

**MINUTES OF THE SELMA CITY COUNCIL
OCTOBER 10, 2005
5:00 P.M.**

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, October 10, 2005 at 5:00 p.m. with the following members present: Council President George Evans and Council members Cecil Williamson, Reid Cain, Jean T. Martin, Dr. Geraldine Allen, Samuel L. Randolph, Johnnie M. Leashore, Bennie R. Crenshaw and Jannie M. Venter. Others present were Mayor James Perkins, Jr., City Clerk Lois Williams, City Attorney Jimmy Nunn, City Treasurer Cynthia Mitchell and the Mayor's Administrative Assistant Sherri James. Reverend George Sedberry gave the invocation.

RECOGNITION - SELMA/DALLAS COUNTY YOUTH LEADERSHIP CLASS

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 stated he would like to add the ordinance as it relates to trucks driving through the city. Councilwoman Allen stated she would like to add Recreation renovations to the agenda. President Evans stated along with Councilwoman Allen they would like to add the questions regarding the budget as it relates to the last item requesting how many persons hired, retired, resigned or terminated during the last fiscal year to the agenda. Councilman Randolph stated he would like to add dog barking and vicious dogs to the agenda. President Evans also stated an executive session would be added as the last item on the agenda to discuss pending litigation. A motion was made by Councilwoman Martin and seconded by Councilwoman Venter to approve the agenda as amended. **The motion carried with a unanimous vote (show of hands) of the Council.**

After approval of the agenda, President Evans asked for a motion to approve the minutes of September 26, 2005 regular meeting. During discussion, a motion was made by Councilman Cain seconded by Councilman Williamson to table the approval of the minutes of September 26, 2005 until the next Council meeting. **The motion carried with a majority vote (show of hands) of the Council. There were seven affirmative votes and two negative votes. Councilman Leashore and Councilwoman Crenshaw cast negative votes.**

I. MAYOR'S REPORT

A. Elevator Maintenance Agreement. Mayor Perkins stated the Council has been given a copy of a contract for the continuation of the existing agreement for elevator maintenance for the Good Samaritan Hospital. Mayor Perkins stated this maintenance agreement is in the amount of \$250.00 per month. Mayor Perkins stated he would like to ask the Council to prepare to vote on this item at the next Council meeting.

B. Resolution #R101-05/06 - Americorp Digital Divide Grant. Mayor Perkins stated the Council has a copy of a resolution requesting matching funds for the Americorp grant. Mayor Perkins stated the total cost of the project is \$390,108.42 and the maximum grant amount is \$245,126.00; the City of Selma pledges to provide approximately 33% match - cash approximately \$85,000.00 and in-kind match in the amount of approximately \$59,982.00. Mayor Perkins further stated the city hereby authorizes the filing of said application, including all understandings and assurances contained therein, and does hereby authorize and direct Mayor James Perkins, Jr. as the official representative of the applicant to act in connection with the application and to provide such information as may be required. A motion was made by Councilwoman Crenshaw and seconded by Councilman Randolph to approve the said resolution. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

C. Announcement - Ward 3 and Ward 7 Community Meeting. Mayor Perkins stated he would like to announce that residents of Ward 3 and Ward 7 are invited to attend a community meeting to be held on Tuesday, October 11, 2005 at 6:00 p.m. at the Performing Arts Center. Mayor Perkins stated the purpose of this meeting is to identify the needs in these wards for a Weed & Seed grant application.

D. One Stop Service Center Appropriation. Mayor Perkins stated at the last meeting the Council approved an appropriation for the opening of the disaster recovery center. Mayor Perkins stated Mrs. Bridget Mills has done a great job with getting this project going, FEMA is present at the site, which will be open through Saturday, October 15, 2005 from 8:00 a.m. to 6:00 p.m., located at the Wilson Building on Franklin Street. Mayor Perkins stated after FEMA leaves, the site will continue to be maintained and provide support until it is no longer needed.

I. MAYOR'S REPORT

E. Good Samaritan Hospital Update. Mayor Perkins stated as previously submitted, the Good Samaritan update report is included with the material that has been distributed to the Council.

F. Proclamation - Disability Awareness Month. Mayor Perkins stated a proclamation has been prepared for disability awareness month. Mayor Perkins read as per the proclamation, to the Council.

II. CITY ATTORNEY'S REPORT

A. Contract for Services - Web Design/Maintenance. Attorney Nunn stated the Council has a copy of a contract for services between Mr. Clarence Lindsey and the City of Selma. Attorney Nunn stated this contract was presented to the Council six months ago to develop and create a website for the City of Selma with a maintenance agreement attached in the amount of \$150.00 per month. Attorney Nunn stated he asks the Council at this time to renew this contract on a month to month basis for maintenance only in the amount of \$150.00 per month. A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the said contract. **A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight affirmative votes and one negative vote. Councilman Williamson cast a negative vote.**

B. Notice of Public Hearing. Attorney Nunn stated during the last meeting the Council was given copies of a ten-step procedure as it relates to vacation of streets or alleys by abutting landowners. Attorney Nunn stated under the new law as of July 1, 2004, the City of Selma has been presented a petition for consent to vacate a portion of a City alley. Attorney Nunn stated this alley is located near Minter and L. L. Anderson. Attorney Nunn stated according to the new steps, a public hearing legal notice will be published in the newspaper for times beginning Sunday, October 16, 2005 through the next four Sundays. Attorney Nunn stated the date for the public hearing is scheduled for November 14, 2005 at 5:00 p.m. A motion was made by Councilman Cain and seconded by Councilwoman Martin to approve the notice publication and public hearing scheduled. **The motion carried with a majority vote of the Council. There were eight affirmative and one abstention. Councilman Leashore abstained from voting.**

C. Honda Lock (HL-A CO, INC) - Smoking Ordinance. Attorney Nunn stated Mr. Rodger Fisher has written a letter as it relates to the smoking ordinance. Attorney Nunn stated on page six of the smoking ordinance, section (i), as he read to the Council, Mr. Fisher is requesting that the City Council revisit this issue and permit employers such as HL-A to have smoking rooms and allow for smoking in private offices. Mr. Fisher addressed the Council with this concern. Following discussion, President Evans stated he would like to refer this issue to the administrative committee to review and bring a decision back to the Council at the next meeting.

D. Sunshine Law - Open Meeting Law. Attorney Nunn stated this information was presented to the Council about four to five months ago and there are some changes. During discussion, Attorney Nunn stated the changes he wishes to make the Council aware of includes § 41-27-3, § 41-27-5, § 41-27-6, § 41-27-7, and § 41-27-9. Copies were distributed to the Council. President Evans stated this overview was very thorough given by Attorney Nunn and these changes have been effective as of October 1, 2005.

E. Ethics Commission Request. Attorney Nunn stated he received a letter from the Ethics Commission stating "anytime there is a question posed to us by the City of Selma, or one of its officials, we would request that it be in writing, as to avoid any future misunderstandings. In addition, the question must relate to a situation that has not occurred. We will not render an opinion either formally or informally after-the-fact." During discussion, Councilwoman Crenshaw stated she would like to make her statement a matter record that Councilman Cain stated he spoke with the Ethics Commission and in his statement in the newspaper, he stated that the Ethics Commission told him that self pay meant no public funds and at no point, she understands, Councilman Cain is saying now that the Ethics Commission did not tell him that this issue was unethical in light of the vote of the Council for members to pay for their trip. Councilwoman Crenshaw stated if there is any untruth to this statement, it needed to be cleared up now. Councilman Cain stated, for the record, he spoke to the Alabama League of Municipalities, the Attorney General's Office and the Alabama Ethics Commission.

II. CITY ATTORNEY'S REPORT

F. **Feasibility Study - Curfew Ordinance.** Attorney Nunn stated on June 27, 2005, the Council requested him to review the feasibility of a curfew ordinance as it relates to whether this ordinance can be enforced for the City of Selma. Attorney Nunn stated they are closed to completing the review of this issue and will hopefully have information to present to the Council at the next Council meeting. During discussion, President Evans stated the Council asks that the Citizens Advisory Committee become active again to address this issue. Councilman Leashore stated he would like to make it clear that he is not casting any disparity on the police force because he feels they are some of the finest policemen in the state of Alabama.

G. **Monthly Financial Reports.** Attorney Nunn stated at the end of the meeting tonight the City Treasurer, Ms. Cynthia Mitchell will be distributing the preliminary financial reports for September.

H. **St. James Hotel Update.** Attorney Nunn stated he has placed two calls to Mr. Striplin this week and as soon as he receives a response from him he will update the Council.

BUSINESS ITEMS:

III. NOISE ORDINANCE

President Evans stated the Council generally receives a report from Chief Martin concerning the noise and asked if there is a report tonight. Councilman Randolph stated it has been brought to his attention on a number of occasions regarding the barking dogs. Councilman Randolph stated a citizen in his ward informed him that when they called the police dispatch they were treated rudely, however, the Council passed an ordinance concerning vicious dogs and the area of concern has several pit bull dogs that are not leashed because the fence is broken. Councilman Randolph stated something would need to be done about this situation. Councilwoman Venter and Councilwoman Allen both concurred that the police dispatch has been very rude to citizens when calls are made regarding noise. President Evans stated the Council would definitely look into this issue. Following discussion, President Evans stated he has just received a report from the Chief of Police, Jimmy Martin, who could not be here tonight.

IV. CRESENT HILL UPDATE

President Evans stated this item would be continued. Councilman Williamson asked if the Council could receive the total cost to date for this project. President Evans stated a request would be made to Mayor Perkins to ask Mr. Painter to give the Council an update on this issue at the next Council meeting.

V. REPORT OF COLLECTION OF OUTSTANDING GARBAGE FEES

President Evans stated this item would be continued.

VI. REPORT OF COLLECTION OF OUTSTANDING TRAFFIC CITATIONS

President Evans stated this item would be continued.

VII. CLARITY OF CITY OWNED PROPERTY

President Evans stated this item would be continued.

VIII. DISASTER PLAN COMMITTEE REPORT

President Evans stated this was a good meeting and at this point he is waiting to receive the minutes from the young lady who recorded for them. President Evans stated he met with Mayor Perkins to discuss this meeting and upon receiving the minutes he will meet with him again on behalf of the Council to decide which direction he would like to go with this project, in terms of a disaster plan for our citizens.

BUSINESS ITEMS:

IX. COUNCIL COMMITTEE APPOINTMENTS

President Evans stated he has given copies of a memo dated October 6, 2005, to each Council member concerning the committee appointments. President Evans stated all Council members basically requested to serve as they are already assigned and he saw no reason to make any changes. President Evans stated he did make a recommendation that the committees serve as is for another year and these guidelines will be in place to hopefully resolve some of the differences that have occurred. President Evans read the memo in its entirety. During discussion, upon the request of some Council members, the changes were made for the appointments of the following committees: **Recreation Committee** - Chairperson, Samuel Randolph, Members, Jannie Venter, Geraldine Allen and George Evans, Ex-officio; **Administrative Committee** - Chairperson, Geraldine Allen, Members, Jean Martin, Cecil Williamson, Johnnie Leashore and George Evans, Ex-officio; **Community Development** - Chairperson, Jean Martin, Members, Reid Cain, Bennie Crenshaw, Jannie Venter and George Evans, Ex-officio; **Public Works/General Services Committee** - Chairperson, Johnnie Leashore, Members, Jannie Venter, Samuel Randolph, Cecil Williamson and George Evans, Ex-officio. A motion was made by Councilman Randolph and seconded by Councilwoman Martin that the procedures outlined will be the procedure that all committees will function by for the purpose of taking care of business items. The motion carried with a unanimous vote of the Council.

X. CITY PAY PLAN

President Evans stated the city pay plan was one of the items of the budget that the Council had some concerns about. President Evans stated the Council would like to have a copy of the plan when it is available. Councilman Williamson stated it was said that this plan would be presented to the Council for approval prior to becoming effective.

XI. BUDGET AMENDMENTS DISCUSSION

A. Council Travel. President Evans stated lots of discussion regarding travel has taken place by the Council. President Evans stated this is an item that was increased \$10,000.00 in the budget and some Council members requested to amend the budget to reflect the vote of the Council members who wanted this increase. During discussion, a motion was made by Councilman Williamson and seconded by Councilman Cain that the Council travel budget remains at \$40,000.00 for this fiscal year. Councilman Cain stated that he would like to clarify for the public's knowledge and interests, that the Council, during the years 2003 and 2004, as well as 2005, did not spend over \$40,000.00 for their travel. A motion was made by Councilman Randolph and seconded by Councilman Leashore to amend the Council travel to \$45,000.00 and eliminate the sharing policy from the travel budget, however, after a brief discussion, Councilman Randolph and Councilman Leashore withdrew the portion of their motions to vote on the elimination of the sharing policy at this time. **A roll call vote was taken and the amended motion failed for lack of a majority vote. There was one affirmative and eight negative votes. All members with the exception of Councilman Randolph cast negative votes.** President Evans stated the Council would now vote on the original motion made by Councilman Williamson for the travel budget to remain at \$40,000.00. **A roll call vote was taken and the original motion also failed for lack of a majority vote. There were four affirmative votes and five negative votes. Council members Jean Martin, Samuel Randolph, Johnnie Leashore, Bennie Crenshaw and Jannie Venter all cast negative votes.** President Evans stated the travel budget for the Council would be \$50,000.00 and the question now is whether it will be divided between each Council member. A motion was made by Councilwoman Martin and seconded by Councilman Leashore to eliminate the division of the Council travel budget, thereby repealing the decision made by the administrative committee. **A roll call vote was taken and the motion passed with a majority vote of the Council. There were five affirmative votes and four negative votes. President Evans and Council members Cecil Williamson, Reid Cain and Geraldine Allen all cast negative votes.** President Evans stated the Council now has the authority to attend meetings and there is no division of funds at this point.

B. Council Discretionary Funds. President Evans stated discretionary funds are currently \$150,000.00 giving each Council member \$15,000.00 for community use. A motion was made by Councilman Williamson and seconded by Councilman Cain for the discretionary funds to be reduced to \$100,000.00 for this fiscal year. **A roll call vote was taken and the motion failed for lack of a majority vote. There were two affirmative votes and seven negative votes. President Evans and Council members Jean Martin, Geraldine Allen, Samuel Randolph, Johnnie Leashore**

BUSINESS ITEMS:

and Jannie Venter all cast negative votes. President Evans stated the discretionary funds would remain at \$150,000.00.

C. Animal Shelter. President Evans stated the Council would like to know who is being paid from the animal shelter budget and where are the funds listed in the budget.

D. Re-engineering Strategies. President Evans stated Mayor Perkins would be asked to address this item at a later date.

E. Hired, Terminated, Retired and Resigned Employees. President Evans stated the Council would like to know how many employees have been hired, terminated, retired or resigned during the last fiscal year (2004-2005). During discussion, a motion was made by Councilman Williamson and seconded by Councilman Cain to have the Council who choose to have this information to sign a request form to receive this information. **The motion carried with a majority of the Council. There were eight affirmative votes and one abstention. Councilman Leashore abstained from voting.**

XII. YOUTH IN GOVERNMENT

Councilwoman Crenshaw stated a letter was mailed to each Council member concerning the selection of names for Youth In Government. Councilwoman Crenshaw stated she really needs this information back as soon as possible for the first meeting in November.

XIII. COUNCIL OFFICE FAX MACHINE

President Evans stated the fax machine in the Council office is broken and currently the Council does not have a fax machine. President Evans stated a quote has been given for \$895.00 to purchase with a one-year warranty or for \$1,195.00 with a three-year warranty, from Ray Davis & Company. President Evans stated a line item would need to be amended to use for this purchase. During discussion, a motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to appropriate \$3,000.00 for the purchase of a fax machine, computer, printer and advertisement fees to be approved accordingly by the administrative offices. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

XIV. ENVIRONMENTAL COURT

Councilman Williamson stated an environmental court has been discussed, however, he does think that a plan was ever developed. Councilman Williamson asked what would need to be done to establish an environmental court if this is the will of the Council and who will be in charge of making sure that it is done. President Evans stated he would refer this item to the Public Safety Committee and ask them to give a report on this issue.

XV. CEMETERY WALL REPAIRS

Councilman Williamson asked if there is a timetable for the repair of the cemetery wall, it seems as though it is taking a little longer this time. During discussion, President Evans stated Attorney Nunn has indicated the individual who is responsible for the damage, insurance has agreed to pay for the repairs and this work is in progress. President Evans stated he would ask the Mayor what the time line is for these repairs.

XVI. SPECIAL PROJECTS SPENDING GUIDELINES

Councilman Williamson stated at the last meeting the Council voted to give \$2,500.00 for Math and Science Day and previously the Council voted to give \$3,100.00 to Old Depot from the Special Projects fund and he was concerned whether there are any guidelines for the spending of these funds and is there a notification process. President Evans stated there are no guidelines, but if someone wants to spend from this line item, if possible please give the Council notice prior to voting at the meeting.

XVII. COUNCIL SECRETARY SALARY

Councilman Williamson stated the Council agreed by majority consent to give the Council secretary a raise, but in the budget there is no raise. Councilman Williamson stated there is money for overtime, but there is no raise and there was some confusion about that and he feels clarification is needed. During discussion, Councilman Leashore asked if the city pay plan would negate the plan for a raise for the secretary. Councilman Williamson stated if the secretary would

BUSINESS ITEMS:

be included in the pay plan it needs to be made clear and a record of the overtime needs to be maintained because of the Fair Labor Standards Act. President Evans stated the recommendation was given to the administrative office based on the Council vote to give the secretary a 3% increase, at this time, that did not happen and as a result of that overtime is a concern. All Council members concurred that they feel Ms. Johnson is a hard working and dedicated employee and deserves a raise. President Evans stated the salary increase for Ms. Johnson would be deferred at this time until the Council can review the city pay plan to see where she falls as it relates to a raise. President Evans stated once that information is obtained the Council may want to amend the pay plan to give her a raise or to do whatever is necessary. President Evans concluded that Ms. Jones would be asked to give the Council a status on the timeline for the city pay plan at the next Council meeting.

XVIII. ORDINANCE - TRUCKS AROUND THE CITY

President Evans stated some of the Council has already been approached by individuals driving trucks concerning the fact that they have to drive around the city in terms of gas being high and wanting to ask the Council to consider some modifications or alternative routes. Councilman Leashore stated he would respectfully request that this Council would not entertain any modifications because our infrastructures in this city are already in bad enough shape and 18-wheelers roaming around in the community will only make it worse. During discussion, President Evans stated if the issue is brought to a Council member that should ask that individual to request to be placed on the agenda.

XIX. RECREATION CONSTRUCTIONS

Councilwoman Allen stated she received an email from the Cedar Park School principal with a complaint as it relates to our newly renovated park next to the school. Councilwoman Allen stated this email contained information that there are adults that have taken over the courts and the children are having a problem getting to play basketball and they are concerned about this problem. Councilwoman Allen stated the second concern in this email is that the adults are using lots of obscene language; third, they are leaving trash and other obscene items on the school ground; and last, they are starting to come inside the school during after school program to hydrate themselves. Councilwoman Allen stated this was working very well at first, but the request of the school at this time is if a list of rules can be placed at the area, especially noting who should be allowed to play, etc, and possible supervision and timeframe for other individuals. During discussion, President Evans stated he would refer this situation to the Recreation committee and Dr. Allen to meet with Mayor Perkins to address this issue.

CITIZEN REQUEST

Mr. Derrick Stevenson
Re: Beloved Apostolic Church of God

STANDING COMMITTEE REPORTS

RECREATION COMMITTEE - Councilman Samuel Randolph, Chairperson

Councilman Randolph stated he would like to meet with the committee next Monday, will discuss time later.

ADMINISTRATIVE COMMITTEE - Councilwoman Dr. Geraldine Allen, Chairperson

There is no report for the Administrative Committee.

PUBLIC SAFETY COMMITTEE - Councilman Reid Cain, Chairperson

Councilman Cain stated the committee would meet on Wednesday, October 19, 2005 at 4:30 p. m.

COMMUNITY DEVELOPMENT COMMITTEE - Councilwoman Jean Martin, Chairperson

Councilwoman Martin stated the Historic Preservation would be visiting Selma next week.

STANDING COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE - Councilman Leashore, Chairperson

There is no report for the Public Works Committee.

DISCRETIONARY FUNDS COMMITTEE - Councilwoman Crenshaw, Chairperson

There is no report for the Discretionary Funds Committee.

EXECUTIVE SESSION

President Evans requested a motion to recess into executive session, and state the reason and length of time needed. A motion was made by Councilwoman Martin and seconded by Councilwoman Allen to recess this meeting into executive session to discuss matters of pending litigation at 8:21 p.m. for a period of approximately twenty minutes. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

Following executive session, a motion was made by Councilwoman Venter and seconded by Councilwoman Martin to reconvene the meeting into regular session at 9:25 p.m. The motion carried with a unanimous vote of the Council.

President Evans stated the meeting has been reconvened following executive session dealing with pending litigations, and now the Council is asked to approve the payment of \$6,990.75 to A.M.I.C for attorney fees. A motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to approve attorney fees to the Alabama Municipal Insurance Corporation in the amount of \$6,990.75. A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight affirmative votes and one negative vote. Councilman Williamson cast a negative vote.

President Evans stated the Council is also asked to approve the payment of \$2,143.54 for attorney fees associated with a lawsuit City of Selma vs. Dallas County. A motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to approve attorney fees in the amount of \$2,143.54. A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight affirmative votes and one negative vote. Councilman Williamson cast a negative vote.

ADJOURNMENT

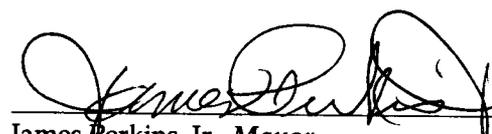
There being no further business to come before the Council, on motion made by Councilwoman Martin and seconded by Councilwoman Allen, the Council voted by unanimous consent to adjourn this meeting at 9:29 p.m.


George P. Evans, *President*

ATTEST:

APPROVED:


Lois Williams, *City Clerk*


James Perkins, Jr., *Mayor*