

MINUTES OF THE SELMA CITY COUNCIL MEETING HELD ON TUESDAY, MAY 29, 2001

The Selma City Council met in a regular session in the Council Chambers of City Hall on Tuesday, May 29, 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, 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. The Reverend Gregory Williams 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 to the agenda, on motion made by Councilwoman Sewell and seconded by Councilwoman Tucker the agenda was approved as prepared.

President Evans asked if there were any additions or corrections to the minutes of the regular Council meeting held on Monday, May 14, 2001. Councilwoman Martin asked that Item V – Community Development Committee Report be amended to include a copy of the Attorney General's Opinion as it relates to the contribution of funds for a student ambassador to go to Australia. There being no other amendments or corrections to the minutes, on motion made by Councilwoman Martin and seconded by Councilwoman Sewell, the minutes were approved as amended.

I. MAYOR'S REPORT

A. WCCS – COPC Grant. Mayor Perkins informed the Council that President Mitchell on behalf of Wallace Community College has applied for a COPC grant in the amount of \$400,000 with a match of \$40,000 from the City of in-kind services and city government representation. Mayor Perkins stated the City of Selma supports the opportunity to work with WCCS in establishing a Community Outreach Partnership Center through the US Department of HUD. If the grant application is successful, WCCS has asked that the City of Selma operate and manage the program. Councilwomen Crenshaw, Sewell and Martin volunteered to serve on the Community Development Committee. A motion was made by Councilwoman Sewell and seconded by Councilman Durry to support the COPC grant and to pledge \$40,000 of in-kind services to support the efforts of WCCS to secure this grant. On roll call vote the motion passed with a unanimous vote of the Council. Mayor Perkins asked the record to reflect the proposal was co-presented by Councilman Durry.

B. Update on Summer Youth Employment Initiative. Mayor Perkins informed the Council that some 450 applicants applied for the summer jobs. Mayor Perkins thanked local business leaders who came forward to help. An anonymous donor contributed \$5,000 for a crew to clean the City cemeteries. A corporate entity has pledged \$15,000 and other entities have asked to review the applications for employment possibilities. Mr. Darryl Thomas has been selected to manage this initiative that is expected to employ a minimum of fifty children.

C. Issues Involving Selma WaterWorks. Councilman Randolph asked Mayor Perkins to assist with a public hearing or other public forum to seek a solution to the problems concerning the Selma WaterWorks. Councilwoman Crenshaw stated she receives constant complaints about water discoloration. President Evans suggested Council members meet with the other Water Board members to resolve these issues. Mayor Perkins stated he was willing to research this matter to determine if a public hearing could be held that would allow citizens the opportunity to voice their concerns.

II. CITY ATTORNEY'S REPORT

A. **Legal Fees – Hiwatha Ford Case.** Attorney Nunn presented an invoice from the law firm of Gamble, Gamble & Calame, LLC for the fees charged to the City of Selma for defending the case of Hiwatha Ford. The invoice amount for the defense of this claim is \$4,655.80 and Attorney Nunn stated this is the final bill for this claim. A motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to pay the invoice in the amount of \$4,655.80 to Gamble, Gamble & Calame, LLC. On roll call vote the Council voted unanimously on the motion.

B. **Legal Fees – Clarence Strong.** Attorney Nunn presented an invoice from the law firm of Gamble, Gamble & Calame, LLC for the fees charged to the City of Selma for defending the case of Clarence Strong. The invoice amount for the defense of this claim is \$1,192.55. Attorney Nunn stated this case is still pending in District Court. A motion was made by Councilwoman Sewell and seconded by Councilwoman Franklin to pay the invoice in the amount of \$1,192.55 to Gamble, Gamble & Calame, LLC. On roll call vote the Council voted unanimously on the motion.

C. **Legal Fees – Sirote & Permutt.** Attorney Nunn presented the Council with an itemization of invoice previously submitted by the legal firm of Sirote & Permutt. This law firm was retained to provide legal advice relative to the FY 1999-2000 audit.

D. **Request for Attorney General Opinion.** Attorney Nunn stated he has requested an opinion from the Attorney General's Office relative to the payment of legal fees for an employee who retained a legal firm to represent him or her at a Personnel Board hearing. Attorney Nunn stated his office has received an acknowledgement of receipt of the request but the actual opinion is yet to be received.

E. **Lawsuit – Friends of Forrest.** Attorney Nunn stated attorneys representing the Friends of Forrest have filed a lawsuit against James Perkins, Jr., individually and as Mayor and Jean T. Martin, Bennie Ruth Crenshaw, Samuel Randolph, Nancy G. Sewell and George P. Evans, individually and as Council members. The lawsuit was filed on May 17, 2001 in District Court and that the City of Selma has not officially been served with a copy of the lawsuit. Attorney Nunn asked Council to grant him permission to employ outside legal counsel to assist in the representation of this federal case. Councilwoman Sewell motioned that the Council go into executive session at the end of this meeting to discuss this matter.

F. **Memorial Stadium Renovations.** Attorney Nunn presented a contract on behalf of Fancher Brothers Roofing for renovations to the press box at Memorial Stadium. The contract calls for the removal and replacement of the existing roof. The contract amount for these renovations is \$7,316.00. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Martin to approve the contract in the amount of \$7,316.00 for the renovations to Memorial Stadium. On roll call vote the motion passed with a majority vote of the Council. There were eight affirmative votes. Councilwoman Sewell was absent from the Council Chambers during this vote.

G. **Claim – Clarence Smith.** Attorney Nunn presented a claim filed by Mr. Clarence Smith who claims he had to seek medical treatment as the result of being wet by the sprinkler system. Attorney Nunn stated it is his recommendation to deny this claim. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Martin to deny the claim of Clarence Strong. The Council voted unanimously to deny the claim.

H. **Claim of Wayne Murphy C 01-005.** Attorney Nunn presented a claim on behalf of Mr. Wayne Murphy who claims his vehicle sustained \$105 in damages as the result of running in a pothole on Lawrence Street. After investigating this claim, Mr. Tommy Smith, Director of Public Works reported the City had no knowledge or any report of a pothole in this vicinity. Attorney Nunn stated it is his recommendation to deny this claim. A motion was made by Councilwoman Sewell and seconded by Councilman Durry to deny the claim of Wayne Murphy. The Council voted unanimously to deny the claim.

II. CITY ATTORNEY'S REPORT

I. Claim of Ann Jill Worrell C 00-002. Attorney Nunn presented a claim on behalf of Ms. Ann Jill Worrell requesting the City reimburse her \$75 that she paid to Roto-Rooter for sewer services. Ms. Worrell's claim states that she called the Public Works Department when her sewer line became clogged. Public Works could not locate a problem initially and Ms. Worrell called Roto-Rooter who informed her that the problem was in the City's line. She called Public Works out again and they did find a blockage in the City's sewer line. Several Council members recommended paying this claim. A motion was made by Councilwoman Franklin and seconded by Councilwoman Sewell to pay the \$75 claim of Ms. Ann Jill Worrell. On roll call vote the motion passed with a unanimous vote of the Council.

J. Claim of Chester Brown C 00-001. Attorney Nunn presented a claim on behalf of Mr. Chester Brown who claims his windshield was damaged when a City truck passed him and rocks fell from the back of the truck. The claimant was able to obtain the tag number from the vehicle and report it in his claim. After investigating the claim, Elton Reece reported that the truck is the property of the Recreation Department and was traveling on the highway around the time the claimant reported. A motion was made by Councilwoman Crenshaw to pay the claim to replace the windshield in the claimant's vehicle. Councilwoman Sewell seconded the motion and on roll call vote the motion passed with a unanimous vote of the Council.

III. ORDINANCES

A. Mayor/Council Appointment Powers Ordinance. Councilwoman Franklin stated Attorney Nunn had been authorized, at the previous Council meeting, to prepare an ordinance that gives the Council the appointment power for the position of Assistant Fire Chief. After reviewing the ordinance, Councilwoman Franklin stated the language requiring the Assistant Fire Chief to live in the city limits should be deleted. President Evans asked that each Council member be given a copy of the ordinance for review. When the original copy of the ordinance could not be located, President Evans denied the motion to place the ordinance on first reading until the entire Council has been presented a copy of the ordinance. Councilwoman Franklin asked Attorney Nunn to make the ordinance available at the next Council meeting.

B. Historical Protection Ordinance. Councilwoman Franklin stated at the last Council meeting she presented a draft copy of a Historical Protection Ordinance for review and amendments. Attorney Nunn stated he has not had the opportunity to review the entire ordinance and asked that this matter be tabled until the next meeting.

IV. SELMA CITY SCHOOL BOARD VACANCIES

Councilwoman Crenshaw stated the application process for the School Board vacancies was completed earlier this week and she is in the process of scheduling interviews with the applicants on Monday and Tuesday of next week. Councilwoman Crenshaw stated each Council member would be informed of the interview schedule.

V. R.I.F. SUMMER DISTRBUTION

Councilwoman Sewell distributed copies of a flier with the scheduled dates and time of the Reading Is Fundamental summer distribution. Councilwoman Sewell urged each Council member to follow the schedule and to promote the project throughout his or her wards. A motion was made by Councilwoman Sewell and seconded by Councilwoman Martin to accept the R.I.F. schedule and follow it as printed. The motion passed with a unanimous vote of the Council.

VI. COUNCIL USE OF PUBLIC FACILITIES

Councilwoman Sewell referred to Ordinance # COS 07-00/01 that was adopted by the Council on January 22, 2001 and includes a section governing the use of public facilities by Council members when it promotes the good of the community. Councilwoman Sewell stated she felt when she reserved the Convention Center for use by two area high schools she was within the guidelines of that ordinance. After a brief discussion, President Evans asked to defer this matter for further research and to approve the non-payment of the two invoices sent to the schools. A motion was made by Councilwoman Sewell to approve the non-payment of the two invoices in question. Councilwoman Franklin seconded the motion and it passed with a unanimous vote of the Council.

VII. STANDING COMMITTEE REPORTS

RECREATION COMMITTEE REPORT

The Recreation Committee report was informational only.

ADMINISTRATIVE COMMITTEE REPORT

The Administrative Committee report was informational only.

PUBLIC SAFETY COMMITTEE REPORT

A. Tornado Lounge. Councilwoman Franklin informed the Council that the Public Safety Committee met with Mr. Clyde Richardson to address the issues concerning the Tornado Lounge. Councilwoman Franklin stated she thought the meeting was very productive and Mr. Richardson left with a spirit of cooperation. Councilwoman Franklin stated it is the recommendation of the Public Safety Committee that Mayor Perkins issue a friendly reminder to all club and lounge establishments to remind them of the law governing alcoholic beverages outside the establishment.

B. 1972 Fire Truck. Councilwoman Franklin asked the Council to declare the 1972 fire truck surplus property no longer needed by the City and to donate the truck to God's Miracle Ranch, a non-profit organization. A letter from Selma Christian Ministries states that a director has been hired and the organization is in the process of closing a real estate transaction that includes a house and twelve acres. The letter also requests a \$1,000 donation from each Council member to this special cause. Councilwoman Crenshaw recommended this matter be tabled until the real estate transaction has been closed and documentation of their non-profit status is provided.

Other reports from the Public Safety Committee were informational only.

COMMUNITY DEVELOPMENT COMMITTEE REPORT

There was no report from the Community Development Committee.

PUBLIC WORKS/GENERAL SERVICES COMMITTEE REPORT

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

VIII. SCHAFFER WIRELESS TECHNOLOGIES

Mr. Larry Vannoy a representative of Schaffer Wireless Technologies stated he was invited to the Council meeting to inform the Council members of the services Schaffer Technologies can provide to help solve the problems associated with the placement of towers. Mr. Vannoy talked about complying with the FCC Telecommunications Act of 1996 and the zoning, safety, visual impact and technical review issues relating to towers. Mr. Vannoy explained how Schaffer could help our government improve tower-zoning ordinances, establish a fee structure, identify alternate locations and provide technical review information. After a lengthy discussion, Councilwoman Crenshaw stated she would like the City of Selma to proceed towards a solution to the potential problem of tower placement.

IX. MS. JANIE VENTER – TOWER PLACEMENT

Ms. Janie Venter stated she was present before the Council on behalf of the residents located in the Green Street area where Nextel is proposing to place a wireless tower. Ms. Venter stated the residents are totally against the tower being placed in their neighborhood and suggested an alternate site be located. Ms. Venter also stated that documents would show that the lot is zoned residential and not for business as some reports has stated.

X. NEXTEL PARTNERS, INC.

Ms. Peggy Poor and Mr. Larry Smith addressed the Council as officials of Nextel Partners, Inc. who are proposing to place a wireless tower on a lot at the corner of Green Street and Jeff Davis Avenue. Ms. Poor stated she felt Nextel Partners had met its due diligence in this matter when the Building Inspector was contacted on several occasions and gave his initial approval to the placement of this tower. Mr. Smith stated since some of the citizens were concerned with radio and television interference, an Intermod Study was performed. Mr. Smith presented a letter from Mr. Burt Bennett who stated after studying the results of the Intermod Study, he feel strongly that there would be no interference. After a brief discussion, Councilwoman Franklin made a motion to extend the moratorium to include the July 23, 2001 Council meeting to allow the Council time to work through and establish some guidelines. Councilwoman Martin seconded the motion and it passed with a majority vote of the Council. There were eight affirmative votes and one negative vote. Councilman Tucker opposed the moratorium because he felt a vote on the tower placement should have been taken. Mayor Perkins informed Nextel that the City of Selma welcomed their business venture and assured them that the delay is in no way an attempt to keep them from locating a tower in Selma.

XI. MR. BRAYBOY & MS. POWELL – TOWER PLACEMENT

Mr. Brayboy stated he was present before the Council to voice his displeasure with Nextel's proposal to place a tower on a lot in the residential area of Green Street. Mr. Brayboy stated that according to the Selma Accord, an agreement was made between the City of Selma and HUD whereby the area in question was zoned residential. Mr. Brayboy suggested Nextel locate an alternate site for the tower. Ms. Powell who stated she is a resident of 616 Green Street also voiced her dissatisfaction with the proposed tower placement and asked the Council not to grant permission for the tower placement.

XII. RETAIL TABLE WINE LICENSE – LITTLE CUB GROCERY

President Evans presented an application for a retail table wine license on behalf of Mr. Jimmy Nunn for the Little Cub Grocery located 1632 Broad Street. Chief Tate has review the application and reported that the applicant has no criminal record with the Selma Police Department. The application was placed on first reading and turned over to the Public Safety Committee for a recommendation.

XIII. DRILLS BASKETBALL CAMP

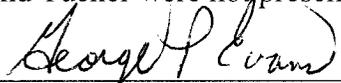
President Evans presented a proposal on behalf of Dr. Geraldine Allen and Dr. John Fain, co-directors of the Selma Raiders AAU Association, who are asking Council members to make a contribution to support the Drills Basketball Camp that will be held on June 9th. The camp is free of charge and open to young boys from 14 to 16 years of age. Council members expressed their desire to help with the camp if funds were available.

There being no further business to come before the Council, on motion made and duly seconded, the Council voted by a unanimous consent to recess into executive session at 8:10 p.m. Councilwoman Crenshaw asked that Council members Durry, Franklin, Sexton and Tucker be excused from the Council Chambers since they are not listed as defendants in the lawsuit.

At 8:35 p.m. the Council meeting reconvened to its regular session.

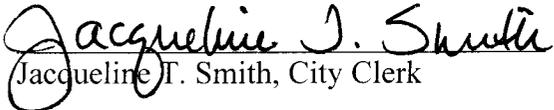
XIV. LEGAL COUNSEL FOR FRIENDS OF FORREST LAWSUIT

Councilwoman Sewell stated after a lengthy discussion, it is the consensus of the Council members present to employ outside legal counsel to assist Attorney Nunn in the defense of the lawsuit filed on behalf of the Friends of Forrest. Councilwoman Sewell made a motion authorizing City Attorney Nunn to seek the employment of outside legal counsel to assist him in the defense of the Friends of Forrest lawsuit. Councilwoman Martin seconded the motion and on roll call vote the motion passed with a majority vote of the Council. There were five affirmative votes. Council members Evans, Sewell, Crenshaw, Randolph and Martin voted in favor of the motion. Council members Durry, Franklin, Sexton and Tucker were not present for the vote.



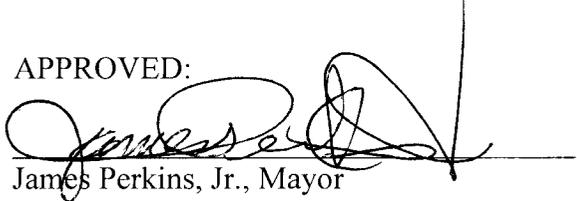
George P. Evans, President

ATTEST:



Jacqueline T. Smith, City Clerk

APPROVED:



James Perkins, Jr., Mayor