

MINUTES OF THE SELMA CITY COUNCIL
FEBRUARY 26, 2007
5:00 P.M.

Call to Order

Invocation: Reverend Thomas Gray
Pastor, Reformed Presbyterian Baptist Church

Pledge of Allegiance

Roll Call

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, February 26, 2007 at 5:00 p.m. with the following members present during roll call: Council President George Evans and Council members Cecil Williamson, Reid Cain, Jean T. Martin, Samuel Randolph, Johnnie M. Leashore, Bennie R. Crenshaw and Jannie M. Venter. Others present were Mayor James Perkins, Jr., City Clerk Lois Williams, Assistant City Clerk Ivy S. Harrison, City Attorney Jimmy Nunn, City Treasurer Cynthia Mitchell, and the Mayor's Executive Assistant Darlene Rudolph. Councilwoman Allen was absent due to hospitalization.

President Evans stated, at this time, just prior to the approval of the agenda he wanted to read a letter which comes from Mrs. Mallieve Breeding and the Beautification Committee for the benefit of everyone who is here now that concerns tree planting in our City. President Evans further stated there will be an "Arbor Day" planting of a laurel oak tree on the campus of Selma High School at 10:30 a.m., tomorrow morning. President Evans stated the site will be to the left front of the auditorium, and the tree planting is a joint project of Evelyn Cox, Selma One, James Perkins, Sr., National Travelers, Bob Myers, Selma High Beautification Committee, Gregory Ware, Selma Communications, Selma Community Pride, Dr. James Carter, Principal R. Wilson, and several Council persons. President Evans also stated the tree planting is being done for the purpose of and in Memory of Dr. Martin Luther King, Jr.'s Birthday. President Evans invites everyone to be at Selma High School tomorrow morning in participation of this project.

APPROVAL OF AGENDA:

After review and discussion of the agenda items, the following amendments were made:

Additions: None.

Deletions: None.

A motion was then made by Councilwoman Martin and seconded by Councilman Randolph to approve the agenda as written. **The motion passed with a unanimous (show of hands) vote of the Council members present.**

APPROVAL OF MINUTES:

After approval of the agenda, President Evans asked for a motion to approve the minutes of the January 22, 2007 regular meeting. A motion was made by Councilwoman Martin and seconded by Councilwoman Venter to approve the minutes as written. **The motion passed with a unanimous (show of hands) vote of the Council members present.**

After approval of the agenda, President Evans asked for a motion to approve the minutes of the February 12, 2007 regular meeting. A motion was made by Councilman Randolph and seconded by Councilwoman Martin to approve the minutes as written. **The motion passed with a unanimous (show of hands) vote of the Council members present.**

CITIZENS' REQUESTS

Mrs. Carolyn Bates
Re: Private Citizen and Property Owner

Mr. David Hurlbut and Mrs. Ruth Lee
Re: The Vineyard Pub

Reverend Jackki Caldwell-Phillips
Re: American Red Cross

Reverend Winston Williams
Re: Selma Christian Ministry

Mr. Robert Walker

Re: Gateway Baptist Church ("Walk to Calvary" March). A motion was made by Councilwoman Crenshaw, and seconded by Councilwoman Martin, to grant Gateway Baptist Church the request and permit for the "Walk to Calvary" March, on Good Friday, April 6, 2007. Mr. Walker stated the Celebration begins on Thursday, April 5, 2007, and ends on Easter Sunday, April 8, 2007. **The motion passed with a unanimous (show of hands) vote of the Council members present.**

Selma Youth Ambassadors and Selma Youth-In-Government

President Evans stated, at this time, he would like to ask Councilwoman Crenshaw who is the Chairperson, and other Committee members, to acknowledge a Resolution with our young people, as well as, a Proclamation Honoring Ms. Jessica Lolley, a Meadowview Christian Senior, who died in a car accident in Wilcox County, Alabama, on February 19, 2007. Youth Mayor Tammie Rowe introduced herself, along with the other students who participate in this program, which is designed to give young people insight to City Government. Youth Mayor Rowe stated Jessica would have been working in the Mayor's office, along with her, this upcoming Wednesday, but unfortunately she will not be with she and the other Youth-in-Government students there working, but will always be with them in spirit. Youth Mayor Rowe further stated Youth Megan Bush would be replacing Jessica, to work in the Mayor's office, with her on Wednesday. Youth Bush introduced herself, along with all of the other youth participants, and the positions that they will serve in. After the introduction of the Selma Youth-In-Government Leaders, Youth Mayor Rowe read a Proclamation in its entirety, which Honors Ms. Jessica Lolley, and proclaims February 28, 2007, as "Youth-In-Government Day in the City of Selma in Honor of Jessica Lolley". At this time, Mayor James Perkins, Jr. asked everyone to stand. Jessica Lolley's parents and family were in attendance, but they were asked to remain seated. Mayor Perkins read a Resolution in Honor of the Late Jessica Lolley in its entirety, and stated the City of Selma will proclaim February 28, 2007 as "Jessica Lolley Day", in conjunction with celebrating "Youth-in-Government Day". Mayor Perkins further stated in May of 2007, the Selma Youth Ambassadors and Selma Youth-In-Government at their Annual Awards Banquet will award a scholarship in the name of Jessica Lolley for a deserving senior. Mayor Perkins stated even though Jessica is no longer with us, we will cherish the memories of her friendship, leadership and her love for all mankind. Mayor Perkins stated he, along with all members of the Selma City Council, hereby go on record as expressing profound regret and grief, and does convey to her family this evidence of their sympathy in the form of a copy of this Resolution, adopted by unanimous vote of the City Council, on this day, February 26, 2007. Jessica's father, Mr. Bill Lolley, came up to accept the Resolution. Mayor Perkins stated he had on several occasions worked with Jessica, and in each instance he engaged this group and she was present, he always saw the intensity in her eyes. Mayor Perkins further stated she had a profound impact on our community. Mayor Perkins also stated he wanted to commend Jessica's parents for the outstanding job they did in raising their daughter. Jessica's parents were presented with the Navy Blue Blazer that she would have worn next month, in Washington, D.C., for a meeting of the National League of Cities. Mayor Perkins issued a challenge to Jessica Lolley's peers, granting the Youth-In-Government Class a donation of \$1,000.00, to develop and implement a "real-life" City Project, that has to come within that Budget. Mayor Perkins stated to the Youth that they will have to define it, and the Council approves, and their staff will then implement it through the departments of government. Mayor Perkins stated however they choose to handle this, he will be very interested in receiving that information. Mayor Perkins stated to Youth Mayor Rowe that she has her hands "full", stating now all of a sudden money begins to change things, and he is doing this because he wants she and the youth council members to understand and experience managing finances when they are limited. Mayor Perkins further stated this Project must be something that will benefit the City of Selma and its citizens.

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A. Certification - Chief Jimmy Martin. Mayor Perkins stated he would like to ask Chief Jimmy Martin to come forward. Mayor Perkins stated an award has been presented to Chief Jimmy Martin for successfully completing 160 hours in the Alabama Association of Chiefs of Police, University Partnership with the Alabama Continuing Education Program for Certification of Law Enforcement, which was issued on February 22, 2007. Chief Martin was congratulated, and presented the Certificate, along with a Pin.

B. Resolution - R150-06/07 Lease Agreement. Mayor Perkins stated Ms. Mitchell presented to the Council during the Work Session Resolution R150-06/07, and Council should have that Resolution before them, and he asks Council's favorable consideration of said Resolution #R150-06/07. Mayor Perkins further stated this Resolution pertains to the acquisition of equipment for the City, in the amount of \$350,000.00, to purchase City vehicles and heavy duty equipment for the City. During discussion, questions were asked by Councilman Cain and Councilman Williamson, as it relates to the difference of the amount of the cost of the equipment and the amount listed on the resolution, and the terms of the proposal at the fixed rate of 4.55% for the entire 60 months. President Evans stated he thought Mayor Perkins had answered the questions that this is a five year agreement, and that the interest rate is locked in at 4.55% and would not change over that period. Councilman Cain stated he would like the Resolution to be amended to include President Evans being authorized to sign and execute the agreement, along with Mayor Perkins. Mayor Perkins stated to Council, that the Council has the authorization to

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approve the arrangement, and the Mayor has authorization to sign and execute contracts. Councilman Cain stated the Council can approve authorization for the President to sign the contracts with the Mayor. Mayor Perkins stated for the record he takes exception to this. President Evans asked Council's decision on this, with them being in favor of the President signing along with the Mayor, or would they be in favor of letting it go as it has in the past? A motion was made by Councilman Cain, and seconded by Councilman Williamson, to ask that President Evans sign off on the contract, along with Mayor Perkins, for the benefit of the responsibility of the Council. Mayor Perkins stated, prior to the roll call vote, that he remind the Council that if the President signs off on the Resolution, the Resolution is what provides the authorization to execute the contract. Mayor Perkins further stated he thinks this is thrown out to insult the Mayor, and he is on record as having said the same. During roll call, Councilman Cain stated that it was nothing in there in his recommendation that would insult the Mayor or anybody but would allow to officials in this process to sign a lease agreement that the Council has not even seen the contract or the terms, and he wants that to protect the citizens on that respect. The motion failed due to lack of a majority. A motion was then made by Councilman Leashore, and seconded by Councilwoman Crenshaw, to approve Resolution #R150-06/07, for \$350,000.00 for a 60-Month Term at a rate of 4.55%. A roll call vote was taken and the motion passed with a majority vote of the Council members present. There were six ayes and two nay votes. Council Members Cain and Williamson cast a nay vote.

C. **Resolution R151-06/07 Transfer of Funds for Quikscribe Transcriber.** Mayor Perkins stated Ms. Williams presented to the Council during the Work Session Resolution R151-06/07, and there was a question about the account number. Mayor Perkins further stated the account number has been adjusted to reflect in the third paragraph of the resolution, a transfer of funds from City Council line item budget number 1.6002 530-4, Equipment - Non-Fixed Assets, to City Council line item budget 1.6002 129-0, Miscellaneous Expenses, in the amount of \$2,188.00. Mayor Perkins stated the remainder of the resolution remains as it was presented at the work session, and asks Council favorable consideration. President Evans stated he is going to make a statement and would like for the minutes to reflect what he is going to say because he made these same statements on Thursday at the Work Session.

President Evans further stated ... "I am very disappointed in this particular resolution coming to this Council as it is coming because if everyone remembers correctly as of the first of December, or latter part of November, I chose, with the Council's approval, to move forward and try to find another way to record our minutes, and not delay them coming to us. I worked on this project all that time up until the present time; in each meeting you noticed I would bring up something, saying I would like to move forward with "this or that, so on and so forth". I am going to support the resolution but I want the record to reflect where I have a problem because I feel it has not gone as it should have, in my opinion, and we always say, treat people right. Well, I want to let you know I have been mistreated on this, in my opinion, and I want it known for the minutes. As I said before, I took the liberty to try and find an answer to that problem and worked with our Clerk and the Mayor in doing so; I met with the Mayor on one occasion and talked about it, but he had a family emergency to come up that he had to go and deal with, and meeting since that time, I have asked for any assistance from any one who had some ideas on this. At the last Council meeting, you all should remember, I mentioned that I wanted to still move forward with this project, that I wanted to do a dual taping, and that I would go and contact Mr. Derek Montgomery to get some answers to this problem. I think the Mayor indicated to me at that time that the President can not do anything with contracts, and I acknowledged that, and said that I am not asking him to do a contract, but for some ideas on how we can eliminate this problem from the standpoint of moving this technology. If you recall, prior to that time, I had never mentioned his name. I mentioned his name, and all of a sudden after I had mentioned his name, when I did call him he had already been contacted by the Clerk asking the questions about this information. My point is, if I had known my bringing his name up would have interfered with the process in which I have done with this Council's approval, I would have never brought his name up, and gone forward and brought something back such as this. I think it is wrong for anyone to come back with a resolution to this Council pertaining to the way the minutes are kept, when the President of the Council tried to initiate a dialogue in trying to resolve this. It would seem to me that the Clerk and the Mayor would have come to the President, or called the President, and said we have a solution to the idea and we would like for you to introduce to the Council because we know that you have been working on this project for the past 2 or 3 months. But, no it did not happen that way. It comes back with a resolution from the Clerk stipulating that they want to pass this when I talked with Mr. Montgomery about it and he said he would forward a proposal which I would have gotten anyway. It seems so unfair that because George Evans brings it up in November or December, all of a sudden it is taken out of my hands for someone else to get it, and I think it is wrong, but I am going to approve it because I think it is that we need. As I said Thursday, I have

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opposition with it but I will vote for it because it is something we need. But, I just think that it is wrong to circumvent me because of who I am."

Mayor Perkins stated, "this is the way I understand this went down . . . I have not said anything about it publicly, but the first time this transaction was done it is my understanding that Mr. Evans went around me, he went around the Clerk, he went around the Director of the Information Technology Department, and directed an employee of the municipality to do some research on the technology. After the research was done, Mr. Evans then proceeded to tell the Clerk what he was going to do with the recording equipment. He did not ask if it was okay; he did not ask whether it was going to work, he just told her what he was going to do. In fact, in the meeting when the Clerk was asked by Councilman Leashore whether or not this would work, and she proceeded to stand, she was told "this is a Council's decision", and she sat back down. Then afterwards, President Evans proceeded and came and told the Council that it was their decision and that they could vote on it. The Council voted on it and told him to buy it. President Evans told Lois to buy it, and the Mayor still had no knowledge of the details of this transaction. The Clerk and the Mayor have not opposed the purchase of the CD Recorder; the issue was and still is using the CD Recorder, it did not have the related technology that would allow them to transcribe the data after it is recorded; that is the challenge - what he provided is the ability to record but no ability for them to transcribe the information or to key it from the CD in a more efficient way, or an equally efficient way as they were doing it from the tape recorder. As a consequence of that, them trying to use by forcing the CD on them without having all of the components, it made them double and possibly triple the amount of time it took to transcribe the notes from the CD. When Mr. Evans realized that he had made a mistake dictating and going around, and not listening to anybody, not even consulting with me, his interest was in getting the minutes recorded but on the administrative side, we have the responsibility to make certain that the minutes that are recorded are transcribed and reproduced in hard copy; he did not consider the second function; what he did only sufficed the first function, and so we simply went forward. President Evans, via copy of the February 12th minutes, "President Evans stated during the Work Session on Thursday he suggested that the Council has dual taping inasmuch as cassettes are being used for the purpose of recording he would like to have a dual CD that would be placed in the office back here in the event that the Council would need to listen and so forth, and also use the cassettes. President Evans stated this is his suggestion and he would like for the Council to move forward with this suggestion to have dual taping"; still had not dealt with the transcription issue. And so, when the issue came back up what we simply did was tried to come up with an idea to salvage what you had already done and come up with additional technology needed to support it. He said he would make the contact and then he said "or you could make it", but we said it does not matter, we would go ahead and do it. As far as James Perkins is concerned, that is an administrative function - to do the research and bring the findings back to the Council. We did the research, and brought the information back to the Council in the Work Session on Thursday to present to the President and the Council our findings - that is what happened. Mr. Evans said we had gone behind his back and solved a problem that existed. Well, if it was a problem that existed I would have thought that he would have commended Lois for being able to go out and identify a way to salvage what you had already done and then try to identify a way to solve the remaining problem". Mayor Perkins further stated that is the way he understands it took place - no one has any interest in trying to undermine the President. Mayor Perkins stated he asked Lois to call Mr. Montgomery to see if there is anything out there; he did research and came back and gave Lois a quote. Mayor Perkins also stated the equipment that this resolution is calling for would purchase three (3) pieces of software to be loaded onto the system in addition to what is already there, a foot control panel and a headset, and the services to install, and to show us how to operate it. Mayor Perkins stated "now I have said mine, and you have said yours, and I ask Council favorable consideration of Resolution #151-06/07".

President Evans stated to Mayor Perkins . . . the fact is that you all chose to not even allow me to be a part because you had a plan in mind yourself. I told you when I met with you that I was not going to be a part of that, that we need this plan in place. I agree what we purchased we thought would work, it did work; it just would not record the minutes without stopping and going back to the beginning. So, we then said let us try to find the other parts that would go with it; that was the intent. It was not the fact that anyone had messed up; we bought something that did work but when it comes to taping and recording the minutes, it did not work properly and had to have additional information. I said to Ms. Williams and to you what can we do to go forward and find some additional help? At that point they had no additional help. My concern is it was not until I mentioned the name of Derek Montgomery at this last meeting that I was going to go the next step with him, all of a sudden Ms. Williams called him to find out what I was trying to find out for myself. Ultimately, this is a Council's decision and I do not have to get permission from you or the

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Clerk to do that; the Clerk is hired by the Council but she works for the City of Selma and she works for you. But, during this time she records the minutes for the Council and I do not have to go through you to get permission to buy equipment that addresses the Council member if the Council approves it. I would have been glad to meet with you and Ms. Williams when you got this information from Derek so that we could have sat down together and resolved in a way that we would not have to be saying this. Had you all done that, I would have done that; nobody said anything until Thursday that here is a proposal coming from the Clerk. What I have said, I stand by it, I have nothing personal against her, this is business and I approach business just like that. I think people ought to treat everybody like they want to be treated". A motion was made by Councilman Leashore, and seconded by Councilman Randolph, to approve said resolution. **A roll call vote was taken and the motion passed with a majority vote of the Council. There were seven ayes and one nay vote. Councilman Williamson cast a nay vote.**

D. Resolution R149-06/07 - "Preserve America" Community Designation. Mayor Perkins asked Ms. Charlotte Griffeth to come forward to address the Council, and present said Resolutions. Ms. Griffeth presented Resolution #R149-06/07, and read it in its entirety, and asks Council favorable consideration. A motion was made by Councilwoman Martin, and seconded by Councilman Leashore, to approve said Resolution, which is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, and the U.S. Department of Commerce. **A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.**

E. Resolution R152-06/07 - Addison Way - Acquisition of Property - 1300 Cloverdale Road. Ms. Charlotte Griffeth addressed the Council as per said Resolution #R152-06/07, and read it in its entirety, which provides for transfer of the subject property to Addison Way to commit up to \$120,000.00 from the Gasoline Tax Account in Fiscal Year 2007-08, for the purpose of improving, repairing and/or resurfacing the public streets that serve the property currently known as Cloverdale Apartments and to be known as Addison Way. Mayor Perkins asks Council favorable consideration of said Resolution #R152-06/07, in the amount of \$120,000.00. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Leashore, to approve said Resolution. **Following discussion, a roll call vote was taken and the motion passed with a unanimous vote of the Council members present.**

F. Resolution R153-06/07 - Delta Regional Authority Grant - Amending R136-06/07. Ms. Griffeth addressed the Council as per said Resolution #R153-06/07 to implement Phase III of the Water Avenue Plan with emphasis on economic development at 1224 Water Avenue (Lovelady Building) in the amount of \$330,000.00 for the project, the grant is \$300,000.00 and the City of Selma is asked to pledge to provide approximately 10% cash match in the amount of approximately \$30,000.00 to be appropriated in the Fiscal Year 2007/08 Grant Matching Funds line item in the Office of Planning and Development Budget. Mayor Perkins asks Council favorable consideration to approve said resolution. A motion was made by Councilwoman Martin, and seconded by Councilman Leashore, to approve said resolution in the amount of \$30,000.00, which represents an approximate 10% cash match. **A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.**

G. Water Avenue Streetscape Improvements - Supplement Number 1. Ms. Griffeth stated there is a supplement to the Alabama Department of Transportation Agreement on the Streetscape Project. Ms. Griffeth further stated this is an amendment which will substitute the date of January 17, 2011, in lieu of January 15, 2007, and the purpose is to extend the timeframe to one year past the Governor's term in office in an effort to not have to take this back to the Governor's office, if we need an extension on our project. A motion was made by Councilwoman Martin, and seconded by Councilwoman Crenshaw, to approve said amendment, which will be attached to the original resolution. **The motion carried with a unanimous vote (show of hands) of the Council members present.**

H. Audit Update. Mayor Perkins stated it is anticipated to have the final version of the audit completed by the first Council meeting in next month. Mayor Perkins further stated he suspects the audit will be presented during the Work Session, and then the subsequent Council Meeting. Mayor Perkins also stated there will need to be a budget amendment in the amount of \$10,119.00 to cover the additional costs for the audit for this year. Mayor Perkins stated what he has been able to discern from the drafts of the audit so far, the City is in good solid, fiscal condition.

I. Tri-Sickle Cell Association. Mayor Perkins stated the Tri-Sickle Cell Association has made an appropriation request to the Council at the Work Session, and Council had asked for

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some additional documentation specific to the Budget. Mayor Perkins also stated that the information was presented to the Council during Work Session, and he suspects Council will be acting on that issue tonight. Mayor Perkins encourages Council support of the Sickle Cell Association.

J. **Job Fair.** Mayor Perkins stated he wanted to announce to the public that there will be a Job Fair on Wednesday, February 28th, from 4:00 p.m. until 6:00p.m. Dixie Pellets will be hiring for all positions. Mayor Perkins further stated the salary range that is posted for these positions for entry level is between \$12.00 and \$20.00 per hour. Mayor Perkins encourages everyone to come out and participate in this Job Fair, whether you are unemployed or under-employed, this is a great opportunity for citizens.

K. **Alabama League of Municipalities.** Mayor Perkins stated there is a need for the Council to designate alternate voting delegates for the Alabama League of Municipalities meeting on April 21 - 24 in Huntsville. Mayor Perkins asks Council to make a determination of the consensus of the Council now, and he will forward the forms completed and returned back to the League. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Leashore, to approve to appoint President George Evans, as 1st Alternative, and Councilwoman Martin, as 2nd Alternate, at the Delegate meeting in April, in Huntsville, Alabama. **The motion carried with a unanimous vote (show of hands) of the Council members present.**

L. **Environmental Court - Update.** Mayor Perkins stated on the environmental court question, the question of the configuration cost, format, feasibility of an environmental court, etc., all of those issues are being researched by the Municipal Judges, and they will be preparing a report to present to him, and in turn he will present the same to the Council, and will also make the same available for the Beautification Committee.

M. **Youth Town Hall Meetings.** Mayor Perkins stated several years ago he spoke to a group of youth at Ward Chapel A.M.E. Church, and one of the things that came out of that discussion was a question that came up about youth not having sufficient "voice". Mayor Perkins further stated he made the statement then that he wanted to work towards having a town hall meeting dedicated exclusively on youth issues. Mayor Perkins stated he is now ready to move forward with that and announced the City of Selma is hosting a series of Youth Town Hall Meetings, which will start at 5:00 p.m., at the Carl Morgan Convention Center. Mayor Perkins further stated there will be a series of three of these meetings scheduled: (1) April 3rd, Inviting Parents and Students for Grades 5-8; (2) April 10th, Inviting Parents and Youth for Grades 9-12; and (3) April 17th, Inviting Youth and Young Adults, Ages 19-25, up to Age 30. Mayor Perkins stated we are invited those youth at that time to come out and participate in these series of meetings. Mayor Perkins further stated these meetings will give area youth the opportunity to share with the community their thoughts, concerns and needs. Mayor Perkins also stated over the past two years the City of Selma spent over 1.5 million dollars on youth recreation programs, yet our young people are saying they have nothing to do. Mayor Perkins stated either the youth do not know what is available to them, or we are paying for things they do not want. Mayor Perkins further stated taking time to listen to our young people is a very small investment to make, but for the time invested he hopes to gain a better understanding between our youth and their government, and a wiser investment for our youth by their government. Mayor Perkins is asking parents, educators and youth service organizations, and all to come out and be prepared to listen and witness the comments of our young people. Mayor Perkins stated at the conclusion of these meetings, he is hoping that we can come back, perhaps in May or early summer, and do a "wrap up" session, i.e. sharing back with the Youth the content of what they have said to us collectively.

N. **"State of the City" - Message.** Mayor Perkins stated he has decided to do a "State of the City" Message this year and it will be held on March 27th, at 5:00 p.m., at the Carl Morgan Convention Center. Mayor Perkins further stated last year the City did 25.6 million dollars in construction within the City limits. Mayor Perkins further stated this year in the first four months we have already done 15 million dollars. Mayor Perkins stated he would like to encourage the community to come out and hear what is going on in the City, about the finances and state of affairs.

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A. **Resolution #146-06/07 -T-Mobile Wireless Request.** Attorney Nunn stated to Council they should have before them Resolution #146-06/07, and if they recall a public hearing was held on last meeting in which President Evans asked the citizens in the audience whether or

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not they had any objections. Attorney Nunn further stated Mr. Steven M. Kopp, Corporate Director of Quality representing Globe Metallurgical, addressed the City Council as it relates to his concerns about the antennas being placed on top of the tower. Attorney Nunn also stated it was requested by the Council and they agreed to table this matter until some type of clarification could be gotten as to whether or not there would be any problems affecting Globe Metallurgical. Attorney Nunn stated he did receive a letter and a copy was passed out on tonight, as well as, at Thursday's Work Session, as it relates to the proposal. Attorney Nunn further stated the letter states "at this point and time he does not see where there would be any type of cause of risk to the employees of Globe, and they appreciated our concern in terms of their safety, and at this point and time they rescind their objection". Attorney Nunn also stated Ms. Mignon Bowers and Ms. Teresa Tkacik are present, and asks if the Council has any other questions that they would like to address at this time? President Evans stated the letter will suffice; the agreement between T-Mobile and Globe Metallurgical has been resolved to the Council's satisfaction. A motion was made by Councilman Cain, and seconded by Councilwoman Martin, to approve said Resolution #R146-06/07. Attorney Nunn asked that the resolution be amended, if possible, that the letter concerning the objection be attached to the Resolution. **The motion carried with a unanimous vote (show of hands) of the Council members present.**

B. Land Purchase - Located Off of Highway 80, East, in Selmont. Attorney Nunn asked Attorney Alston Keith if he would come forward to address the Council. Attorney Nunn stated to Council if they recall they discussed on Thursday at the Work Session, this small piece of land, a lot that is located off of Highway 80, East, in a flood plain, behind the Old Southern Pipe Building. Attorney Nunn further stated to Council they should have a letter before them that states the lot is 57 x 200 feet, approximately ¼ of an acre. Attorney Nunn stated he also attached the map, which highlights the area. Attorney Keith addressed the Council and stated he did not know the City owned this piece of property until he was examining the title and an abstract of property, near this parcel. Attorney Keith further stated in 1986 this small parcel of land was deeded over to the City of Selma, and it has never been used for City purposes. Attorney Keith also stated he and Attorney Nunn went out and looked at the property a couple of weeks ago. Attorney Keith stated he has a client who is interested in purchasing this property, if the City is willing to sell. Attorney Keith further stated since the property has never been used in trust for a public park, or a public school, or never been used, he asks that the City make a resolution authorizing the Mayor to give a deed for the prospective purpose. The question was asked about the value of the property; Attorney Nunn stated he does not know the dollar amount that this property is worth. Attorney Keith stated his client would be willing to pay \$1,000.00 for the parcel of land. During discussion, a motion was made by Councilman Cain, and seconded by Councilwoman Martin, to table this item, until the Council obtains more information as to the Fair Market Value of this land, via an appraisal. **The motion carried with a unanimous vote (show of hands) of the Council members present.**

C. Resolution - Retirement. Attorney Nunn stated, per the request of the Council, they should have a copy of the retirement resolution. Attorney Nunn stated if Council recalls during the last Council meeting, there was an issue dealing with a weapon, specifically to Mr. Peeples, concerning a weapon; retirement vs. disability, and all of that. Attorney Nunn further stated, along with President Evans, that they talked about the Public Safety Committee reviewing this, and maybe coming back before the Council as it relates to a revision. President Evans asked if it was the consensus of the Council to continue with that, and it was agreed to forward this resolution to the Public Safety Committee for their review and report.

D. Holiday Inn Express. Attorney Nunn stated a request has been made to use a modular building as a "temporary" building for the bank. Attorney Nunn further stated this building is in Georgia now, but it will be transported to Selma via wheels from Georgia. Attorney Nunn stated the question came up about it being transported on wheels, whether or not it would be classified within our mobile homes ordinance. Attorney Nunn stated this is a Council decision but he does not think it would be classified as a mobile home. Councilwoman Martin stated this is a modular home and it is not expected to be a long term "temporary" home for the bank, just long enough to break ground for the actual building for the bank, which is to be called First Cahaba Bank. President Evans stated it is his understanding the "temporary" building will be on a concrete slab. A motion was made by Councilman Cain, and seconded by Councilwoman Martin, to approve this type of structure for that particular location as it relates to the "temporary" building for the bank. **The motion carried with a unanimous vote (show of hands) of the Council members present.**

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E. **O115-06/07 - Livestock Ordinance.** Attorney Nunn stated to Council once again they have the Livestock Ordinance before them. Attorney Nunn further stated if Council recalls when he passed it out before they had said they would not place it on first reading until they had had a chance to review it; therefore, it is not on first reading. Attorney Nunn stated it was brought to his attention that some of the Council members did not have copies of it, so he brought copies for everyone. Attorney Nunn asked Council to review it, and write down their questions to be discussed and answered at the next Work Session, if possible.

F. **Olando Bethel Lawsuit.** Attorney Nunn stated the Olando Bethel lawsuit is the suit that was filed in Federal Court against the City of Selma and Sgt. Weber. Attorney Nunn further stated, for the record, this lawsuit has been Dismissed for Want of Prosecution. Attorney Nunn also stated this lawsuit dealt with the solicitation case, on Highland Avenue.

G. **Sanders, et al. vs. City of Selma, Alabama - Attorney's Fees.** Attorney Nunn stated during the Work Session Attorney's Fees in the Sanders, et al. v. The City of Selma, Alabama lawsuit were presented. Attorney Nunn stated we did receive a bill in the amount of \$3,684.25 that will go to the lawfirm of Nix, Holtsford, Gilliland, Higgins & Hitson, and asks Council favorable consideration. During discussion, it was the consensus of the Council to table this item until a report is brought back to the Council as it relates to the balance in the account.

H. **Selma Water Works & Sewer Board - Appointment of Councilwoman Geraldine Allen.** Attorney Nunn stated to Council that they should have also received a letter from his office as it relates to the Selma Water Works & Sewer Board, Appointment of Councilwoman Geraldine Allen. Attorney Nunn stated technically, according to the Ethics Commission, Councilwoman Allen is okay as far as serving on the Water Board is concerned. (Copy of letter attached.)

I. **Alcoholic Beverage License Application - Fireside Inn.** Attorney Nunn stated to Council if they recall the issue came up as to Fireside Inn. Attorney Nunn further stated the City Clerk's office did go back and review the tape and the conclusion is that it was passed. Attorney Nunn stated what had happened was an amendment to the original motion was made by Councilman Williamson to table it, which went up for a vote but failed for lack of a second, he believes, and then it went back to the original motion, and then the original motion passed with a majority vote.

J. **Alcoholic Beverage License Application - Mutt's Pizza & Wings - 1629 Highland Avenue.** Attorney Nunn stated the Council should have before them Alcoholic Beverage License Application for Mutt's Pizza & Wings, located at 1629 Highland Avenue. Attorney Nunn further stated the sign will be placed at the business this week, and will run in the newspaper on Sunday, and will come back up for approval or denial during the next Council meeting. Attorney Nunn asked for Council consideration to be placed on first reading. A motion was made by Councilman Cain, and seconded by Councilman Leashore, to place said Alcoholic Beverage License Application for Mutt's Pizza & Wings, on 1st reading. The motion carried with a unanimous (show of hands) vote of the Council members present.

K. **Alcoholic Beverage License Application - Ruth Lee and Beth Todd, The Vineyard Pub - 1009 Water Avenue.** Attorney Nunn stated the Council should have before them Alcoholic Beverage License Application for Ruth Lee and Beth Lee, The Vineyard Pub, a future Italian Restaurant, located at 1009 Water Avenue. Attorney Nunn asked for Council consideration to be placed on first reading. A motion was made by Councilman Cain, and seconded by Councilman Randolph, to place said Alcoholic Beverage License Application for The Vineyard Pub, on 1st reading. The motion carried with a unanimous (show of hands) vote of the Council members present.

L. **Annexation.** Attorney Nunn and President Evans announced that there will be a meeting on tomorrow, February 27th, at the Carl Morgan Convention at 7:00 p.m., for the purpose of talking with business men and women as it relates to annexation possibilities of the property located on Highway 80 West. Attorney Nunn stated letters had gone out to all of the business owners in that area, Senator and Representatives for the area, as well. Councilman Leashore stated when this meeting was set they did not know that the Governor would call a Special Session which started today, but he had spoken with Senator Sanders who indicated if they were out in time he would make himself available to attend this meeting.

M. **Elected School Board vs. Appointed School Board.** Attorney Nunn stated to Council, if they recall, they are still researching this matter, and should have something to present before them during next Council meeting.

BUSINESS ITEMS:

I. NEXT COUNCIL MEETING DATE

President Evans stated the next scheduled meeting for a Council meeting will be Monday, March 12th, but they can move it to the next week, which will be March 19th for the Council meeting, since some Council members are planning to go to Washington, D.C., for a meeting of the National League of Cities. During discussion, a motion was made by Councilwoman Crenshaw, and seconded by Councilman Leashore, to schedule the next Council meeting for March 19, 2007 at 5:00 p.m. During discussion, an amended motion was made by Councilman Cain, and seconded by Councilman Williamson, to schedule the first meeting of the month to be on Monday, March 5th, and the second meeting to be on Monday, March 19th. The motion failed for lack of a majority vote. President Evans then asked for a vote on the original motion for the next Council meeting to be set for Monday, March 19th. **The motion passed with a majority (show of hands) vote of the Council members present. There were six ayes and two nay votes. Councilman Cain and Councilman Williamson cast a nay vote.**

II. PROCLAMATION - YOUTH-IN-GOVERNMENT DAY

A motion was made by Councilwoman Crenshaw, and seconded by Councilman Leashore, to adopt the Proclamation celebrating "Youth-In-Government Day" on Wednesday, February 28th, in the City of Selma, Dallas County, Alabama. **The motion carried with a unanimous (show of hands) vote of the Council members present.** Councilwoman Crenshaw asked President Evans and the Council if they would come and meet the children on Wednesday morning at 8:30.

III. DIVERSITY WORKSHOP

President Evans stated this was going to be discussed during the work session on Thursday, but there were only 3 or 4 of them present because of the Y.M.C.A. event. President Evans asked Council what is their position on moving forward with this? Following discussion, a tentative date was scheduled for Saturday, April 14th, for the Diversity Workshop. President Evans asked Council to check their schedules to see if the April 14th will work for everybody, and if it does not they will find a date that will work for the ones who are willing to attend.

IV. SICKLE CELL FUND

President Evans stated during the Work Session Mayor Perkins gave a letter to Council requesting some funding ideas for the Sickle Cell Program. During discussion, President Evans stated there may be some "avenues" that the City can take the leadership role in a matching fund grant or something like that. President Evans also stated at this time it will be difficult as far as the Budget is concerned; funds have been depleted and already appropriated that possibly would have worked. President Evans and the Council request that Dr. Chapatwala make plans to meet with them to discuss ways that they can assist with some ideas as to how the Council can be more helpful in the form of matching funds, grant writing, or whatever may be available. President Evans stated to Dr. Chapatwala that he and the Council recognize Sickle Cell as being a top priority item. Councilman Leashore stated in Dr. Chapatwala's communication to them, he asked the City to consider making Sickle Cell a line item appropriation, and maybe in the 2007-08 budget, once the Mayor and the Staff begin to formulate the budget, some consideration can be given for an appropriation for Sickle Cell. President Evans stated the Council will consider making Sickle Cell a line item, but he can not say it is going to happen, but the Council will take a look at it and see what the options are for it to be considered.

IV. SPEED BREAKERS

President Evans stated Councilwoman Crenshaw gave him a petition for speed breakers on Laurel Avenue and Crepe Myrtle, which came from Citizens which, actually is a request for the same ones that had been placed there initially, to be put back. President Evans further stated they were put there based on the fact that they met the specifications but they did not proceed. President Evans stated to the Council that the petition is a request to put the speed breakers back down, making them low enough so that they will not have that big rise to them. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Randolph, to place the speed breakers back down on Laurel Avenue and Crepe Myrtle. During discussion, an amended motion was made by Councilman Williamson, and seconded by Councilman Cain, to table this request to place the speed breakers back down on Laurel Avenue and Crepe Myrtle, until further clarification is obtained. **The amended motion to table this item failed for lack of a majority vote.** President

BUSINESS ITEMS:

Evans asked Council for vote on the original motion to place the speed breakers back down. A roll call vote was taken and the motion passed with a majority vote of the Council members present. There were five ayes and three nay votes. President Evans, Councilman Cain, and Councilman Williamson all cast a nay vote.

V. RECLASSIFICATION OF COUNCIL SECRETARY'S POSITION AND SALARY

President Evans stated this item was appointed to a Committee to come back with a report, and the Committee has not at this point come back with a report. Councilman Williamson stated he placed this item back on the agenda tonight to see if Council favored this in principle or not, and if they do then the Committee will do all of the work to get the information but if they do not favor it in principle, then he is not going to spend hours on it. During discussion, a motion was made by Councilman Cain, and seconded by Councilman Williamson, that they as a Council will look to the reclassification of the Council Secretary's position and salary, and that vote will be taken to the Committee, and be brought back to the Council for a final decision. During further discussion, Councilman Leashore stated he does not think the Council needs to go on record as to whether or not they should address this issue, and thinks it should be charged to the Administrative Committee, and let them meet and bring forth a recommendation. Councilwoman Crenshaw stated she will not vote for anything that could open "Pandora's Box" and cause a lot of confusion. Mrs. Darlene Rudolph addressed the Council, with a Memorandum prepared by Ms. Valeria Jones, Personnel Director, on this issue. Councilman Williamson stated it was his understanding that the "second to the motion" that he made, which was that they take a poll and see if Council members are willing to reclassify and give the Council secretary a raise "period". Councilwoman Crenshaw stated she would like to amend the motion, seconded by Councilman Leashore, to state, pending what the Administrative Committee comes back with. A roll call vote was taken on the amendment to include pending what comes back from the Administrative Committee. Due to confusion and misunderstandings as to the motion and the amended motion that are on the floor, President Evans stated the "Chair" is open for a new motion pertaining to this particular item based upon what they have heard and discussed, that he needs clearly a new motion, and disregard the initial ones. President Evans further requested that they withdraw their "seconds" on the first ones, and they will move back to the original one, and asks that the minutes will reflect that. A motion was made by Councilman Leashore, and seconded by Councilwoman Venter, to table this matter until it is delegated to the Administrative Committee, and let them bring back a recommendation. An amended motion was made by Councilman Cain, to move forward with the reclassification of the Council Secretary's position and salary. President Evans ruled the amended motion to be out of order. President Evans called for a vote on the original motion to table this item. The motion failed due to a tie vote, 4 ayes and 4 nay votes. Councilman Williamson made a motion, seconded by Councilman Cain, for a poll of each Council member as to whether or not they favor reclassifying the Council secretary's position and giving her a raise. An amended motion was made by Councilman Leashore that this matter will be remanded back to the Administrative Committee and, therefore, they can bring forth their recommendation. President Evans stated this amendment is the same as before and will not be correct in going back to the same motion. An amended motion was made by Councilwoman Crenshaw, and seconded by Councilman Leashore, stated pending hearing from their Personnel Director, on guidelines that they have in place. A roll call vote was taken and the motion failed for lack of a majority. President Evans stated the main motion is that they approve it as Councilman Williamson has indicated that he would like to get a consensus of this Council whether or not to move forward with this process, voting "yes" if they give it to her, or voting "no" to not give it to her. A roll call vote was taken and the motion passed with a majority vote of the Council members present. There were five ayes and three nay votes. Councilwoman Crenshaw, Councilman Leashore, and Councilwoman Venter all cast a nay vote. President Evans stated the Committee will go now and work up the mechanics of bringing back to this Council a process of how much it is going to be to for the purpose of coming back with a recommendation.

VII. ANIMAL SHELTER

Councilman Cain stated the Animal Shelter has a need for supplies and his question is what is the City's function with supplies for the Animal Shelter. Mayor Perkins stated this item will be addressed at the next Work Session.

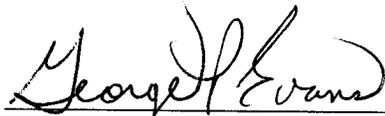
BUSINESS ITEMS:

VIII. COUNCIL MEETING PROCEDURES AND CONDUCT

President Evans stated he wanted to remind everyone here, as Council members and as Citizens, that we have an obligation to conduct ourselves in a manner that is respectful and according to our procedures. President Evans further stated he is not going to allow Council members to be out of control and out of order; he will ask you one time, and maybe a second time, and if you do not conform, you will be asked to leave this Chamber. President Evans stated if you do not leave, then he will ask for an escort. President Evans stated, if in fact, there is a citizen who has that same problem, that will be the same procedure in place for a citizen. President Evans stated, if in fact, you rule the "Chair" to be out of order, you all have the same procedures in place. President Evans further stated whatever guidelines they have to follow, he is going to follow them, too. President Evans stated Council meeting procedures and conduct will be carried out. President Evans further stated he did receive a letter from Councilman Leashore today which he addressed some concerns to him about some citizens who possibly have been very outspoken in our meeting. President Evans stated that he wants to address that with him and that he does not intend for that to happen again in terms of any citizen who comes to this meeting, must be in an orderly fashion or they would have to leave; that is just the way it is should be because he thinks that we have been the mockery of this City and other places of how we conduct our meetings because we have not done what we should do and he does not plan to go through that anymore. President Evans stated if we could do that it, it would make it easier on all of us from the standpoint of respect. After a lengthy discussion from several Council members, Mayor Perkins stated to President Evans even if the Council gave the appointment, you have no authority, and he suggests they consult with the attorney on that. Mayor Perkins further stated he read the same letter from Councilman Leashore and the question he has is, in light of the content of that letter does the Council feel that it is in order to institute metal detectors and additional security? Mayor Perkins stated apparently there seem to have been a threat; the Councilman felt that his life was threatened, and if that is the case he then wants to know if the Council feels we need to be increasing the security at the Council meeting, and if you do, you need to let him know so that he can respond appropriately.

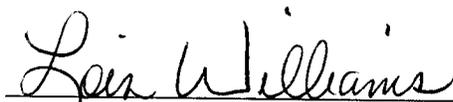
ADJOURNMENT

Following further discussion regarding Council conduct above, a motion was made by Councilman Williamson, and seconded by Councilman Cain, to adjourn, and by unanimous consent of the Council, this meeting adjourned at 9:09 p.m.



GEORGE P. EVANS, *Council President*

ATTEST:

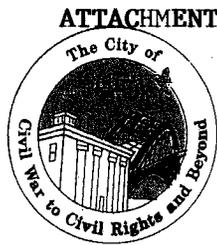


LOIS WILLIAMS, *City Clerk*

APPROVED:



JAMES PERKINS, JR., *Mayor*



CITY OF SELMA
OFFICE OF THE CITY ATTORNEY

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February 19, 2007

GEORGE P. EVANS, *President*
SELMA CITY COUNCIL
City of Selma, Alabama

RE: SELMA WATER WORKS & SEWER BOARD
Appointment of Councilwoman Geraldine Allen

Dear President Evans:

In the matter of Councilwoman Geraldine Allen voting for herself to be placed on the Selma Water Works & Sewer Board, it was initially the position of this office that, because being appointed to the board would result in a personal gain, the Councilwoman should have abstained from voting for herself to be appointed. I further advised the City Council that the action taken to place Councilwoman Allen on the Water Works & Sewer Board should be rescinded.

During the February 12th Council meeting, Councilwoman Allen made it very clear that she was not voluntarily stepping down from the Water Board. She further indicated, however, that she would not accept any salary while serving on the Board. The next day, on February 13, 2007, you and I held a conference call with Hugh R. Evans, III, General Counsel of the Ethics Commission, to seek further advice in lieu of Councilwoman Allen's contentions.

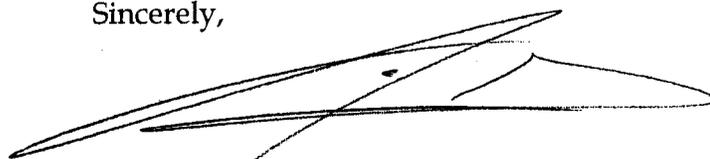
After informing Hugh Evans that Councilwoman Allen indicated that she is willing to forgo compensation, etc., while serving on the Water Board, he expressed that as it stands her appointment on the Water Board is technically *not* a violation. Hence, in the rule of the Ethics Law, it is considered a conflict of interest only when an official or public employee has a personal gain, and because Councilwoman Allen has declined to receive any type of compensation for serving on the board, she is not the recipient of any such personal gain. Mr. Hugh Evans did however express that, although there isn't a technical ethics violation, Councilwoman Allen will still be putting herself in harms way because the public's perception and media's interpretation of a conflict of interest will be inevitable.

President George P. Evans
RE: Appointment of Councilwoman Geraldine
February 19, 2007
PAGE 2

After talking with Mr. Hugh Evans, I am of the opinion that Councilwoman Allen would not be the recipient of any personal gain if she remains on the Water Works & Sewer Board foregoing any compensation, salary, reimbursement of expenses, etc. during her tenure on said board. Councilwoman Allen has forwarded a letter to the City Council and others whom may be interested or concerned with this issue, acknowledging her intent to forgo all compensation from the Water Works & Sewer Board.

Hopefully this offers some clarification in this matter. If this office may be of any further assistance, please feel free to contact the same.

Sincerely,



JIMMY L. NUNN, *City Attorney*
CITY OF SELMA, ALABAMA

JLN/nr

cc: Mayor James Perkins, Jr.
Members of the Selma City Council 
Collins Pettaway, Jr., Esq.