

**MINUTES OF THE SELMA CITY COUNCIL MEETING
HELD ON MONDAY, DECEMBER 11, 2000**

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, December 11, 2000 at 10:00 a.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, and James Durry. Councilwoman Bennie Ruth Crenshaw was absent from the meeting. Others present were City Attorney Jimmy Nunn, City Treasurer Jimmie Abbott and Council Secretary Dianna Johnson. The Reverend Ralph Edwards gave the invocation.

After roll call, President Pro Tempe Franklin declared a quorum present and the meeting was opened for the transaction of business as set forth on the agenda. President Pro Tempe Franklin asked if there were any additions to the agenda prepared for this meeting. Councilwoman Sewell asked that the agenda be amended to include payment for contract services and an appropriation for the Reading is Fundamental project. A motion was made by Councilwoman and seconded by President Pro Tempe to adopt the agenda as amended.

Councilwoman Sewell informed the Council that the minutes from the previous Council meetings held on November 27, 2000 and November 28, 2000 were not prepared due to the City Clerk being out of town. The minutes from these meetings would be adopted at the next regular Council meeting.

I. MAYOR'S REPORT

President Evans informed the Council that Mayor Perkins would not have a report for this meeting.

II. PAYMENT FOR CONTRACT SERVICES

Councilwoman Franklin stated that she has talked with City Attorney Nunn about the payment for contract services due the agencies included in the budget. Councilwoman Franklin informed the Council that the agencies had been notified to come in to execute the contracts and receive their appropriation checks.

III. CARL C. MORGAN, JR.

Former City Council President Carl C. Morgan, Jr. stated he was present before the Council to make an oral report on the meetings he has attended as the liaison for city government. Mr. Morgan's report was informational only and included information about the Cahawba project, landfill project, Coosa project, and the Southwest Rural Alabama Group. Each Council member was presented with a full written report of Mr. Morgan's participation in these agencies.

IV. STANDING COMMITTEE REPORTS

RECREATION COMMITTEE REPORT

There was no report from the Recreation Committee.

ADMINISTRATIVE COMMITTEE REPORT

There was no report from the Administrative Committee.

IV. STANDING COMMITTEE REPORTS

PUBLIC SAFETY COMMITTEE REPORT

The Public Safety Committee report was informational only.

COMMUNITY DEVELOPMENT COMMITTEE REPORT

The Community Development Committee was informational only.

PUBLIC WORKS AND GENERAL SERVICES COMMITTEE REPORT

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

V. READING IS FUNDAMENTAL PROJECT

Councilwoman Sewell stated that the R.I.F. project has been an ongoing Council project and would like the support of the Council to have a Christmas distribution. Councilwoman Sewell motioned for the City Council to expend funds from the Special Projects account to participate in the R.I.F. project for the Christmas holidays. Councilwoman Franklin seconded the motion. The motion passed with a unanimous vote of the Council.

VI. COUNCIL RULES AND PROCEDURES ORDINANCE

A. Policy Draft Ordinance. Councilwoman Sewell asked that the draft policy ordinance that was presented to the Council at the last meeting be continued on first reading until the City Attorney has the opportunity to review it and give his approval.

Councilwoman Sewell asked that the ordinance be amended to include decorum for Council members to conduct themselves in an orderly and professional manner. Councilwoman Sewell informed the Council that the Council meeting time would revert back to 5:00 p.m. for the January 8, 2001 meeting and the proposed time change would be addressed again on that date. A motion was made by Councilwoman Sewell and seconded by Councilwoman Martin. The motion passed with a unanimous vote of the Council.

VII. MR. SAM WALKER

Mr. Sam Walker stated he was present before the Council to voice his dissatisfaction in the Council allowing the Nathan B. Forrest Monument to remain on city property. He asked the Council to reconsider their decision because of the injustice he feels is being done by the presence of the monument.

VIII. MS. RENARDA WHITE

Ms. Renarda White, Coordinator of Y2K Youth for Change, appeared before the Council to voice her concern over the City Council changing the time of Council meetings from 5:00 p.m. to 10:00 a.m. Ms. White asked for a revote on this matter. Councilwoman Sewell informed Ms. White that this matter has been placed on first reading and the Council will vote at the January 8, 2001 meeting.

IX. MR. CLARENCE WILLIAMS

Mr. Clarence Williams stated that he was present before the Council on behalf of the SCLC. Mr. Williams stated that Mayor Perkins had previously ordered the Nathan B. Forrest Monument to be moved by December 11th and if it is not moved the organization is prepared to take further action.

X. MR. TODD STEWART – MOORE-STEWART FORD DEALERSHIP

Mr. Todd Stewart stated he was present before the Council as a partner in the Moore-Stewart Ford dealership and is requesting permission to place a portable building on the old Checker's lot at the intersection of Marie Foster Blvd. and Highland Avenue. Mr. Stewart stated that the lot has been purchased with the desire to expand the car lot and the portable building would be used for office space. A motion was made by Councilwoman Sewell and seconded by Councilman Sexton to grant permission to Moore-Stewart Ford to place a portable building on the old Checker's lot. The motion passed with a unanimous consent of the Council.

XI. MR. AL SUMPTER – SIERRA CORPORATION

Mr. Al Sumpter appeared before the Council to make another request for the use of the All-Lock facility to manufacture the patented auto oil diaper product. Mr. Sumpter stated that he has made several appearances before the Council and asked that they take every action to get the proposal moving forward. Councilwoman Sewell said she is of the understanding that this matter was turned over to the City Attorney for legal advice. City Attorney Nunn stated that engineers are currently doing research on the property and due to liabilities involved, these procedures will be time consuming.

XII. CITY ATTORNEY'S REPORT

A. Ordinance to change time of Council meetings. Attorney Nunn stated that he placed a letter in the mailbox of each Council member informing them of the proper procedure by which to change the time of Council meetings. President Evans stated that this matter has already been discussed and the Council is aware of the January 8th meeting being at 5:00 p.m. and a vote to make the change will be taken at that time.

B. Ordinance to adopt policies for Council. Attorney Nunn stated that he prepared comments relative to the ordinance of policies for the Council presented by Councilwoman Sewell. Attorney Nunn asked that this matter be addressed at the next Council meeting after the Council has had the opportunity to review his comments.

C. No-Smoking Ordinance. Attorney Jimmy Nunn stated that he smoking ordinance has been tabled on several occasions and asked the Council to schedule a work session so this matter could be discussed. President Evans stated that a work session has been scheduled for January 4th and this matter could be discussed at that time.

D. December 25th Council meeting. Attorney Nunn reminded the Council that the next regular scheduled meeting of the Council is December 25th, which is Christmas Day. Councilwoman Franklin motioned to cancel the Council meeting scheduled for December 25th. Councilman Durry seconded the motion and it passed with a unanimous vote of the Council.

E. Water Board Appointment. Attorney Jimmy Nunn stated he was asked to research whether or not it was legal to terminate a Council member from the Water Board. Attorney Nunn informed the Council that after researching this matter, it has been determined that the Council cannot move Board members.

F. Removal of Council member. Attorney Jimmy Nunn stated he was asked to research how to remove a Council member. Attorney Nunn informed the Council that a Council member could only be removed by impeachment proceedings.

G. Rachel W. Nelson vs City of Selma. Attorney Nunn stated that it was the consensus of the Council, at the last Council meeting, to proceed to trial with the case of Rachel W. Nelson against the City of Selma. Ms. Nelson has since notified Attorney Nunn that she would like to accept the proposed settlement from the City in the amount of \$3,000. A motion was made by Councilwoman Martin and seconded by Councilwoman Sewell giving Attorney Nunn the authority to move with settling this case for the stated sum of \$3,000. On roll call vote the motion passed with a unanimous vote of the Council.

XII. CITY ATTORNEY'S REPORT

H. D. C. Tolver vs City of Selma. Attorney Nunn stated this is a case in which the defense attorney made an offer of \$1,000 to settle and Attorney Pitts made a counter offer of \$500. Attorney Nunn has negotiated a settlement of \$750 and the claimant accepted. Councilwoman Franklin made a motion authorizing Attorney Nunn to settle the case with D. C. Tolver for \$750. The motion was seconded by Councilwoman Martin and on roll call vote the motion passed with a unanimous consent of the Council.

I. Annie Myers vs City of Selma. Attorney Nunn stated this is a case in which the claimant slipped on a wet floor in the Police Department. A detective admitted that there were no signs on the wet floor when Ms. Myers slipped. The defense has agreed to a settlement of \$2,000. Councilwoman Martin made a motion authorizing Attorney Nunn to settle the case with Annie Myers for \$2,000. The motion was seconded by Councilman Sexton and on roll call vote the motion passed with a unanimous consent of the Council.

J. John Porter vs City of Selma. Attorney Nunn stated that Mr. Porter's vehicle was damaged from a rock thrown by a lawn mower being operated by a summer employee. Mr. Sam Baynes, Cemetery Superintendent has written a letter stating that the City employee was at fault. The amount of damage to Mr. Porter's vehicle is \$1,200.00. Councilwoman Sewell made a motion authorizing Attorney Nunn to pay the claim for damages in this case. The motion was seconded by Councilman Sexton and on roll call vote the motion passed with a unanimous consent of the Council.

K. Clean Machine vs City of Selma. Attorney Nunn stated that this claim involves former Council member Yusuf Salaam who rented a vehicle from the Clean Machine that was involved in an accident. The Clean Machine filed a claim with their insurance company for damages. The insurance company paid all charges except a \$1,000 deductible, \$750 depreciation, \$900 in expenses to retrieve vehicle and \$1,050 for loss of use. The claim against the City is for \$3,700, which represents the charges not paid by the insurance company. Councilman Sexton made a motion authorizing Attorney Nunn to pay the charges related to the accident not covered by the insurance company. The motion was seconded by Councilwoman Martin and on roll call vote the motion passed with a unanimous consent of the Council. Councilwoman Franklin recommended that the Council seek to adopt guidelines that relates to the rental of automobiles and who is responsible in the case of an accident.

L. Resolution –CSX Railroad. Attorney Nunn presented a resolution on behalf of CSX Railroad for Council adoption. The resolution authorizes CSX to install cross gates and equipment at the designated location. The City would only be responsible for placing and maintaining railroad markings on the pavement and placing railroad signs. Councilwoman Martin made a motion to adopt the resolution presented by CSX Railroad. The motion was seconded by Councilwoman Sewell and on roll call vote the Council voted unanimously to adopt the resolution.

M. Sandy Grayson vs City of Selma. Attorney Nunn stated that Sandy Grayson claims the ditch in front of his house is a nuisance. The practice for this type of complaint requires the owner to purchase the pipe and the Public Works Department will install free of charge. Mr. Grayson has refused to purchase the pipe. Attorney Nunn stated it is his recommendation that pipes be laid in the ditch, which would cost approximately \$400. Once the ditch has been covered a summary judgment would be filed asking that the case be dismissed. Councilman Randolph made a motion to cover the ditch. Councilwoman Sewell seconded the motion. The motion did not pass for a lack of a majority vote. There were seven negative votes and one affirmative vote. Councilman Randolph cast the only affirmative vote.

N. Contracts. Attorney Nunn informed the Council that the contracts are being signed and organizations receiving their money. Those agencies whose contract is not complete are being allowed to sign a letter of intent so that the funds can be disbursed.

