

MINUTES OF THE SELMA CITY COUNCIL
MAY 08, 2006
5:00 P.M.

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, May 8, 2006 at 5:00 p.m. The meeting was called to order with the following members present during roll call: Council President George Evans and Council members Dr. Cecil Williamson, Reid Cain, Jean T. Martin, Geraldine Allen, 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 Bridget Mills. Minister Tonya Chestnut gave the invocation. Councilman Randolph was absent from the Chambers during roll call, but arrived at 5:07 p.m. Councilman Cain was absent from the Chambers during roll call, but arrived at 5:14 p.m.

Pledge of Allegiance
Roll Call

APPROVAL OF AGENDA:

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

Additions: None

Deletions: None

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

APPROVAL OF MINUTES:

After approval of the agenda, President Evans asked for a motion to approve the minutes of April 24, 2006 regular meeting. A motion was made by Councilwoman Martin and seconded by Councilman Randolph to approve the minutes of April 24, 2006. The motion carried with a unanimous vote (show of hands) of the Council members present.

City Clerk Lois Williams stated there are two sets of minutes to be approved, which includes the minutes of April 26, 2006 reconvened meeting. A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the minutes of April 26, 2006. The motion carried with a unanimous vote (show of hands) of the Council members present.

CITIZENS' REQUEST

Evangelist Jessie LeeSure
Re: Love Everybody Help Outreach Ministry

Mr. Billy Atchison & Mrs. Barbara Brown
Re: Crime Task Force

I. MAYOR'S REPORT

Mayor Perkins stated during the Council work session on Thursday, he issued copies of information specific to Pyro Productions, Crime Task Force Resolution, Alltel Contract, two Public Works resolutions, and the TRUSTBuild project resolution to the Council. Mayor Perkins stated he would be discussing those items this evening and other documents will be issued that were recently received, as well as items that already a part of the agenda:

(1) **Recognition of National Guard Air Force Reserve Employees.** Mayor Perkins and Command Chief Master Sergeant Amos Moore addressed the Council regarding recognition of City employees who are also enlisted in the National Guard Air Force Reserve.

(2) **Communications Tower Statement.** Mayor Perkins stated he called many of the members of the Council on Friday evening to give some indication of what was going on regarding the tower situation at the Dallas County Courthouse. Mayor Perkins stated he has a statement that he is going to read to the Council that will provide an update on this matter. Mayor Perkins stated as per his statement:

"it is not secret that the County government has consistently shown disrespect for City government, but on Thursday through Saturday of this past week the

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County has taken this disrespect to an all time low. On Thursday, I received a call from a Citizen asking me if the County and City had settled the argument over erecting the telecommunications tower. I told the caller no and asked why ask the question. I was told that it seemed that construction had started to erect a tower at the Dallas County Courthouse. I immediately called Mr. Finis Harris and asked had anyone purchased a building permit to do construction on a tower at the courthouse, his reply was no. I then informed of the telephone call and asked him to go by the courthouse to check; because the judge dismissed their lawsuit against the City for lack of jurisdiction, I also called City Attorney Mr. Jimmy Nunn to make him aware of this allegation and asked him to look into the situation as well. Later, Mr. Harris and Mr. Nunn informed me that the caller was correct. I was told by Mr. Harris that the contractor, Diamond K. Tower Company, of Greenville, MS, expressed some concerns about being told that they did not need a city permit to erect a tower in Selma, but he was assured by specific person or persons in the County government that he did not need a permit. On Friday, I was also told by Mr. Nunn and Mr. Harris that they had made it clear to the contractor, the County lawyer, and County officials that this project was not being legally done and that the project had to cease. They further stated that they were assured by the contractor and County government officials that the work would stop until the matter was worked out between the County and City. Late Friday evening I communicated with as many of the City Council as I could reach to inform them of the situation. All City Council member that I spoke to expressed shock and concern that the County would move on erecting the tower without any discussion or consensus with the City, especially since the County did not win the lawsuit against the City over this very same issue. There was a consensus that I would bring to them, the Council, and update on the details at the Monday City Council meeting. On Saturday, I received another phone call from a different citizen asking me if the City and the County agreed on the tower issue because the County Commission Chairman and several Commissioners, the Sheriff and several deputies and a contractor were at the courthouse putting up a tower in the parking lot; because I was in route to Montgomery to attend my wife's graduate from graduate school, I could not turn around to personally attend to this issue, instead I called Mr. Harris, Mr. Nunn and Chief Martin and asked them to check into the situation and report back. Mr. Harris was the first to arrive, upon arrival at the courthouse Mr. Harris called and reported that the tower was being erected and the EMA director told him that he did not have jurisdiction over the work and presented him with the attached letter, basically, the County used armed County law enforcement personnel to block and stop the Building Inspector from enforcing municipal building code; by the time Chief Martin and Attorney Nunn arrived the tower was up and their only recourse was to be reactive and begin the process of serving the contractor for violating municipal law. Though it may be hard for some to believe, but County government officials exceeded the power of their offices and seemingly broke federal and state laws, their actions cloak in lies and deceit are no different from any criminal who intentionally violates the City law because they do not agree with the law. Through their actions they violated the law and disrespected the City government body, the City officials with law enforcement authority and office of Mayor, because they did not notify the City and because they planned this illegal activity under the cloak of an emergency call meeting of the County Commission for 6:00 a.m. on Saturday morning and it is clear that their actions were a malicious intent to break the law and when they were caught, they used armed County law enforcement personnel to stay any action of City officials. I qualify that they did not pull any guns; they simply had armed deputies there on hand to ensure that Mr. Finis would not do his job. As we deal with crime in our county and city, this behavior by County officials is definitive proof that they do not respect City government and they feel they are above the law. Their actions coerced a contractor to come into our city to intentionally break the laws of the City and provided armed protection for this transaction to go forward. Even the contractor acknowledged to Mr. Harris that he has done several of these type projects and never before has he been able to do so within a municipality without a City building permit. This whole matter was done by the County with a total disrespect of federal and municipal law. This

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action must not prevail. As Mayor I must insist that the contractor take the tower down, all of the work done must be undone by the contractor or if will be undone by the City. Also, as Mayor, I ask for full support of the City Council to authorize appropriate legal action, criminal and civil, against all parties, where such legal action may apply. If we do stop these actions from occurring by County government, then we loose our ability to enforce code with citizens."

Mayor Perkins stated he has conferred with all parties that he has sited and quoted in this statement as to what actually transpired, Mr. Harris and Attorney Nunn are here, and Chief Martin is here.

Following further discussion by the Council, a motion was made by Councilman Williamson and seconded by Councilwoman Martin to support the City's legal effort to try to resolve this issue legally. Councilman Leashore made an amendment to this motion and seconded by Councilman Venter to pursue the legal avenues up to a certain point and after that, take the tower down by any means necessary. A roll call vote was taken and the motion failed for lack of a majority vote of the Council. There were two ayes and seven nay votes. President Evans and Council members Williamson, Cain, Martin, Allen, Randolph and Crenshaw all cast a nay vote. President Evans stated a vote would now be taken on the original motion. A roll vote was taken and the motion passed with a majority vote of the Council. There were five ayes, two abstentions and two nay votes. Councilman Cain and Councilwoman Crenshaw cast a nay vote and Councilman Leashore and Councilwoman Venter abstained from voting.

(3) 2005 Audit Management Letter and Final Report. Mayor Perkins stated the Auditor's report and management letter is complete and will be distributed to the Council immediately following the meeting.

(4) Crime Statistic Report - April 2006. Mayor Perkins stated the Council has been given a copy of the crime statistics report for litter, noise and vehicle complaints provided by the Chief of Police.

(5) Crime Task Force. Mayor Perkins stated he is in full support of the Crime Task Force and thank them for the work that they are doing. Mayor Perkins stated we all have difficult jobs to do as it relates to this issue, and it is refreshing to have citizens involved; and he appreciates the level of commitment that they all have made and particularly the co-chairs for their efforts in leadership.

(6) Service and Production Contract - Berry Productions, Inc. During discussion, a motion was made by Councilwoman Martin and seconded by Councilman Randolph to approve the said contract in the amount of \$2,505.00. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

7) Display Agreement - PYRO PRODUCTIONS, INC. During discussion, a motion was made by Councilwoman Martin and seconded by Councilman Randolph to approve the said agreement in the amount of \$12,000.00. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

8) Business Accounts Agreement - Alltel Communications. During discussion, a motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve the said agreement in the amount of \$1,082.94 for a total of 28,800 billable minutes of use. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

9) Resolution - #R158-05/06 - Public Works Department. During discussion, a motion was made by Councilman Leashore and seconded by Councilwoman Venter to approve the said resolution to amend the budget in the amount of \$20,000.00 to increase line item 1.6200.145.0 (Equipment Repairs & Maintenance), and \$5,000.00 to increase line item 1.6200.123.2 (Construction Materials/Pipes), totaling \$25,000.00; that line item 1.6000.6000.326 is reduced by this amount and hereby transferred. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

10) Resolution - #R159-05/06 - Public Works Department. During discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the said resolution to amend the budget in the amount of \$4,928.00 to increase line item 1.6200.123.2

I. MAYOR'S REPORT

(Construction Materials/Pipes); that line item 1.6002.100.70 is reduced by this amount and hereby transferred. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

11) Kiwanis Club of Selma - Engineering Payment for Dredging of the City Marina. During discussion, a motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to approve the said approved expenditure from the Kiwanis Club of Selma in the amount of \$2,750.00 to pay for the engineering of the dredging of the City Marina to Khafra Engineering. Mayor Perkins stated City Attorney Jimmy Nunn has the contract. A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight ayes and one nay vote. Councilman Williamson cast a nay vote.

12) Resolution - #R157-05/06 - TRUSTBuild Project. During discussion, a motion was made by Councilman Leashore and seconded by Councilman Randolph to approve the said resolution to create a budget for the TRUSTBuild project, consisting of the respective line items totaling \$350,000.00, also that the projected revenue line item for Sales Tax (1.4000.4001.5) be increased by \$290,000.00 and the revenue line item for Business License (1.4000.4001.23) be increased by \$60,000.00 for a total of \$350,000.00. A roll call vote was taken and the motion passed with a majority vote of the Council. There were seven ayes, one nay vote and one present/none vote. Councilman Williamson cast a nay vote. Councilman Cain stated he is present, but did not vote aye or nay.

13) Scheduling of Games at Sportsplex vs. Complex. Mayor Perkins stated he met with Coach Reece regarding this issue and there will be adjustments made in the next season.

14) Lieutenant Robert Green's Recognition. Following a brief discussion, Mayor Perkins stated the Council can discuss this item and let him know how they choose to proceed and he most certainly would be willing to support whatever decision the Council makes. A motion was made by Councilman Williamson and seconded by Councilman Cain to draft a letter expressing the Council appreciation to Lt. Green for his twenty-four years of service to the City of Selma. A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight ayes and one nay vote. Councilman Leashore cast a nay vote. President Evans stated the Public Safety Committee would draft the letter. Councilman Leashore stated the letter should only reflect the Council gratitude and not the award of his badge and weapon.

II. CITY ATTORNEY'S REPORT

(1) AG Opinion 2002-218 - Retirement Donations. Attorney Nunn stated while Lieutenant Green is being discussed, he would give the Council a copy of the AG opinion. Attorney Nunn stated this opinion was drafted per the request of the previous council as it relates to Chief Tate upon his retirement. Attorney Nunn addressed the Council reading excerpts of the opinion with the Council.

(2) Alcohol Beverage License - Club 49. Attorney Nunn stated the Council has been given copies of an alcoholic beverage license for Club 49 located at 3215 Water Avenue, which was placed on first reading at the last Council meeting. Mr. Molette addressed the Council and following discussion; a motion was made by Councilman Williamson and seconded by Councilman Leashore to table this item until the sign has been placed on the property. A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight ayes and one nay vote. Councilman Leashore cast a nay vote.

(3) Ordinance - Basketball Goals in Neighborhood Streets. Attorney Nunn stated the Council has been given copies of an ordinance for basketball prohibition against basketball in the streets and ask the Council to place the said ordinance on first reading. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Allen to place this ordinance on first reading. The motion carried with a unanimous vote (show of hands) of the Council.

Correction: Attorney Nunn stated he would like to make a correction of a statement that was stated during the Mayor's report as it relates to the communications tower and the incidents that happened on Saturday when Mr. Finis Harris went out. Attorney Nunn stated it was stated that the EMA director handed him a letter of some sort stating he did not have jurisdiction on that

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property, however, Mr. Kelly was here at the meeting tonight and once Mr. Harris saw him, he realized that this was the gentleman that handed him that letter. Attorney Nunn stated Mr. Kelly is the Dallas County Commission attorney, so it was not the EMA director who handed him the letter, it was Attorney John Kelly, and the letter is addressed from Attorney John Kelly.

(4) Medical Clinic Board Appointments of the City of Selma. Attorney Nunn stated the Council has been given a copy of a letter dealing with the Medical Clinic Board of the City of Selma. President Evans stated there are three names submitted and asked the Council pleasure on this issue. A motion was made by Councilwoman Martin and seconded by Councilman Leashore to approve the appointment of the names listed, Catesby ap C. Jones, James Hodo and Dr. James Carter. Councilman Cain asked what are the duties of the Medical Clinic Board? Attorney Nunn stated the duties are defined by section 11-58-1 through 15 of the State law, to provide and work as a public agency, an instrumentality of the State of Alabama to promote the acquisition of health facilities in order to promote the public health of the public of Alabama. Attorney Nunn stated this is a non-paid board. The motion carried with a unanimous vote (show of hands) of the Council.

(5) Hildebrand Rides, Inc. Attorney Nunn stated there is a request by Hildebrand Rides, Inc. to have a carnival at the Selma Mall. Attorney Nunn stated the Council should have a list of rides, games and food that they expect to bring. Attorney Nunn stated they are requesting to come to the City of Selma and the dates of this event in Selma would be June 29, 2006 through July 9, 2006. A motion was made by Councilman Leashore and seconded by Councilwoman Venter to approve the permission for this amusement company to come to Selma. Councilwoman Allen asked if this company meets the requirements of the rules and regulations for this event? The motion carried with a majority vote (show of hands) of the Council. Councilwoman Crenshaw was absent from the Chambers during this vote.

(6) Usage of Songs of Selma Park Facility. Attorney Nunn stated during the last Council work session, there was a request for permission to use the Songs of Selma Park Facility for a Gospel Lunch Feast during lunch time between 11:00 a.m. - 1:30 daily and on weekends from 6:00 p.m. - 9:00 p.m. Attorney Nunn stated he is still working on this and would update the Council during the next Council meeting.

(7) Sales Tax Holiday. Attorney Nunn stated the Council has also been given information dealing with the new Sales Tax Holiday Act effective July 1, 2006. Attorney Nunn stated in order to offer the tax holiday, the municipality must approve by ordinance at least thirty days prior to the first weekend of August 2006. Attorney Nunn stated this would be no later than July 5, 2006, however, a municipality has no authority to authorize the sales tax holiday act prior to the effective date. Attorney Nunn stated there were questions concerning this issue regarding the bond pledge and he would look into this matter and bring back to the Council at the next Council meeting along with a draft ordinance.

BUSINESS ITEMS:

III. RENAMING STREETS COMMITTEE REPORT

Councilwoman Allen addressed the Council and discussed items of the Ad Hoc Committee Meeting agenda held on May 2, 2006 at 4:30 p.m. as follows: (See Attached Form)

1. A survey poll will be conducted with all constituents involved in the name changes. This will be from Jeff Davis to Summerfield.
2. The survey poll is very simplicity and is attached for review by the Council.
3. All adult constituents living in the household will be allowed to vote. The categories noted on the survey poll are: Adult Head of House, Adult Child (over the age of 18), and Adult Relative that live in the home.
4. The survey poll will be taken by city workers (possibilities: Mr. Henry Hicks, Ms. Cynthia Mitchell, Reverend Darryl Moore, Mr. Finis Harris, Mr. Freddie Holmes, Mrs. Ivy Harrison and Mrs. Delois Smith).
5. The voting will be done on one day, preferably on a Saturday. Each person would vote in the home and if someone was missing the surveyor would come back only once on that same day.

BUSINESS ITEMS:

6. A flyer will be sent out to each home to announce this survey. In addition, the newspaper and radio will be used to make an announcement.
7. No property owners of vacant homes will be allowed to vote in this survey.
8. Each vote will be sealed in an envelope after the voter has made his or her choice.
9. All votes would be counted by Attorney Jimmy Nunn and Ms. Lois Williams in the presence of the Council members and two representatives from each area involved in open forum in the Council Chambers.
10. All constituents who voted will be made part of public record.
11. It is also recommended by the committee that this procedure be made the new process for changing street names in the future.

Following discussion, a motion was made by Councilman Cain and seconded by Councilman Randolph to tentatively adopt this procedure for renaming streets with amendments. The motion carried with a majority vote (show of hands) of the Council. There were seven ayes, one nay and one member absent from the Chambers. Councilman Williamson cast a nay vote and Councilwoman Venter was absent from the Chambers at the time of the vote. Councilman Leashore stated although this new procedure was done, that street name has already been changed to Boynton Road and the procedures should be for future name changes.

V. PHOTO PAYMENTS

President Evans stated the money needed to pay Mr. Deese for photos is not in the Council account for this purpose. President Evans stated he spoke with Ms. Mitchell and suggested taking these funds from the unappropriated funds. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Martin to approve the payment to Mr. Deese in the amount of 1,950.00 for the photos. A roll call vote was taken and the motion carried with a unanimous vote (show of hands) of the Council.

STANDING COMMITTEE REPORTS

RECREATION COMMITTEE - COUNCILMAN SAMUEL RANDOLPH, CHAIRPERSON

There is no report for the Recreation Committee.

ADMINISTRATIVE COMMITTEE - COUNCILWOMAN DR. GERALDINE ALLEN, CHAIRPERSON

Councilwoman Allen stated there are vacancies on the School Board and the same process for appointment would be used again.

PUBLIC SAFETY COMMITTEE - COUNCILMAN REID CAIN, CHAIRPERSON

Councilman Cain stated the main issue with the Public Safety Committee right now is questions that have not been answered that were submitted to the Mayor's Office. Councilwoman Crenshaw stated as per letter addressed to President Evans, signed by herself and Councilwoman Venter regarding their standing committee resignation from the Public Safety Committee. (See Attached)

COMMUNITY DEVELOPMENT COMMITTEE - COUNCILWOMAN JEAN MARTIN, CHAIRPERSON

Councilwoman Martin stated the Alabama Symphony would be held on Thursday at 7:00 p.m. at the Performing Arts Center. Councilwoman Martin stated this event is free.

PUBLIC WORKS COMMITTEE - COUNCILMAN LEASHORE, CHAIRPERSON

There is no report for the Public Works Committee.

DISCRETIONARY FUNDS COMMITTEE - COUNCILWOMAN CRENSHAW, CHAIRPERSON

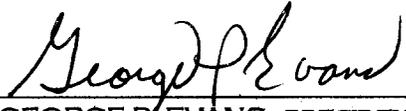
Councilwoman Crenshaw stated the Council has given a total of \$1,892.00 from discretionary funds.

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SELMA CITY COUNCIL MEETING
MAY 8, 2006
5:00 P.M.

President Evans stated he would like to retract a statement he made using the word illegal and say inappropriate things instead, as alluded to Councilman Leashore earlier in the meeting. President Evans stated this is what he meant when he stated things we are not aware of .

ADJOURNMENT

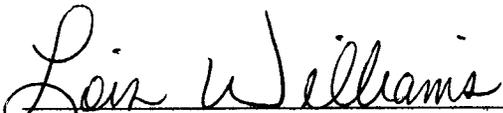
There being no further business to come before the Council, a motion was made by Councilwoman Martin and seconded by Councilwoman Allen to adjourn the meeting, and by unanimous consent the Council adjourned the meeting at 8:24 p.m.



GEORGE P. EVANS, *PRESIDENT*

ATTEST:

APPROVED:



LOIS WILLIAMS, *CITY CLERK*



JAMES PERKINS, JR., *MAYOR*