

MINUTES OF THE SELMA CITY COUNCIL MEETING HELD ON MONDAY, AUGUST 27, 2001

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, August 27, 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 City Attorney Jimmy Nunn, City Clerk Jackie Smith, and the Mayor's Administrative Assistant Sherri James. Mayor Perkins was absent from the meeting due to his attendance at a Weed & Seed Conference in Philadelphia, PA. The Reverend Coley C. Chestnut 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 Operation Clean-Up Update and Alabama Power Company Energy Service Proposal. There being no other amendments to the agenda, on motion made by Councilwoman Franklin and seconded by Councilwoman Martin, the agenda was approved with the stated amendments.

President Evans asked if there were any additions or corrections to the minutes of the August 13, 2001 Council meeting. There being no additions or corrections to the minutes, on motion made by Councilwoman Sewell and seconded by Councilwoman Franklin, the minutes were approved as recorded.

I. CITY ATTORNEY REPORT

A. Claim of Ms. Kathy Needham – Bridge Tenders House. Attorney Nunn stated he is in receipt of a claim in the amount of \$1,472 filed on behalf of Kathy Needham for water damage done to the floors of the Bridge Tenders House. A report from Tommy Smith, Director of Public Works, indicates the water damage was the result of heavy rainfall and incorrect drainpipe size. President Evans stated this matter was discussed at the work session held on Thursday, August 23rd and it is the consensus of the Council to pay this claim. President Evans further stated the Council would like City officials to research this matter and seek reimbursement from the liable party. A motion was made by Councilman Durry to pay the claim of Kathy Needham in the amount of \$1,472. Councilwoman Martin seconded the motion. On roll call vote the motion passed with a unanimous vote of the Council.

B. Claim of Yeargan Construction. Attorney Nunn stated a letter and a copy of the claim of Yeargan Construction was forwarded to the Selma WaterWorks and Sewer Board and he is awaiting a reply. President Evans suggested the Council defer any action on this matter until an official reply is received. Councilman Sexton who is also a member of the WaterWorks Board stated the Board discussed this matter and does not feel responsible for this claim. Councilman Sexton stated a letter from the Board Attorney would be provided to city officials tomorrow.

C. Claim of Mr. Gene Atkins. Attorney Nunn stated he is in receipt of a claim filed by Mr. Gene Atkins alleging improper actions of the Selma Police Department. Attorney Nunn stated a meeting has been held with Judicial Staff regarding this matter and letters of inquiry sent to both the Selma Police Department and the Judicial Department for an investigation. Attorney Nunn stated he is expecting a response from both departments prior to September 10th after which a full report would be made to the Council.

I. CITY ATTORNEY REPORT

D. Claim of Mr. Walter Blevins. Attorney Nunn provided each Council member with a Factual Statement relative to the claim filed by Mr. Walter Blevins. Attorney Nunn informed the Council that this claim has been ongoing since 1998 and he was able to settle it for \$4,500. Councilwoman Sewell motioned to accept the recommendation of Attorney Nunn and settle the claim of Walter Blevins for payment in the amount \$4,500. Councilwoman Crenshaw seconded the motion. On roll call vote, the motion to pay the claim of Walter Blevins passed with a unanimous vote of the Council.

E. Claim of Mr. Steve South. Attorney Nunn informed the Council that he is in receipt of an official claim filed on behalf of Mr. Steve South. Mr. South is seeking damages in the amount of \$150,000 and alleges the City of Selma erred by selling two different families the same cemetery plots. Attorney Nunn stated he has sought to settle this claim without legal action to no avail. Attorney Nunn further stated a letter of inquiry has been forwarded to Cemetery Sexton Sam Baynes asking for an investigation and a report. Cemetery officials now have computer software in place to prevent such occurrences in the future.

F. Ordinance – Wireless Communication Towers. Attorney Nunn stated he was expecting to receive, by e-mail, a copy of the Wireless Communication Tower Ordinance but city departments were experiencing technical difficulties with the Internet provider and the ordinance was not received for presentation tonight. Attorney Nunn recommended the Council lift the ninety-day (90) moratorium on the placement of towers since an interim application process was adopted at the last Council meeting for those applicants who wish to apply until the ordinance is adopted and published. Councilwoman Franklin made a motion to lift the ninety-day (90) moratorium issued by the Council, on the placement of towers. Councilman Durry seconded the motion and the moratorium on the placement of towers was lifted with a unanimous vote of the Council.

G. Ordinance – Garbage Fee Collection. Attorney Nunn stated city officials have been working on a proposal for the city to handle the collection of garbage fees effective October 1st. Presently the Selma WaterWorks and Sewer Board are doing the collections. Attorney Nunn stated this matter was discussed at the last work session and presented the Garbage Fee Collection Ordinance for adoption. Councilman Sexton stated that there are conflicting reports of uncollected garbage fees being attached as a property tax lien and after talking with Alabama League of Municipalities attorneys he learned this procedure would be illegal. Attorney Nunn stated delinquent fees cannot be applied as a tax and referred Council to Section XIII that deals with delinquent garbage fees. Section XIII states if garbage fees are ninety-days delinquent, then the Director of General Services or a designee assigned by the City of Selma is authorized and empowered to sign an affidavit for the issuance of a warrant against owner for violation of this ordinance.

Several Council members stated they would like to defer action on this ordinance to allow time for review and other amendments that may be necessary. Councilwoman Sewell motioned to place the Garbage Fee Collection Ordinance on first reading to allow for further discussion. Councilman Tucker seconded the motion and it passed with a unanimous vote of the Council.

II. SEMI-ANNUAL BEAUTIFICATION AWARDS

Mrs. Hazel Salter, Chairperson of Citizens Against Litter, addressed the Council to present the semi-annual beautification awards to homes, businesses and schools selected from each ward. Each winner was presented a certificate and a yard sign. Mrs. Salter informed the Council that in the future the schools would be awarded during a school ceremony. Mr. Grant Porter came forward to present the Spring Beautification Awards. After the award ceremony, President Evans encouraged citizens to continue the clean-up efforts each day. President Evans stated that the Council would begin looking for ways to combat the litter problem. Councilwoman Franklin stated she would contact the State P.A.L.S. organization to request educational materials and presentations be made available to all area schools. The following is a list of the Spring Beautification Awards.

II. SEMI-ANNUAL BEAUTIFICATION AWARDS

Ms. Mary Bruner – Ward 1	Burger King – Ward 1
Ms. Hettie Williams – Ward 2	Best Western Inn – Ward 2
Mr. & Mrs. Richard Armstrong – Ward 3	Mr. & Mrs. Melvin Miller – Ward 4
Ms. Zelma White – Ward 5	Days Inn – Ward 5
Mr. John Reese – Ward 6	Northern Hgths Presby. Church – Ward 6
Mr. & Mrs. Andy Harris – Ward 7	Tabernacle of Praise Church – Ward 8
Ms. Marie Kemp – Ward 8	

III. ORDINANCE – HEAVY LOADED TRUCKS

Attorney Nunn stated the Heavy Loaded Trucks Ordinance is still in the draft stage and asked that this matter be deferred until a later date.

IV. RAILROAD CROSSING REPAIRS

Councilman Sexton stated he has been in contact with Mr. Ron Owens of Norfolk Southern Railroad who has provided CSX officials with a list of the six worst crossings. Councilman Sexton suggested information on the railroad crossings be provided to the Selma Times Journal in hopes that media hype would expedite action on this matter.

V. ALATAX SALES TAX COLLECTIONS

Finance Director Bob Sanders provided Council with a letter of recommendation as it relates to the collection of sales tax. Mr. Sanders stated he met with officials of ALATAX and Local Government Revenue and both offers no additional benefit to the City of Selma. Mr. Sanders stated that after conferring with the City Treasurer it is his recommendation that the City continue its contract with the Alabama Department of Revenue for sales tax collection. Councilman Sexton stated his discussion with officials of ALATAX indicates the City could save an average of \$5,500 per month through a negotiated fee schedule. President Evans asked that this matter be tabled for further discussion at the next Council work session.

VI. ALABAMA'S PROMISE

Councilwoman Sewell informed the Council that the 2nd Annual Summit of Alabama Promise 2001 would be held in Birmingham, Alabama on September 26th. Councilwoman Sewell stated excellent workshops with exceptional speakers would be at this event. Councilwoman Crenshaw made a motion for Council to go on record as supporting this event and encouraged Council attendance at the Summit. Councilwoman Sewell seconded the motion and it passed with a unanimous vote of the Council.

VII. SOUTHERN COMPANY ENERGY SOLUTIONS PROPOSAL

President Evans stated Mr. Billy Atchison of Alabama Power was present at the last work session and made a presentation on behalf of the Southern Company Energy Solutions. The City of Selma Energy Services Proposal includes a proposal on savings in lighting changes in public buildings and other public facilities that over a period of time will save the City more than it costs to replace the lighting. President Evans stated the worst-case scenario is a cost of \$100,000 to the City of Selma if the Southern Company performs an audit and develops a plan and the City not accepts it. Council members Sewell and Tucker stated they support the concept but budget concerns would prevent them from giving approval at this time. Councilwoman Franklin motioned that the City of Selma and Southern Company Energy Solutions enter into an agreement to serve as Energy Consultants to implement new energy measures to save the City of Selma monies in lighting. Councilwoman Martin seconded the motion. 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 Sewell and Tucker cast the negative votes stating financial reasons.

VIII. STANDING COMMITTEE REPORTS

RECREATION COMMITTEE REPORT

There was no report from the Recreation Committee.

ADMINISTRATIVE COMMITTEE REPORT

Councilwoman Crenshaw asked Personnel Director Valeria Jones to research the make-up of City appointed boards and to also provide suggestions for employee incentives.

PUBLIC SAFETY COMMITTEE REPORT

There was no report from the Public Safety Committee.

COMMUNITY DEVELOPMENT COMMITTEE REPORT

The Community Development Committee Report was informational only.

PUBLIC WORKS/GENERAL SERVICES COMMITTEE REPORT

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

IX. MRS BARBARA BROWN

Mrs. Barbara Brown stated after meeting with the Council several months ago, she has contacted several colleges and universities seeking assistance with solving the murder of her son Brandon Brown some eight years ago. Mrs. Brown informed the Council that she has received a confirmation from Dr. Lou Harris at Faulkner University who is willing to work with the Selma Police Department on the Brandon Brown murder case. Dr. Harris requested an investigator that has never worked on this case be assigned to assist Faulkner University. Mrs. Brown distributed copies of Dr. Harris vita and stated the work would be a class project at no costs to the City of Selma. Councilwoman Crenshaw motioned that the Council fully supports the endeavor of Faulkner University working with the Selma Police Department to assist with the Brandon Brown murder case. Councilwoman Sewell seconded the motion and it passed with a unanimous vote of the Council.

X. MR. BOBBY MISSLEDINE – HEAD INJURY FOUNDATION

Mr. Bobby Missledine stated he was present to address Council on behalf of the Alabama Head Injury Foundation to seek support of the Annual Walk-A-Thon scheduled for Saturday, September 29, 2001. Mr. Missledine stated funds raised from this event are used to assist head and spine injury victims with medical expenses and the purchase of medical equipment. Mr. Missledine stated last year the Council provided financial support and asked for the same financial support this year. Councilwoman Sewell stated most Council members had exhausted their discretionary funds and pledged financial assistance in the new fiscal year beginning October 1st. Councilman Sexton motioned that the Council grant permission to the Alabama Head Injury Foundation to host its Annual Walk-A-Thon on September 29th. Councilwoman Franklin seconded the motion and it passed with a unanimous vote of the Council.

XI. OTHER REPORTS AND ANNOUNCEMENTS

A. Labor Day Holiday. Councilman Tucker reminded the Council of city department being granted the Labor Day Holiday on Monday, September 3, 2001.

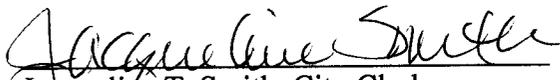
B. Selma WaterWorks. Councilman Randolph stated he has been approached by a group of citizens citing unfair hiring and promotion practices at the Selma WaterWorks and Sewer Board. Councilman Randolph stated it is his understanding that a former employee is scheduled to be rehired in a supervisor position without considering promoting employees from the present workforce. Council members Crenshaw and Sewell recommended the Council/Board members look into this matter and make a full report to the Council.

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.



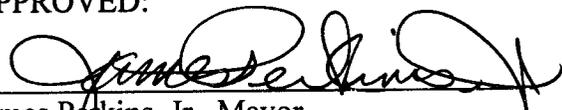
George P. Evans, President

ATTEST:



Jacqueline T. Smith, City Clerk

APPROVED:



James Perkins, Jr., Mayor

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**RESOLUTION ADOPTING AN INTERIM APPLICATION PROCESS
FOR WIRELESS TELECOMMUNICATIONS FACILITIES**

WHEREAS, by the enactment of the Telecommunications Act of 1996, there is anticipated substantial growth in the erection of wireless telecommunications facilities; and

WHEREAS, there has been discussion concerning the construction of such facilities within the City of Selma; and

WHEREAS, there are significant shortcomings with respect to the City's current regulatory mechanism regarding wireless facilities; and

WHEREAS, the City of Selma wishes to implement, revise or replace an ordinance to more effectively protect the health, safety and welfare of the community, and to remove or change certain sections pursuant to recent case law to assure the orderly development of wireless technology in the community including, but not limited to, the development of procedures governing the filing of an application, for reviewing and analyzing an application, and for granting a permit to construct and use wireless telecommunications facilities or other tall structures for the purpose of providing wireless communications services; and

WHEREAS, a reasonable time for the City of Selma to complete its aforementioned review, and for the City of Selma to enact any required legislation resulting therefrom is deemed to be ninety (90) days from the date such local law enacting said Interim Application Process is adopted; and

WHEREAS, the City of Selma has no pending applications for wireless telecommunications facilities; and

WHEREAS, this Interim Application Process is not meant to be prohibitive or exclusionary in nature, during the pendency of the adoption of the new regulations, applications for a building permit, special use permit or site plan approval, or use variance or other necessary City approval for a monopole, lattice tower or other telecommunications antennae installations including, but not limited to, cellular antennae installations, shall be accepted and processed by the City. However, in accepting an application during the period of this Interim Application Process any application must be accompanied by payment of Seven Thousand Five Hundred Dollars (\$7,500.00) for consulting costs to assist the City of Selma in evaluating the application, and further, if a permit is issued it will be issued pursuant to any changes in the Selma City Code and that any unexpended balance of the deposit shall promptly be returned at the conclusion of the application process.

BE IT ENACTED by the City of Selma as follows:

Section I. A three (3) month Interim Application Process, effective upon the date of adoption of this local ordinance:

There is hereby enacted a one hundred twenty (120) day Interim Application Process for the issuance of permits by the City of Selma on applications for the construction of wireless

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telecommunications facilities and related facilities.

Section II. This local law shall take effective immediately upon passage.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELMA, ALABAMA, on this the ____ day of _____, A.D., 2001.

George P. Evans, City Council President

ATTEST:

Jacqueline T. Smith, City Clerk

APPROVED:

James Perkins, Jr., Mayor