

**MINUTES OF THE
SELMA CITY COUNCIL
APRIL 25, 2005
5:00 P.M.**

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, April 25, 2005 at 5:00 p.m. with the following members present: Council President George Evans and Council members Cecil Williamson, Reid Cain, Jean T. Martin, Geraldine Allen, Samuel L. Randolph, Johnnie M. Leashore, Bennie R. Crenshaw, and Jannie M. Venter. Others present were Mayor James Perkins, Jr., City Clerk Lois Williams, City Treasurer Cynthia Mitchell, City Attorney Jimmy Nunn and the Mayor's Administrative Assistant Sherri James. Reverend Kenny Hatcher gave the invocation.

After roll call, President Evans declared a quorum present and the meeting was opened for the transaction of business as set forth on the agenda. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Allen to approve the agenda as written. **The motion carried with a unanimous vote (show of hands) of the Council.**

After approval of the agenda, President Evans asked for a motion to approve the minutes of April 11, 2005 regular meeting. A motion was made by Councilwoman Venter and seconded by Councilwoman Martin to approve the adoption of the minutes of April 11, 2005. **The motion carried with a unanimous vote (show of hands) of the Council.**

**National Day of Prayer Activities
Thursday, May 5, 2005 - 6:30 a.m. - Convention Center**

I. MAYOR'S REPORT

A. Resolution #R161-04/05 - CDBG Grant Application. Mayor Perkins stated a resolution has been prepared to address the submission for a CDBG grant application. Mayor Perkins stated this is the East Selma Weed & Seed Sanitary Sewer Storm Drainage Improvement and he would like to ask Mr. Hogg to come forward to address the Council on this application. Mr. Hogg stated the community development needs in Selma have been assessed and determined the biggest problems to be sanitary sewer in the eastern part of town on Selma Avenue and Alabama Avenue in the general vicinity of the Sophia P. Kingston Elementary School. Following further discussion, Mr. Hogg also stated the amount of the grant would be \$500,000.00 with a 10% match of \$50,000.00, which would not be awarded until September and therefore funds would need to be appropriated in the next fiscal year (2005-2006) budget. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Venter to approve the said resolution to submit the grant application. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

B. Contract - Hogg Engineering. Mayor Perkins stated a contract has been prepared in conjunction with the grant application for Hogg Engineering, Inc. in the amount of \$2,500.00. Mayor Perkins stated this contract would be paid with funds with grant funds. A motion was made by Councilwoman Martin and seconded by Councilman Leashore to approve the said contract with Hogg Engineering. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

C. Distribution of Curbside Garbage Carts - Henry Hicks. Mayor Perkins stated he would like to ask General Service Director Mr. Henry Hicks to come forward to briefly address the Council regarding the distribution process of the curbside garbage carts. Mr. Hicks stated the cart distribution started in east Selma and currently being delivered in ward 2. Mr. Hicks further stated if weather permits, by Friday all carts should be distributions to all curbside residents and on May 2nd will be ready for pickup on schedule.

D. Alabama Trust Funds and Oil Lease Funds. Mayor Perkins stated the Alabama Trust and Oil Lease Funds have been received. Mayor Perkins stated this year the amount has increased to \$111,688.59. Mayor Perkins stated in the past he has been consistent with asking the Council to consider against dividing these funds between the nine-member Council and himself, but to allow these funds to be used for community wide projects. Mayor Perkins stated his recommendation, as this time would be for these funds to be used towards capital improvements specific to recreations for our youth. Mayor Perkins stated this proposal would include basketball courts and five playground facilities throughout the City in Taylor Field, Ronnie Sharpe Park, Cedar Park, Meadowview and Buckeye, plus security during the summer for these facilities. Mayor Perkins stated further the fountain in front of City Hall has become an eyesore and he feels the public would appreciate repairs or removal of this fountain, and he recommends appropriating \$10,000.00 of these funds for the fountain. Mayor Perkins stated he asks the Council to consider this strategy with a vote of confidence, but if the Council has an alternative capital improvement project to replace his recommendations to provide youth development resources, he would be certainly willing to have discussions to work with the Council in any way possible. Mayor Perkins also stated the labor cost concerning upgrading the crossing guards to security guards to work in these areas is approximately \$40,000.00 and he also ask the Council to approve this amount in this process.

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Councilman Leashore stated when the Council convened in October, he concurs with Mayor Perkins that his request was asking the Council to consider not dividing these Oil Lease funds; he feels this is an excellent idea. Councilwoman Crenshaw concurs. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to adopt the recommendations made by Mayor Perkins for the expenditure of these funds in the form of recreation for the City's youth and transfer the amount of the Alabama Trust Fund Oil Lease funds to the General fund. Mayor Perkins stated \$7,000.00 would be used from the JAG funds. Councilman Williamson stated if the Council votes on this recommendation, are they committing to complete all the projects listed. Mayor Perkins stated yes.

Councilwoman Venter and Councilwoman Martin both expressed concerns for youth projects in their wards as well. Mayor Perkins stated he understands their needs. Councilwoman Allen stated in the past she has observed that Oil Lease funds were used for street repairs and in her ward there are several streets listed in need of repairs and she understood that this could be completed with funds from the Oil Lease funds. Mayor Perkins asked Councilwoman Allen to please forward that listing to his office. Councilwoman Allen concurred. President Evans stated he has willing given to all requests made by Mayor Perkins in terms of Discretionary funds as well as Oil Lease funds. President Evans further stated he feels each Council person should have the discretion of using these funds to contribute to whatever cause Mayor Perkins needs, however, he feels with the division of the funds, the Council could be appealed and feel a part of the projects by giving voluntarily opposed to a lump some of money with undetermined input from the Council. President Evans stated he would be happy to agree to contribute funds as they have done in the past. Following further discussion, a roll call vote was taken and the motion passed with a majority vote of the Council. There were seven affirmative votes and two negative votes. President Evans cast a negative vote stating he is not voting against the projects, but for purpose of using contributions of the funds based on needs and requests. Councilman Cain also cast a negative vote.

E. Letter – Department of Homeland Security – Communications Program. Mayor Perkins stated he received a fax letter from the Department of Homeland Security on April 22, 2005. Mayor Perkins stated the letter is promoting a new tower and antennas to be erected in the historic district at the E911 facility. Mayor Perkins stated there are two things that are apparent after review of a report request of the Police Chief, one; it has been identified that this is technically financial feasible project, two; in spite of this fact, he could not support this project. Mayor Perkins stated his reasons for non-support is that it was made clear to the County and E911 when it was decided to place the facility in the historic district that there were restrictions and those restrictions would cause problems in the future. Mayor Perkins stated this advice was ignored and there has been a series of requirements at this facility that violates the historic ordinance and this tower would also violate that ordinance. Mayor Perkins stated he refuses to change his position on this matter at this point because they choose to ignore the initial advice, however, he concurs with the proposal and does not disagree with the technical or financial feasibility aspect of the solution. Mayor Perkins stated he wants to make the Council aware of his position and he understands this is a Council decision, but he is not in favor of this matter. Following further discussion, Councilman Williamson asked if City Attorney Jimmy Nunn could research local laws versus homeland security concerns for clarifications to the Council. Mayor Perkins concurs.

F. Resolution #R162-04/05 - Police Vehicles. Mayor Perkins stated the police department has appropriated in their budget monies to purchase three new police vehicles and he would like to as City Clerk Lois Williams to come forward to address the Council on this matter. Ms. Lois Williams stated on March 8, 2005 the City Clerk's office expected to open bids for the police department for three police vehicles. Ms. Williams stated between the period February 22, 2005 and March 8, 2005, for the first time while in the Clerk's office, no bids were received and at that time she consulted with City Attorney Jimmy Nunn who referred her to contact the Alabama League of Municipalities. Ms. Williams stated after consulting with the League, it was determined that the City has a right to negotiate with the best responsible vendor of choice for the equipment in question as long as the specifications were not changed. Ms. Williams stated she informed Interim Chief Martin of these conditions and he proceeded to negotiate with Moore-Stewart Ford of Selma and obtained prices for three vehicles in the amount of \$79,035.40. Ms. Williams stated these funds are in the police department budget and at this time she asks the Council approval for the lease-purchase of said vehicles. A motion was made by Councilman Cain and seconded by Councilwoman Martin to purchase three vehicles for the police department. Councilman Williamson stated as per comments from Mayor Perkins, the funds are budgeted for about \$80,000.00 for these vehicles, but the request is to lease and he asked for clarification of the request. Following further discussion and clarification of funds by City Treasurer Cynthia Mitchell, the motion was amended by Councilwoman Crenshaw and seconded by Councilman Leashore to change the resolution to reflect the purchase with payment in full for three police vehicles in the amount of \$79,035.40 of a budgeted amount of \$85,500.00. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

G. Curfew Ordinance Review. Mayor Perkins stated on April 19, 2005, he received a review request of the juvenile curfew ordinance from Interim Chief Martin. Mayor Perkins stated he has not had a chance to review the ordinance as of yet, but would like to review with the Chief and City Attorney Jimmy Nunn; concerning legal issues and statistics needed to meet strict tests; the Juvenile Justice and

I. MAYOR'S REPORT

Delinquency Prevention Act and how to have a successful and effective program. Mayor Perkins stated as soon as a recommendation concurred by the Chief is determined; the ordinance will be presented to the Council at the next Council meeting.

H. Cave-In - Crescent Hill Drive. Councilman Williamson asked Mayor Perkins if there is a timetable or plan to repair the washout on Crescent Hill Drive. Mayor Perkins stated this issue was presented to the Water and Sewer Board in anticipation that they would repair the cave-in since they were responsible for the repair of the water main. Mayor Perkins stated the Water Board referred this issue back to the City, which creates a challenge between engineering companies. Mayor Perkins stated he contacted the State of Alabama to inquire if they would have any responsibility to repair this street, since it was previously a State highway. Mayor Perkins stated it was determined that the law gives the State the right to repair, but does not obligate them to do so, therefore the responsibility would defer back to the City. Mayor Perkins stated with this being the case, he would need authorization to proceed with this project. Following further discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to authorize Mayor Perkins to proceed with repairs of Crescent Hill Drive. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

I. Employee Statistics. Mayor Perkins stated he would like to read the following statistics into the record. Mayor Perkins stated he has received a report of employee statistics from Personnel Director Valeria Jones. Mayor Perkins stated this report does not include Summer Youth, Summer Food Program, Seasonal or any Grant affiliated participants. Mayor Perkins stated as per the report, this information is derived from data currently in the computer system as follows:

Prior employee statistics:

- October 1, 1999-September 30, 2000 - 429
- October 1, 2000-September 30, 2001 - 433
- October 1, 2001-September 30, 2002 - 427
- October 1, 2002-September 30, 2003 - 426
- October 1, 2003-September 30, 2004 - 387

All totals include nine Council members.

Current employee statistics: Total number of employees effective as of April 18, 2005 - 366

- Full time employees - 305
- Part time employees - 25
- Temporary employees - 36 (temporary: full time and part time)

II. CITY ATTORNEY REPORT

A. Ordinance #O109-04/05 - Garbage Collection Services. Attorney Nunn stated the Council has a copy of an ordinance that was placed on first reading during the last Council meeting. Attorney Nunn stated there has not been any change to the ordinance and he asks the Council approval at this time. A motion was made by Councilman Leashore and seconded by Councilwoman Martin to adopt the said ordinance. **A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight affirmative votes and one negative vote. Councilman Williamson cast a negative vote.**

B. Council Travel Budget/Parliamentary Procedures. Attorney Nunn stated per Council request during the last Council meeting as it relates to the Council travel budget, and a question concerning parliamentary procedures and possible violations, he has drafted answers to these requests and responses were to the Council. Attorney Nunn stated if the Council should have any questions concerning this request, he would be glad to answer them.

C. Contract - DHL, Inc. Attorney Nunn stated the Council does not have a copy of this contract, however, this is an extension of the contract for DHL, Inc. and Mrs. Deborah Love as it relates to the Brownsfield assessment grant. Attorney Nunn stated a letter was received from Ms. Lola Rogers as it relates to the extension of the said contract for a period of three months for the assessment of identifying property and closing out the project from April 1, 2005 through June 30, 2005. Attorney Nunn stated the initial contract was entered into on January 28, 2003, as you already know, to identify the Brownsfield project, a twenty-month contract, which was recommended per Council and EDA to finish the project with Mrs. Love and DHL, Inc in the amount of \$3,500.00 per month; totaling \$10,500.00. Attorney Nunn stated he asks the Council approval at this time. A motion was made by Councilwoman Martin and seconded by Councilman Randolph to approve the extension of the contract for DHL, Inc. **A roll call vote was taken and the motion passed with a majority vote of the Council. There were six affirmative votes and three negative votes. Councilman Williamson, Councilman Cain and Councilwoman Crenshaw all cast negative votes.**

II. CITY ATTORNEY REPORT

D. Consent Decree - City School Board. Attorney Nunn stated the Council has a copy of the consent decree order by the judge as it relates to the Selma City School Board and the City Council appointments. Attorney Nunn stated if the Council recalls this decree is dealing with the alternating of appointments of School Board members on a black and white ratio. Attorney Nunn discussed briefly his meetings with the School Board attorney concerning what would be the possibility of abolishing the consent decree and asked the Council pleasure at this time. Councilwoman Allen stated as per her report, after speaking with Attorney McNeil, the School Board stated although it remains important to keep diversity on the School Board, they did feel this decree could be dissolved, and it was also determined that an appointed School Board would be better to maintain diversity, rather than an elected School Board. Councilwoman Allen stated the School Board would like to be present at the public forum to voice their opinions as well. Attorney Nunn stated he suggested the City Council to meet with the School Board to dissolve the consent decree. President Evans stated he and Attorney Nunn would set up a time to meet that is convenient for the Council and the School Board for the purpose of discussing this matter and resolve in a way that would be meaningful for all people.

E. Livestock in the City. Attorney Nunn stated he has contacted several other Cities regarding livestock in the City. Attorney Nunn stated only one city has a separate ordinance dealing with animals and firearms, others include all in one ordinance. Attorney Nunn stated this is similar to the leash ordinance passed a few months ago. Attorney Nunn stated the ordinance has not been published due to the incompleteness of the Animal Shelter, but some revisions could be done to include the livestock.

F. Charter Communications. Attorney Nunn stated he has called Charter Communications and left several messages for them and also called again today. Attorney Nunn stated they are still waiting for their return call. Attorney Nunn stated he spoke with Councilwoman Allen and several dates have been given to meet with Charter and when they are available he will update the Council.

G. Alabama Restoration Of Voting Rights. Councilwoman Crenshaw stated she has given Attorney Nunn the incorrect information regarding this item and it will be updated at the next Council meeting.

BUSINESS ITEMS:

III. BEAUTIFICATION COMMITTEE UPDATE

President Evans stated the committee is still working on this update and Mrs. Breeding has prepared a letter announcing her plan to meet on May 10, 2005 at 11:00 a.m.

IV. SUMMER YOUTH EMPLOYMENT

President Evans stated asked Mayor Perkins if they are working on anything regarding the matter of the Summer Youth Employment. Mayor Perkins stated the City Treasurer Cynthia Mitchell has not prepared any information on this project. Mayor Perkins stated it might be that we would have to settle for the capital improvements as a long-term benefit for our youth this year versus the short-term employment benefits. President Evans stated he would ask Ms. Johnson and Mrs. James to pull together a listing of the businesses to solicit for funds for this program. President Evans stated a work session would be held on May 2, 2005 at 5:00 p.m. to discuss this item and the update on Charter Communications.

V. 2005 SCHOOL BOARD APPOINTMENTS

Councilwoman Allen stated a copy of the resumes' of the candidates applying for the School Board positions has been given to each Council member. Councilwoman Allen stated a possible date for interviews is May 4, 2005 at twenty-minute intervals starting at 3:30 p.m. until 5:50 p.m. Councilwoman Allen stated the number of interested candidates for the School Board positions is five and needs to get a consensus of the Council for this date and procedure. Councilwoman Allen stated the other dates mentioned in her report are concerning tentative dates and times for the School Board public forum, which are Tuesday, May 10, 2005 from 6 p.m. - 7 p.m. and Tuesday, May 17, 2005 from 10 a.m. - 11 a.m. President Evans stated there is a general consensus of the Council to accept these dates for the interviews and public forums.

VI. 2003-2004 AUDIT

Councilman Cain stated last years audit shows the City spent \$326,000.00 more than what was received and he would like to ask Mayor Perkins if the Council could receive a projection of our current 2005

BUSINESS ITEMS:

year end on whether the City expects to realize a deficit or surplus based upon our current revenues and expenses. Mayor Perkins stated the Council receives this information every month. President Evans stated he would like to encourage any Council member to meet with Mayor Perkins concerning obtaining any further figures needed or specific information.

CITIZENS REQUEST

Ms. Nichole Sherrer
Re: Resolution to abolish the death penalty

Ms. Dorothy Cowans
Re: Selma Police Athletic League

STANDING COMMITTEE REPORTS

RECREATION COMMITTEE

There is no report for the Recreation Committee.

ADMINISTRATIVE COMMITTEE

Councilwoman Allen stated the Administrative Committee report has been given.

PUBLIC SAFETY COMMITTEE

Councilman Cain stated there would be a Public Safety meeting held on Wednesday, April 27, 2005 at 4:00 p.m. regarding E911 and he would like the Mayor's approval for Interim Chief Jimmy Martin to be a part of this meeting.

COMMUNITY DEVELOPMENT COMMITTEE

Councilwoman Martin stated she would like to remind everyone that the Chamber of Commerce would sponsor a Professional Business Women luncheon at the Convention Center on Tuesday, April 26, 2005 at 11:30 a.m. Councilwoman Martin stated she has purchased ten tickets for anyone who is interested in attending. The speaker will be Dr. Patterson.

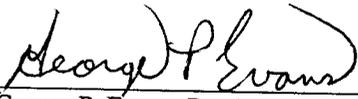
PUBLIC WORKS/GENERAL SERVICES COMMITTEE

Councilman Leashore stated although there has not been a official committee meeting, during his observation of the Public Works and General Services, he would like commend General Services Director Mr. Henry Hicks and Public Works Director Mr. Tommy Smith and their staffs for their efforts in the cart distribution and respective duties.

DISCRETIONARY FUNDS COMMITTEE

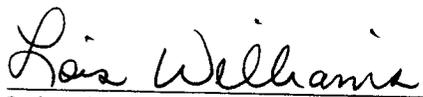
There is no report for the Discretionary Funds Committee.

There being no further business to come before the Council, on motion made by Councilman Leashore and seconded by Councilman Randolph, the Council voted by unanimous consent to adjourn this meeting at 7:49 p.m.


George P. Evans, *President*

ATTEST:

APPROVED:


Lois Williams, *City Clerk*


James Perkins, Jr., *Mayor*