

MINUTES OF THE SELMA CITY COUNCIL MEETING HELD ON TUESDAY NOVEMBER 13, 2001

The Selma City Council met in a regular session in the Council Chambers of City Hall on Tuesday, November 13, 2001 at 6:00 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, Bennie Ruth Crenshaw, and James Durry. Others present were Mayor James Perkins, Jr., City Attorney Jimmy Nunn, City Clerk Jackie Smith, and the Mayor's Administrative Assistant Sherri James. Captain Todd Brewer of the Salvation Army 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. There being no additions or corrections to the agenda, on motion made by Councilwoman Sewell and seconded by Councilman Tucker the agenda was adopted as prepared.

President Evans asked if there were any additions or corrections to the minutes of the October 22, 2001 Council meeting. There being no additions or corrections to the minutes, on motion made by Councilman Sexton and seconded by Councilman Tucker, the minutes were approved as recorded.

I. MAYOR'S REPORT

Mayor Perkins requested the Council adjourn into an Executive Session at the conclusion of this meeting to discuss personnel matters.

A. All-Lock Facility Water Testing. Mayor Perkins informed the Council that the matter concerning the Bakers and Mr. Chatwala has been resolved to the satisfaction of both parties. Mayor Perkins stated funds for testing the wells at the All Lock facility is a budgeted line item and a contract is being drafted by Attorney Nunn.

B. 2nd Month Sales Tax Report. Mayor Perkins distributed copies of the second month sales tax report, which shows sales tax collections have decreased \$220,378, or 11.65% compared to the same period of last fiscal year. Mayor Perkins explained the enormous decrease in the month of October 2001 was due to extenuating circumstances in the month of October 2001. The Department of Revenue collected additional monies through an audit of a business and a major retailer had two payments posted that month. The Mayor reminded Council and citizens of the economic downturn we are experiencing and encouraged citizens not to panic, but to continue to live their normal lives.

C. Approve Approach Signs Expenditure. Mayor Perkins asked the Council to approve spending up to \$10,000 from Community Reinvestment Program funds for new approach signs to the city. These signs will replace those erected by Cap Swift on behalf of the Crossroad Visitor Center. A motion was made by Councilwoman Franklin and seconded by Councilwoman Sewell approving the expenditure of funds, up to \$10,000, from the Community Reinvestment Program to erect new approach signs to the city. On roll call vote the motion passed with a unanimous vote of the Council. The Mayor stated this line item was removed from the Tourism Budget when budget cuts were recommended and if funds become available from lodging tax, reimbursement would be made to the Community Reinvestment Program.

D. Approval of Tourism Advertising Contract. Mayor Perkins asked the Council to approve the tourism advertising contract between the City of Selma and the Cunningham Group, Inc. in the amount of \$98,000. The Mayor stated this is a line item in the Tourism Budget which has already been approved. A motion was made by Councilwoman Martin and seconded by Councilwoman Franklin approving the advertising contract with the Cunningham Group for \$98,000. On roll call vote the motion passed with a unanimous vote of the Council.

I. MAYOR'S REPORT

E. Downtown Flower Beds. Mayor Perkins informed the Council that he had spoken with Mrs. Pat Martin, Director of Cahaba Mental Health Center, and she stated she never asked for an additional appropriation. Mayor Perkins stated he also gained clarification as to how the downtown flowerbeds are maintained. The Mayor explained that seeds are purchased three months in advance and nurtured into plants. The seeds for the fall planting were ordered some three months ago and it is necessary for the City to honor that obligation. However, Mayor Perkins stated he does not want to amend the budget at this time and this matter will be reviewed in the next month or so to evaluate the amount of funds that will be available to spend for spring planting.

F. Code Enforcement Officer Vehicle. Mayor Perkins distributed copies of the tabulation sheet from bids accepted on the specification submitted for a vehicle for the Code Enforcement Officer. The vehicle used by the previous Code Enforcement Officer was transferred to the Community Development Office. Mayor Perkins stated it is his recommendation that the Council approve the low and only bid of \$11,764 submitted by Reliable Oldsmobile. A motion was made by Councilwoman Sewell and seconded by Councilwoman Crenshaw to accept the bid of \$11,764 submitted by Reliable Oldsmobile. On roll call vote the motion passed with a unanimous vote of the Council. Mayor Perkins stated the budgeted amount for the vehicle is \$11,725 and the additional \$39 will be moved from the Code Enforcement Fuel Expense line item.

G. Consolidation of City Clerk and City Treasurer. Mayor Perkins stated it is the consensus of the Council to approve the consolidation of the City Clerk and City Treasurer positions. The Mayor asked that future discussion on this matter be deferred until the personnel changes actually occur. Councilwoman Sewell asked the Mayor to provide complete details of the restructure at a future meeting.

H. Liquor License Application for Bailey's Package Store. Mayor Perkins presented Council with a liquor license application on behalf of Mrs. Mary Bailey for Bailey's Package Store located on Broad Street. Mayor Perkins stated he has been provided some information but it remains unclear as to the recommendation of the Police Chief. Mayor Perkins asked that this item be deferred until Chief Tate has the opportunity to submit a recommendation.

I. Liquor License Application for Postman House Lounge. Mayor Perkins presented Council with a liquor license application on behalf of Mr. George Sturdivant for the Postman House Lounge located on Marie Foster Blvd. Mayor Perkins stated he has been provided some information but it remains unclear as to the recommendation of the Police Chief. Mayor Perkins asked that this item be deferred until Chief Tate has the opportunity to submit a recommendation. Councilman Tucker stated he knows Mr. Sturdivant it is his recommendation that this application be approved. A motion was made by Councilman Tucker and seconded by Councilwoman Sewell to suspend the rules for immediate action on this application. After a brief discussion, Councilman Tucker withdrew his motion to suspend the rules and Councilwoman Sewell withdrew her second. Councilman Tucker then motioned to place the application on first reading.

J. Cahaba Mental Health Center Appropriation. Mayor Perkins informed the Council that the \$30,000 annual appropriation to the Cahaba Mental Health Center was inadvertently reduced when budget cuts were made. The Mayor stated due to the fact that the funds to Cahaba Mental Health Center are earmarked as matching funds for federal grants the appropriated amount should be reinstated to \$30,000. A motion was made by Councilwoman Franklin to amend the general fund budget \$7,425 to be appropriated to the Cahaba Mental Health Center account number 1.6900.01.33. Councilwoman Martin seconded the motion and on roll call vote the motion passed with a unanimous vote of the Council.

Councilwoman Crenshaw stated due to the number of misquotes by the local media, it is her recommendation that the Council draft a letter to the press requesting more accurate reporting. President Evans stated this matter would be discussed further at a work session.

II. CITY ATTORNEY REPORT

A. **Contract – City of Selma and Dr. Kirit Chapatwala.** Attorney Nunn presented the Council with a contract between the City of Selma and Dr. Kirit Chapatwala for the water testing of the contaminated wells at the All Lock facility. Attorney Nunn stated the contract amount is \$18,000 for a one year term. The sum of \$6,000 is the initial payment and the balance is to be paid in equal monthly amounts of \$1,000. Councilman Sexton made a motion that was seconded by Councilwoman Crenshaw approving the contract with Dr. Chapatwala to test the contaminated water wells at the All Lock facility. On roll call vote the motion passed with a unanimous vote of the Council.

B. **Amendment to Code of Ordinance Section 6.9.** Attorney Nunn presented an amendment to the Code of Ordinance Section 6.9 - penalty for failure to obtain a building permit. Attorney Nunn stated the Building Inspector wrote a letter to Mayor Perkins informing him that a building permit is required to paint a house. Attorney Nunn informed the Council that the ordinance, as amended in Section 2, states that a house may be painted without obtaining a building permit. Councilwoman Martin voiced her opposition to the amendment stating the Council may be endangering the city's historic designation by adopting an ordinance that does not require a building permit to paint a house in the historic district. Patty Sexton suggested the Council not amend the ordinance to allow house painting without a building permit mainly for the same reason as Councilwoman Martin and also because other deletions may be addressed in the future. After a brief discussion, President Evans entertained a motion on the ordinance. A motion was made by Councilwoman Sewell to adopt the ordinance as amended, deleting the necessity of obtaining a building permit to paint a house. Councilwoman Crenshaw seconded the motion and on roll call vote the ordinance was adopted with a majority vote of the Council. There were seven affirmative votes and two negative votes. Council members Martin and Tucker cast the negative votes.

Attorney Nunn informed the Council that in order to adopt an ordinance without placing it on a first reading, there must be a unanimous vote of the Council to suspend the rules. Councilwoman Franklin made a motion to suspend the rules. Councilwoman Sewell seconded the motion. On roll call vote Councilman Tucker cast a negative vote and the motion died for the lack of a unanimous vote. The ordinance was placed on first reading for consideration at the next Council meeting.

C. **Claim of Clarence Strong vs City of Selma.** Attorney Nunn stated attorneys from the law firm of Gamble, Gamble, Calame and Wilson previously addressed Council regarding this claim and it is the recommendation of the attorneys involved to move to settle this claim as per settlement agreement between both parties. Councilwoman Franklin made a motion to approve the settlement agreement of this claim. Councilman Tucker seconded the motion and on roll call vote motion to approve settlement of this claim passed with a unanimous vote of the Council.

D. **Claim of Ms. Renea D. Smith – C01-029.** Attorney Nunn stated a claim has been filed on behalf of Renea D. Smith, who alleges a large tree limb fell onto her vehicle, causing damage to the side of her vehicle. Mr. Tommy Smith, Director of Public Works, investigated the claim and concluded the limb was located on city property at First Avenue Cleaners, but the city had no prior knowledge of the dangerous condition of the tree. Attorney Nunn informed the Council that the law states a city is liable if it knew of the dangerous condition of the tree. Attorney Nunn stated it is his recommendation this claim be denied. A motion was made by Councilman Durry and seconded by Councilman Tucker to deny the claim of Ms. Renea D. Smith. The Council voted unanimously to deny the claim.

II. CITY ATTORNEY REPORT

E. Claim of Mr. Randy Small – C01-031. Attorney Nunn stated a claim has been filed on behalf of Randy Small, a firefighter, who alleges a window of his vehicle, was shot with a pellet gun while parked across the street from Fire Station #2 on Selma Avenue. Attorney Nunn stated the City is not liable for any damages to any vehicles while parked on city property unless the City of Selma was directly the cause of damage to the vehicle. Attorney Nunn stated it is his recommendation this claim be denied. A motion was made by Councilman Tucker and seconded by Councilman Durry to deny the claim of Mr. Randy Small. The Council voted unanimously to deny the claim.

F. Claim of Bruce Gates – C01-028. Attorney Nunn stated a claim has been filed on behalf of Bruce Gates who alleges a main sewer line was clogged as a result of the City filling a hole with dirt. Mr. Tommy Smith, Director of Public Works, investigated the claim and the city's sewer line was clear and the problem was with the private sewer line. Attorney Nunn stated he is of the opinion that this claim should be denied on the basis of what the preliminary investigation revealed. Councilwoman Franklin suggested the claim be paid because the Gates did not experience problems until after the dirt was placed in the hole. A brief discussion followed, and President Evans suggested this claim be paid with funds from Council members discretionary funds. Councilwoman Franklin made a motion that the claim of Bruce Gates be paid with discretionary funds. Councilman Sexton seconded the motion and on roll call vote the motion passed with a majority vote of the Council. There were seven affirmative votes and two negative votes. Council members Tucker and Martin cast the negative votes.

Attorney Nunn reminded the Council that procedures are in place involving a department head investigation and a city attorney investigation with a recommendation. Attorney Nunn asked the Council to support city officials in their decisions after a claim investigation is complete.

G. Claim of Adrian and Linda Goldston – C01-027. Attorney Nunn stated a claim has been filed against the city by Adrian and Linda Goldston, who allege they were denied the right to a building permit for the construction of a cellular tower. Mr. Darryl Moore, Building Inspector, investigated this matter and states Nextel officials were informed that cellular towers could not be located in the historic district or residential districts without prior approval. The City never denied the claimants' right to place a tower on their property. Attorney Nunn stated it is his recommendation that the claim be denied. Councilwoman Sewell made a motion to deny the claim of Adrian and Linda Goldston. Councilman Durry seconded the motion and it passed with a unanimous vote of the Council.

II. RENAMING OF CLARK AVENUE TO LEOLLA ROBERTSON WAY

Ms. Sylvia Robertson previously addressed Council with a request to change the name of Clark Avenue to Leolla Robertson Way to honor her deceased mother, a renowned civil rights activist. Ms. Sylvia Robertson presented Council with copies of a petition from residents in the area endorsing the change. Councilwoman Martin stated she concurs with the recommendation since Clark Avenue is a short street with only one house with a Clark Avenue address. Councilwoman Martin made a motion to change the name of Clark Avenue to Leolla Robertson Way. Councilwoman Crenshaw seconded the motion. The Council voted unanimously to change the name of Clark Avenue to Leolla Robertson Way.

IV. RAILROAD CROSSING REPAIRS

Councilman Sexton stated he has been in contact with Mr. Ron Owens of Norfolk Southern Railroad and Mr. Jerry Bender of CSX Railroad and the two companies are working together on a plan to repair the bad railroad crossings.

V. STANDING COMMITTEE REPORTS

RECREATION COMMITTEE REPORT

There was no report from the Recreation Committee.

ADMINISTRATIVE COMMITTEE REPORT

Councilwoman Crenshaw asked Mayor Perkins what he thought of an additional day off for city employees during the Christmas holidays. Mayor Perkins stated an additional day off would have budget implications and he would like to review this matter before making a commitment.

PUBLIC SAFETY COMMITTEE REPORT

Councilwoman Franklin shared with other Council members a letter from Tax and License Collector Martha Jackson regarding peddlers without a license. Mrs. Jackson encourages citizens report instances where they feel peddlers are selling merchandise without a license.

COMMUNITY DEVELOPMENT COMMITTEE REPORT

The Community Development Committee Report was informational only. Councilwoman Franklin recommended the Annual Report of the Selma Tourism Advisory Committee be made a part of the official Council minutes.

PUBLIC WORKS/GENERAL SERVICES COMMITTEE REPORT

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

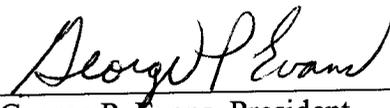
DISCRETIONARY FUND COMMITTEE REPORT

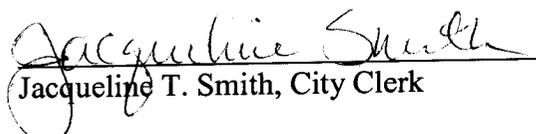
Councilwoman Sewell stated the Council Secretary would have two discretionary fund request sheets; one from the Sickle Cell Foundation and one from the Food Bank. Councilwoman Sewell encouraged Council members to support both requests.

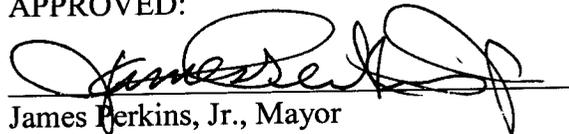
VI. LIAISON ACTIVITIES

Mr. Carl C. Morgan, Jr. City Government Liaison was unable to attend the Council meeting but provided each Council member with a copy of the October 2001 liaison activities. President Evans asked that the October 2001 Liaison Activities Report be made a part of the official Council minutes.

There being no further business to come before the Council, on motion made and duly seconded, the Council voted by unanimous consent to adjourn at 6:50 p.m. and go into an Executive Session to discuss personnel matters.


George P. Evans, President

ATTEST:

Jacqueline T. Smith, City Clerk

APPROVED:

James Perkins, Jr., Mayor

ANNUAL REPORT
OF THE
SELMA HISTORIC DEVELOPMENT COMMISSION
TO THE CITY COUNCIL OF SELMA, ALABAMA
OCTOBER 1, 2000 - SEPTEMBER 30, 2001

Committed to the preservation and protection of the valuable historic resources located within Selma's four historic districts, the Selma Historic Development Commission has worked diligently during the past year to carry out the responsibilities mandated by the Selma Historic Ordinance. The following members comprise the Commission as appointed by the Selma City Council:

Scott Patterson	- Chairman
Fred Williams III	- Vice Chairman
Elise Blackwell	- Secretary
Jean Jackson	- Historian
Bruce Burson	
Lawson Hubert	
Charles Johnson	
Barry Stapp	
Louretta Wimberly	

Realizing the importance of our historic resources to the economic vitality of the community and that Selma's Tourism program is directly dependent on the preservation of our historic resources, the Commission is dedicated to determining ways to protect the historic districts and maintain their distinctive character. We have attempted to educate property owners within the districts on the benefits of historic ordinance compliance since it enhances their own investment in their homes and property. We also supported and participated in an update survey of the Old Towne and Water Avenue historic districts that was implemented by the Community Development Office this past year. Eighty-six additional structures will be nominated for National Register designation as a result of this survey conducted by Susan Besser of Franklin, Tennessee. Historic District Monitor, Bob Hubert, continues to act as liaison between the property owners/residents and the Selma Historic Development Commission and distributes information concerning historic guidelines and the various city codes which affect our historic districts. Downtown Main Street Coordinator, Shebra Kidd, acts as the liaison between commercial interests and the Commission and monitors the downtown business district.

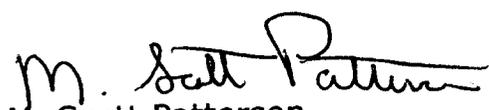
Meeting on the first and third Thursdays of each month at 4:00 PM in City Council Chambers, the Historic Development Commission has

reviewed over 60 applications for Certificates of Appropriateness during this year. Of these fifty-five were approved and five were denied. We received one request for demolition of an antebellum carriage house which was also denied. Many of those approved were approved after suggestions were made and accepted by the petitioner. Twenty-six applications were expedited by the Community Development Office with the approval of our Architectural Advisor. Three requests for vinyl siding were denied by the Commission in accordance with our policy addressing artificial wood siding adopted after extensive research to determine policy attitudes of the Department of Interior and other HDCs toward this use in historic districts. The Commission also heard complaints from citizens living in the historic districts concerning the condition of adjacent property and various requests approved by the Commission.

A number of problems remain unresolved in the areas of community education and ordinance enforcement but are currently being addressed. An ordinance revision was recently passed by the Selma City Council giving the Building Inspector's Office increased fining potential. As Commission members, we need assistance from the Selma City Council in enforcement of the Historic Ordinance with penalties and fines when a building permit is not obtained for work being done and when work is not in compliance and does not follow the approved request. We would also like to have a requirement approved that would specify knowledge of Historic District requirements in every legal document that involves historic district property. Recommendations for a procedure for enforcement of these infractions are being developed by the Commission and we hope will be adopted by the Selma City Council.

We greatly appreciate the Selma City Council's willingness to support our efforts in our continuing program of Historic District protection and enhancement and anticipate another year of successful growth and progress.

Respectfully submitted,


M. Scott Patterson,
Chairman

October 2001 Liaison Activities

October 2, 2001

Went to Thomasville to the South West Economic Development Board bi-monthly meeting. The main topic of the meeting involved the recognized need for four laning US 80 and the need to extend Interstate 85 from Montgomery to join with I-59 and I20 near Mississippi and attention to highway 43, the North-South corridor, in West Alabama and the events of September 11th and the resultant effects on the country have put many of the projects and plans on the back burner as far as congressional priorities were being considered. However, we fully intend to keep our delegation aware of our needs.

October 3, 2001

Report to the Council and Mayor of the activities of September.

October 9-13, 2001

Attended the Southeaster RC&D Council meeting in Lexington, KY. A review of the programs that have been carried out and the ones that is planned and underway indicate that these projects are benefiting our communities, both urban and rural areas. Assisted our delegation in a presentation that Mr. Cosby made that showed how our state legislature had become involved in supporting the nine districts in the state.

October 16, 2001

Went to Thomaston and conducted the monthly meeting of the Rural Heritage Board. We plan to have the website in operation before the end of the year.

October 19, 2001

Went to Montgomery to the Alabama Historical Commission. Plans for the future developments of Cahawba are progressing under the contract with ERA.

October 25, 2001

Attended the quarterly meeting of the Coosa Alabama River Board. Cuts in the general river development, based in a large degree on the tonnage shipped by barge have increased, and will affect the appropriations that the Corp of Engineers will have for dredging the channel. There is still discussion by some environmental groups regarding the Alabama Sturgeon, as supposed endangered fish in the river.

ANNUAL REPORT OF THE SELMA TOURISM ADVISORY COMMITTEE
TO THE CITY COUNCIL OF SELMA, ALABAMA FOR FISCAL YEAR
OCTOBER 1, 2000 – SEPTEMBER 30, 2001

The Tourism Advisory Committee of the City of Selma held three general meetings and met with representatives of our Advertising Agency, CBS&R of Montgomery, numerous times in analyzing our marketing performance for the current year and planning our marketing strategy for the coming year. The Committee, consisting of representatives from the various tourism related areas, is committed to seeing that Selma receives the best possible value for our tourism dollars. The Tourism Ordinance dictates that lodging tax revenue be spent only on tourism and the Advisory Committee recommends these expenditures to the Selma City Council each year based on the market research of our advertising agency.

As outlined by the Ordinance, the Tourism Advisory Committee is advisory in nature to the Mayor and City Council. It participates with the Director of Community Development/Tourism/Preservation or his/her designee in developing tourism goals and objectives, in devising marketing strategies for accomplishment of those goals and objectives and in monitoring the results of implementation of those strategies.

The seven members currently serving on the Committee and the area they represent are as follows:

Elise Blackwell, Chairman	Events
Mike Reynolds	Media
Joanne Bland	Museums
Patty Sexton	Downtown
Lauri Cothran	Chamber of Commerce
Hallie Perry	Black Heritage
John McHugh	Hotel/Motel

Ex-officio members are Jean Martin, representing the Selma City Council and Elizabeth Driggers, representing Community Development.

The City of Selma Tourism Committee continued its effort in 2001 to gain market shares as well as generate overnight stays through its marketing campaign. Working from the previous success the mediums and the message were tailored to optimize both of these goals. This past year brought increased awareness of Selma through national media coverage of events. This year the City of Selma again saw an increase in lodging tax over the previous year. This increase

can be attributed in great part to a successful marketing/promotional campaign.

Although an increase in the advertising budget will give us an even greater opportunity to gain market shares, we are requesting only level funding in light of the Sept. 11 terrorism attack on the United States and decreased revenues to the City of Selma. If, at the end of six months, lodging tax is increased, we would like to request additional funding to place welcome signs at the approaches to Selma.

Respectfully submitted,

A handwritten signature in cursive script that reads "Elise Blackwell".

Elise Blackwell, Chairman