

MINUTES OF THE SELMA CITY COUNCIL  
AUGUST 14, 2006  
5:00 P.M.

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, August 14, 2006 at 5:00 p.m. with the following members present during roll call: Councilwoman Jean T. Martin, President Pro Tempore, and Council members Cecil Williamson, Reid Cain, Geraldine Allen, 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. President Evans was absent due to death in the family. Pastor Wayne T. Hewlett gave the invocation.

Pledge of Allegiance  
Roll Call

APPROVAL OF AGENDA:

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

Additions:     Executive Session  
                  Speed Bumps  
                  Council Budget (Tabled)

Deletions:     None

A motion was then made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve the agenda as amended. **The motion carried with a unanimous vote (show of hands) of the Council.**

APPROVAL OF MINUTES:

After approval of the agenda, President Pro Tem Martin asked for a motion to approve the minutes of July 24, 2006 regular meeting. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve the minutes as written. **The motion carried with a unanimous vote (show of hands) of the Council.**

CITIZENS' REQUESTS

MR. PETTUS (WARD SIX SPOKESPERSON)

I.     MAYOR'S REPORT

A.     Certificate of Service Award. Mayor Perkins stated he would like to start by presenting a Certificate of Service award to a Citizen of Ward 8. He asked Ms. Cora Walker to come forward. Ms. Walker was honored for her efforts in keeping the community clean in and around her neighborhood.

B.     Proclamation. Mayor Perkins stated he would like to ask Sgt. Janice O. Robbins to come forward. Sgt. Robbins was honored with a proclamation honoring her for her efforts for serving with the 1165<sup>th</sup> MP Company in Iraq. She received a Purple Heart after being injured in Iraq. Mayor Perkins stated that in recognition of Sgt. Robbins and her innumerable accomplishments, her love for God and country, that he, as Mayor, and the City of Selma, Alabama hereby proclaim August 14, 2006, as "Janice Robbins Day" in the City of Selma, and encourages the citizens of Selma to celebrate the accomplishments of our home town heroine Janice Robbins. Sgt. Robbins addressed the Council, thanking everyone for their Prayers and support. Mayor Perkins further stated that he wanted to take the time for the public and members of Council to express our appreciation of Sgt. Robbins for her support for this country, for the commitment and sacrifice that she has made, and for those who are still serving. Mayor Perkins also stated that he wanted to express our appreciation for Mr. Parikh who has been supportive of military services, especially in the capacity as an employer.

C.     Resolution #R186-05/06 Retirees Act 2005-316. Mayor Perkins stated this resolution is recommending that retirees of the City of Selma be afforded a 4% increase in their benefits, effective October 1, 2006. Mayor Perkins further stated the City COLA rate will change from 7.13% to 7.97% of payroll. This will equate to an additional yearly cost of approximately \$70,000.00. Mayor Perkins asked the Council favorable consideration of said resolution. A motion was made by Councilman Leashore, and seconded by Councilwoman Venter, to approve the said resolution. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

I. MAYOR'S REPORT

D. Resolution #R189-05/06 Amend Budget Line Items. Mayor Perkins stated this resolution is innovative, as well as, creative. He stated this resolution is going to require some explanations, and may even require some additional discussion beyond this evening's meeting. He then stated he wanted to bring to the Council's attention, to the last page of that attachment. He explained that it shows the year-to-date actual collections for the City of Selma. Mayor Perkins further stated it shows an abbreviated income statement showing revenue and expenses. Mayor Perkins also stated this reflects a net income of \$1,588,538.00; the City of Selma is presently operating in our actual financial statements \$1.5 million dollars above our expenses. Mayor Perkins stated the City is running strong financially in this fiscal year; we do have a surplus of cash. Mayor Perkins suggests that the City uses that surplus of cash, or a portion thereof, to make some of the capital investment purchases that are required by the departments that were actually anticipated in the next fiscal year. Mayor Perkins suggests that we use that surplus of cash this fiscal year, taking advantage of that, and make some of these investments by a cash purchase right now. Mayor Perkins stated he would request of Ms. Williams immediately to put out for bid those items that are listed in Resolution Number 189-05/06, and then immediately proceed to move forward to make the acquisition of the Police Department vehicles, and the additional items that he would like to purchase with the available cash. Mayor Perkins stated this resolution is desiring to amend the budget line items by those amounts and then to include the corresponding expenses so that the budget will continue to balance through the amendments. Mayor Perkins asked the Council to consider this strategy tonight, not to vote on it, but to consider a recess instead of an adjournment of this meeting, in an effort to expedite this transaction. Mayor Perkins asked the Council to recess this meeting to vote on at the reconvened meeting on Thursday, August 17, 2006 at 5:00 p.m. After discussion, a motion was made by Councilman Williamson, and seconded by Councilman Randolph, to reconvene this Council meeting on Thursday, August 17, 2006 at 5:00 p.m. **The motion carried with a unanimous vote (show of hands) of the Council.**

E. Resolution #R180-05/06 - Planning and Development Copier. Mayor Perkins asked Ms. Charlotte Griffith, Director of Planning and Development, to come forward. Mayor Perkins stated the Office of Planning and Development had made a request for the copier on second floor to be replaced several months ago. At that time, he stated the request was tabled by the Council. Mayor Perkins further stated if the Council recalls when the original request was made, the request was made for the agreement of services based upon a bid which had already been let by the City Clerk. Mayor Perkins asked for Council favorable consideration to approve this resolution. A motion was made by Councilman Leashore, and seconded by Councilwoman Venter to approve said resolution. After discussion, Mayor Perkins stated this item will be tabled.

F. Resolution #R187-05/06 - 20 Year Comprehensive Development Plan. Mayor Perkins stated the Council should also have this resolution, Grant Application 20-Year Comprehensive Development Plan through ADECA. He stated it is a \$50,000 maximum grant amount with the City of Selma pledging to match approximately 20% or \$10,000. Mayor Perkins asked Council favorable consideration, and to provide authorization for the Office of Planning and Development to apply for the State grant with an obligation of \$10,000 matching. A motion was made by Councilwoman Venter, and seconded by Councilman Randolph, to approve said resolution. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

G. Resolution #R188-05/06 Resolution Affirming the Appreciation of and Confidence in the Men and Women of the Selma Police Department. Mayor Perkins stated he wanted to address issues that dealt with the editorials that were in the paper which characterized the police law enforcement drug bust in the area of St. Phillips Street. Mayor Perkins also stated that the editorials indicated that the drug bust was absent of City of Selma police involved. He further stated the Department was being categorized as inept, and unable to perform its duties. Mayor Perkins stated the drug bust was a team effort, and that a decision was made to not mention the local police officers by name who were working undercover. Mayor Perkins also stated it was wise to use federal agents to even facilitate arrests. Mayor Perkins stated he is raising these issues because delegation of police officers are upset with the Council for their actions and want a quick resolve to this issue. Mayor Perkins stated he has asked them to allow him the opportunity to deal with the issue with the Council; it is his hope that the Council will honor them by accepting the recommendation he plans to make. Mayor Perkins asked if a member of the Council would read the resolution that was asked to be drafted by City Attorney Jimmy Nunn for the Council. After discussion, President Pro Tem Martin asked Council members to stand, and Councilman Leashore read Resolution #R188-05/06 in its entirety. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Leashore, to approve said resolution. Another motion was made by Councilman Cain, and seconded by Councilman Williamson, to amend the Motion to state that the

I. MAYOR'S REPORT

Selma Police Department expresses their opposition of deep concerns and a vote of no confidence for Council Members Leashore and Crenshaw, and Chief Martin in the way that they are handling the Police Department, along with Council Members Randolph, Venter and Allen, since they are all in support of this resolution. A roll call vote was taken and the motion failed for a lack of a majority vote. President Pro Tem Martin called for action on previous motion that was on the floor for Resolution #R188-05/06. A roll call vote was taken and the motion passed with majority vote of the Council. There were six ayes and two nay votes. Councilman Cain and Councilman Williamson both cast nay votes.

President Pro Tem Martin acknowledged the presence of the Police Officers and asked if they would stand before they leave. Mayor Perkins stated he concurs with President Pro Tem Martin's request. Mayor Perkins spoke on behalf of the Police Officers. Mayor Perkins further stated he has asked the Chief of Police and the Police Department if they would continue to respect the members of Council, and that he plans to ask Council President George Evans to make new Public Safety Committee assignments upon his return. President Pro Tem Martin commended the Police Officers for what they did in the drug bust, and she, along with Mayor Perkins, asked the Police Officers to stand and they were given a warm applause by everyone present in appreciation for their efforts.

II. CITY ATTORNEY'S REPORT

A. O107-05/06 Ordinance Granting a Sanitary Sewer Franchise to the Water Works and Sewer Board. Attorney Nunn stated the Council has before them O107-05/06 Ordinance, Granting a Sanitary Sewer Franchise Agreement to the Water Works and Sewer Board, stating this is a renewal of the franchise agreement, becoming effective upon publication. He further stated it shall begin on the date of publication and shall continue for 30 years thereafter. Attorney Nunn also stated this was discussed during the work session, and asks for favorable consideration of said ordinance. A motion was made by Councilwoman Allen, and seconded by Councilwoman Crenshaw, to adopt said ordinance. A roll call vote was taken, and the motion passed with a majority vote of the Council. Councilman Williamson and Councilman Cain were out of the Chambers during roll call.

B. O108-05/06 Ordinance Granting a Sanitary Sewer Franchise to the Water Works and Sewer Board. Attorney Nunn stated the Council has before them O108-05/06 Ordinance, Granting a Sanitary Sewer Franchise to the Water Works and Sewer Board, Plant and Water Distribution, stating this is a renewal the franchise agreement, becoming effective upon publication. He further stated shall begin on the date of publication and shall continue for 30 years thereafter. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Leashore, to adopt said ordinance. A roll call vote was taken, and the motion passed with a majority vote of the Council. Councilman Cain was out of the Chambers during roll call.

C. Application - Alcoholic Beverage License - Pit Stop (1326 Voeglin). Attorney Nunn stated this application for an Alcoholic Beverage License was presented at the last Council meeting. He further stated there was a question as it relates to zoning. A letter was received from the Building Inspector's office, and it was also discussed during work session. The matter should be cleared up, and Attorney Nunn asks for Council consideration. A motion was made by Councilman Leashore, and seconded by Councilman Randolph, to approve said application. The motion failed due to lack of a majority vote. There were three ayes and five nays. Council members Williamson, Cain, Martin, Crenshaw and Venter all cast a nay vote. After further discussion from Mayor Perkins, President Pro Tem Martin stated she wants to change her vote after hearing comments of Mayor Perkins. The motion stands. There were four ayes and four nays. Council members Williamson, Cain, Crenshaw and Venter all cast a nay vote.

D. Lovelady Acquisition. Attorney Nunn stated the closing on the Lovelady Property has taken place. He also stated he has a copy of the deed and closing statement.

E. O114-03/04 Curfew Ordinance. Attorney Nunn stated this ordinance was already on first reading, and discussed at the work session. He now asks Council for favorable consideration. A motion was made by Councilman Cain, and seconded by Councilman Williamson, to adopt said ordinance. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

F. School Board - Consent Decree Meeting. A meeting is to be scheduled with Mayor Perkins, Attorney Nunn, Councilwoman Allen, Councilman Leashore, and the Administrative Committee members.

II. CITY ATTORNEY'S REPORT

G. First Baptist Church - Concerns of Alcoholic Beverage License. Attorney Nunn stated he is in the process of researching this issue, and requests Council to table discussion until the meeting on Thursday.

H. Executive Session. Attorney Nunn asks the Council at the end of the Council meeting, if they would allow him to give them a brief update on a school board matter, to protect good name and character.

I. Livestock in the City. Attorney Nunn stated that he would research this matter and report back to the Council.

J. Mobile Homes Moratorium. Attorney Nunn stated that he would research this matter and report back to the Council.

BUSINESS ITEMS:

III. COUNCIL BUDGET

President Pro Tem Martin stated this item is tabled.

IV. SELMA WATER WORKS BOARD APPOINTMENTS.

President Pro Tem Martin stated the Council will make the appointment first, and then the Council will discuss the pay for that individual. President Pro Tem Martin asks for the names of persons who were nominated. Councilman Leashore stated as follows: Aubrey (Brother) Vick, James E. Ware, George Hicks, and Holland Powell. After discussion, President Pro Tem Martin called for a vote. The results of the votes are as follows: Councilman Williamson cast a vote for Aubrey Vick, Councilman Cain cast a vote for George Hicks, Councilwoman Martin cast a vote for Aubrey Vick, Councilwoman Allen cast a vote for Aubrey Vick, Councilman Randolph cast a vote for Aubrey Vick, Councilman Leashore did not cast a vote, Councilwoman Crenshaw cast a vote for Aubrey Vick, and Councilwoman Venter cast a vote for Aubrey Vick. President Pro Tem Martin congratulated Aubrey Vick as the Selma Water Works Board appointment. A motion was made by Councilman Williamson, and seconded by Councilman Cain, to set the salary at \$350.00. An amended motion was then made by Councilman Leashore, and seconded by Councilwoman Venter, to set the salary as the current salary. The current salary is set at \$800.00. Councilman Williamson asked if he could speak on the amendment. He stated the salary that the present Water Board is making is illegal, and has been for a number of years. He stated the attorney for the Water Board has said that it is illegal, and the Ethics Commission has found that it is illegal and referred it to the Attorney General for prosecution. A roll call vote was taken and the motion passed with majority vote of the Council. There were five ayes and three nay votes. Councilman Williamson, Councilman Cain and Councilwoman Allen all cast nay votes. Mayor Perkins stated for the record that it is his understanding that what Councilman Williamson stated is not accurate, and that the amount of the salaries is not illegal. He further stated that a ratification and affirmation of existing salaries need to be made, and fix the current rate. After discussion, Mayor Perkins withdrew his request, and this matter was tabled by President Pro Tem Martin.

V. RENAMING STREETS COMMITTEE REPORT

President Pro Tem Martin states the Renaming Streets Committee will be postponed until next Council meeting.

VI. ACCOUNTS PAYABLE AGING REPORT

Councilman Cain stated he has requested by proper procedure to provide him with an itemized list of vendors that comprise the \$105,585.97 in the Accounts Payable Aging Report, in the 30 - 60 days under the General Fund. Councilman Cain further stated that was provided in the July 24, 2006 Council meeting. He also states he wants to review the vendor list, and the vendors that comprise the \$56,819.76, \$900.54, and \$2,504.74 in the same report. Councilman Cain stated he appreciates your attention to this request, and looks forward to receiving this information prior to the next Council meeting. He also stated any calls could be made if needed. Councilman Cain read the above request in its entirety. He further stated he had not heard from Mayor Perkins with regard to this request. He also stated Ms. Cynthia Mitchell had given a summary of that report,

but he had asked for a detailed report and he has still not been given that report. Ms. Cynthia Mitchell addressed the Council. She stated unfortunately our system does not give a detailed trial

**BUSINESS ITEMS:**

balance after a vendor has been paid. Councilman Cain asked when can he get an Accounts Payable Aging Vendor Report? Mayor Perkins responded by stating that Councilman Cain had asked for an Aging Report and at the last Council meeting he was provided an Aging Report. He stated there was some discussion about it and reflected in the minutes which were just approved by the Council. Mayor Perkins stated after a vendor has been paid the system can not go back and reproduce that particular report after the invoice has been paid; it is no longer an aged payable. Mayor Perkins further stated that the law is clear, that if an individual, even a member of the Council, requests information for malicious intent that no one is obligated to provide them with anything; the law is clear on that. After discussion, President Pro Tem Martin asked if this information can be provided to Councilman Cain, so that the Council meeting can move forward with the business of the evening.

**VII. INSURANCE CLAIMS (POLICE DEPARTMENT BUILDING)**

Councilman Cain asked for an explanation for the public of why the insurance (A.M.I.C.) claims were not paid on the Police Department Building. Councilman Williamson stated an amount of \$74,000.00 for the repairs on the Police building. He asked if the City got insurance money for damage caused by Hurricane Ivan for the police building; if we did was it used towards the \$74,000, and if we did not, why did not our insurance company pay? President Pro Tem asked Ms. Lois Williams if she knew whether we got insurance money from the municipal insurance company for these damages? Ms. Williams responded by stating she would not like to answer that question in the Council meeting without having that information in front of her, so that she could give accurate information. President Pro Tem Martin asked Councilman Williamson if he could follow-up with a visit to Ms. Williams' office to discuss this matter. Councilman Williamson stated he would. Councilman Cain stated the Council approved the \$74,000.00 at the last meeting for the roof and some other repairs, but asked the question as to how the elevator is to be repaired, and from what fund? President Pro Tem Martin asked Mayor Perkins if the repair of the elevator would come under maintenance of Public buildings? Mayor Perkins stated that he was unsure and would like to defer it until he has had an opportunity to sit down with Chief Martin to discuss it. Councilman Williamson asked about the mold situation at the Police Department. Mayor Perkins stated that the environmental study is underway.

**VIII. SPEED BUMPS - 600 BLOCK OF LAWRENCE)**

Councilman Randolph made a request to place speed bumps in the 600 block of Lawrence Street. He also stated there are no residences in that block, the Church is the only occupied dwelling in that block and he has a petition from the Pastor of the Church, requesting the placement of speed bumps in that area. Attorney Nunn reminded the Council of the procedure that is in place for speed breakers. Since the petition has already been received, they will need to call Ms. Diana Johnson to be placed on the agenda, so that they can come before the Public Safety Committee and the Council. Attorney Nunn also stated since the Petition has already been before the Public Safety Committee, the Council could waive the procedure for them to address the Council. On a motion made by Councilman Randolph, and seconded by Councilman Leashore, to approve the *Petition of* the speed breakers in the 600 block of Lawrence. **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**

There is no report for the Administrative Committee.

**PUBLIC SAFETY COMMITTEE - COUNCILMAN REID CAIN, CHAIRPERSON**

Councilman Cain stated the Public Safety Committee met on Wednesday, August 3<sup>rd</sup>; discussed the curfew and speed breaks which were discussed tonight.

STANDING COMMITTEE REPORTS

COMMUNITY DEVELOPMENT COMMITTEE - COUNCILWOMAN JEAN MARTIN,  
CHAIRPERSON

The Planning and Development Committee has reported that the clean up for the façade on Water Avenue will begin this week. The Arbor Tree Assessment from Hurricane Ivan damage will be executed with a grant from Auburn University through the Tree Commission.

PUBLIC WORKS COMMITTEE - COUNCILMAN LEASHORE, CHAIRPERSON

There is no report for the Public Works Committee. Councilman Leashore thanked the men and women of Public Works, and General Services, who are making advanced improvements in our City.

DISCRETIONARY FUNDS COMMITTEE - COUNCILWOMAN CRENSHAW, CHAIRPERSON

There is no report for the Discretionary Funds Committee.

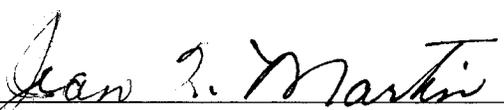
EXECUTIVE SESSION

Attorney Nunn requested a motion to recess into executive session, and stated the reason and length of time needed. A motion was made by Councilman Williamson, and seconded by Councilman Randolph, to recess this meeting into executive session to discuss good name and character at 7:10 p.m. for a period of approximately fifteen minutes. **The motion carried with a unanimous vote (show of hands) of the Council members.**

Following executive session, a motion was made by Councilman Leashore, and seconded by Councilwoman Crenshaw, to reconvene the meeting into regular session at 7:45 p.m. **The motion carried with a unanimous vote (show of hands) of the Council members.**

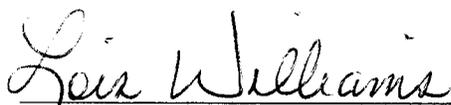
ADJOURNMENT

There being no further business to come before the Council, a motion was made by Councilman Williamson, and seconded by Councilman Randolph, to recess this meeting until 5:00 p.m. on Thursday, and by unanimous consent of the Council.

  
JEAN T. MARTIN, *PRESIDENT PRO TEM*

ATTEST:

APPROVED:

  
LOIS WILLIAMS, *CITY CLERK*

  
JAMES PERKINS, JR., *MAYOR*