the Council regarding the need for a pump station at the new Park Place subdivision. Mr. Spier informed the Council that the current sewer system could not function properly with all of the new development in this area. The estimated cost of the pump station is \$75,000. Mr. Spier has agreed to pay one-third, the Selma Water Works has agreed to pay one-third and the developers are requesting the city pay one-third. President Evans asked that this matter be deferred until the next Council meeting due to budget implications of additional funding required.

After concerns were voiced about the time frame to commit being a vital element, Mayor Perkins stated this matter ties into another sewer problem and both would require the budget to be amended approximately \$100,000. Mayor Perkins further stated that if the city agrees with participating in the costs, the city in no way assumes maintenance of sewer lines. The Mayor stated he was prepared for a vote on the budget with the stated amendment.

After a brief discussion, Councilwoman Franklin stated it was the consensus of the Council to make a gentlemen's agreement to commit assistance to the pump station, with official action being taken at the next Council meeting, where Council members will address budget items.

**VIII. BOBBY MISSLEDINE – HEAD INJURY FOUNDATION**

President Evans stated Mr. Bobby Missledine appeared before the Council in September of 2001 requesting appropriations from the Council to the Head Injury Foundation to assist local victims with head and/or spinal injuries. A pledge sheet was distributed for Council members to indicate their contribution. Mr. Missledine thanked everyone for his or her support.

**IX. MRS. HAZEL SALTER - CALS**

Mrs. Hazel Salter stated she was present to inform the Council that CALS would discontinue the beautification awards program, with the exception of the school program. Mrs. Salter stated a majority of the signs are missing and there are no funds available for additional purchases. President Evans stated he would like to see the awards program continued and pledged funds from his discretionary fund to purchase additional signs. Councilwoman Crenshaw suggested each Council member commit to purchasing two signs at approximately \$100 each. Each Council member agreed to contribute funds to purchase twenty new signs and recommended the Public Works Department pick up the signs after a designated period of time.

**X. STANDING COMMITTEE REPORTS**

**RECREATION COMMITTEE REPORT**

The Recreation Committee Report was informational only. Councilman Durry stated volunteer coaches are needed at both the Paul Grist YMCA and the Brown YMCA.

**ADMINISTRATIVE COMMITTEE REPORT**

The Administrative Committee Report was informational only.

**PUBLIC SAFETY COMMITTEE REPORT**

**A. Battalion Chief Vacancy.** Councilwoman Franklin informed the Council that interviews for the Battalion Chief vacancy are scheduled for Tuesday, October 23, 2001 at three o'clock.. There are approximately twelve applicants.

**B. God's Miracle Ranch.** Councilwoman Franklin informed the Council that officials are invited to the groundbreaking ceremony of God's Miracle Ranch on Friday, October 26, 2001. A copy of the invitation will be distributed with directions.

**COMMUNITY DEVELOPMENT COMMITTEE REPORT**

**A. National Trust Annual Meeting.** Councilwoman Martin informed the Council that she and representatives of the Community Development Office recently attended the annual meeting of the National Trust in Providence, Rhode Island. Councilwoman Martin stated she learned valuable information to help with deterioration of historic districts and riverfront development.

**PUBLIC WORKS/GENERAL SERVICES COMMITTEE REPORT**

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

**CITIZEN REQUEST COMMITTEE REPORT**

There was no report from the Citizen Request Committee.

**XI. OTHER REPORTS AND ANNOUNCEMENTS**

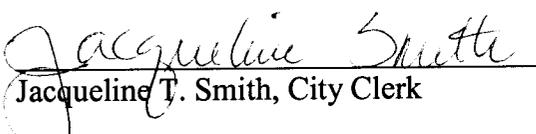
**A. FY 2001-2001 Budget Meeting.** Mayor Perkins suggested a special called Council meeting to further discuss and adopt the 2001-2002 budget. The Mayor stated contracts could not be executed until new contracts, with reduced amounts are signed. President Evans stated this meeting would be recessed until Monday, October 29, 2001 at 3:30 p.m.

**B. Renaming of Clark Street.** Mrs. Sylvia Robertson appeared before the Council to request renaming of Clark Street in honor of her mother, the deceased Leolla Robertson. Mrs. Robertson was a civil rights activist. Mrs. Sylvia Robertson explained that there is only one house on Clark Street and current building code regulations does not allow for new construction. After a brief discussion, President Evans asked that this matter be deferred until the next Council meeting.

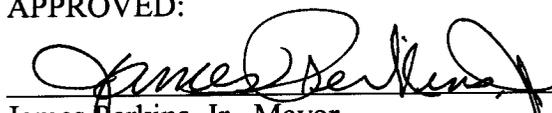
There being no further business to come before the Council, on motion made by Councilwoman Franklin and seconded by Councilwoman Martin, the Council voted by a unanimous consent to recess at 7:15 p.m.

  
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George P. Evans, President

ATTEST:

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

APPROVED:

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

**RESOLUTION**

**COPY**

**Hyundai Motor Company Site Location**

**WHEREAS**, Hyundai Motor Company plans to build a new manufacturing facility in the United States; and

**WHEREAS**, Alabama is believed to be the leading state under consideration; and

**WHEREAS**, Montgomery, Alabama has been named as a possible location for this manufacturing facility; and

**WHEREAS**, the location of the Hyundai plant would be mutually beneficial to Montgomery and Selma through both direct and indirect economic advantages; and

**WHEREAS**, the City of Selma prospective benefits include spin-off businesses that will result from the Hyundai plant; and

**WHEREAS**, a greater portion of Alabama will benefit by the plant being located in the central part of the state;

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Selma supports, through this Resolution as well as other actions that may be deemed necessary, Montgomery, Alabama as the ideal location for the prospective Hyundai Motor Company plant.

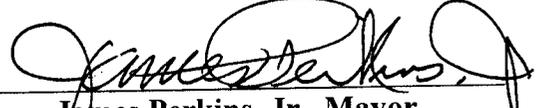
**ADOPTED** by the City Council on this 22nd day of October, 2001.

  
George P. Evans, Council President

**Attest:**

  
Jacqueline T. Smith, City Clerk

**Approved:**

  
James Perkins, Jr., Mayor