

**MINUTES OF THE
SELMA CITY COUNCIL
MONDAY, OCTOBER 11, 2004**

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, October 11, 2004 at 5:00 p.m. with the following members present: Council President George P. 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 Booker T. Booker 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. President Evans asked if there were any additions or corrections to the agenda prepared for this meeting. President Evans stated he would like to add a noise ordinance to the agenda. Councilwoman Crenshaw stated she would like to add a resolution to repeal the resolution adopted on September 27, 2004 for the Ward 8 designation of Bond Funds. A motion was made by Councilwoman Martin and seconded by Councilman Leashore to approve the agenda as amended. **The motion carried with a unanimous vote (show of hands) of the Council.**

President Evans asked if there were any additions or corrections to the minutes of the regular meetings held on Wednesday, September 15, 2004, and Monday, September 27, 2004, the organizational meeting held on Monday, October 4, 2004 and special called meeting held on October 4, 2004. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve the adoption of the minutes of September 15, 2004. **The motion carried with a unanimous vote (show of hands) of the Council.** A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore approve the adoption of the September 27, 2004 with noted corrections. **The motion carried with a unanimous vote (show of hands) of the Council.** A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the adoption of the October 4, 2004 organizational meeting with noted corrections. **The motion carried with a unanimous vote (show of hands) of the Council.** A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Martin to approve the adoption of the October 4, 2004 special called meeting. **The motion carried with a unanimous vote (show of hands) of the Council.**

SELMA-DALLAS COUNTY YOUTH LEADERSHIP

President Evans stated the Selma-Dallas Youth Leadership is present tonight to observe how the City conducts business at a Council Meeting. President Evans asked if they would please stand to be recognized and he stated the Council is happy to have them present at the meeting tonight. Councilwoman Martin stated they would be having breakfast at the Old Depot Museum on Tuesday, October 12, 2004 at 7:30 a.m.

I. CITIZENS REQUEST

- Ms. Tammy Troha & Ms. Aloma Stewart – Addressed the Council
Re: Southern LINC – Presentation.

I. CITIZENS REQUEST

- Mr. Jimmy Coleman – Addressed the Council Re: Minority Business Development.
- Ms. Brenda Tuck & The Tobacco Coalition – Addressed the Council Re: Smoking Ordinance.
- Reverend Bailey Dawson, Sr. & Mrs. Bobbie Keith – Addressed the Council Re: Central Alabama Band Competition, requesting a contribution from the Council Discretionary Funds payable to Selma High School, as per Mayor Perkins, in the amount of \$500.00 each.

II. MAYOR'S REPORT

A. Acknowledgement of Americorp Volunteers. Mayor Perkins stated he would like to ask Mr. Amos Moore, Mrs. Yolanda Snow and Ms. Wanda Perez to come forward. He stated these individuals have been recognized by the Governor of the State of Alabama for their works and efforts in the Americorp Program and he would like to acknowledge them also for their contribution to the program. Mr. Moore stated Americorp has completed its third year in Selma and every year the Heroes awards are presented to individuals in the program. Mr. Moore stated there were twelve nominations from around the state out of ninety-three volunteers in Alabama and twenty-three of which are in Selma. He stated out of twelve individuals, only eight were selected, and two of them are from Selma's Americorp Program, Mrs. Yolanda Snow and Ms. Wanda Perez.

B. Renewal - Liability Insurance Coverage. Mayor Perkins stated it has been brought to his attention by Ms. Williams, City Clerk; the renew of the City's Liability Insurance coverage. Mayor Perkins stated as per Ms. Williams, this is a multiple year option for renewal and the rates have not changed, therefore, the recommendation is to continue with the existing contract. Mayor Perkins stated he would like to ask the Council to approve the execution as per the previous finance agreement to renew the coverage for liability. A motion was made by Councilwoman Martin and seconded by Councilman Leashore to approve the said contract for renewal of Liability Insurance. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

C. Lounge Retail Liquor License – Southern Comfort Lounge. Mayor Perkins stated as per memo from Robert Green, Chief of Police, Southern Comfort Lounge, located in the 200 block of Race Street, has applied for a lounge retail liquor license. He asked what is the Council's status for this license. During discussion, a motion was made by Councilman Leashore and seconded by Councilman Randolph to approve the said license. **A roll call vote was taken and the motion failed by a majority vote of the Council.** There were three affirmative votes. Councilman Williamson, Councilman Cain, Councilwoman Martin, Councilwoman Allen, Councilwoman Crenshaw and Councilwoman Venter cast negative votes.

D. 2003-2004 Audit Proposal. Mayor Perkins stated he has interviewed auditing firms for this fiscal year. He further stated a selection has been made to

II. MAYOR'S REPORT

obtain Wilson Price, Certified Public Accounts & Consultants, 3815 Interstate Court, Montgomery, AL for the 2003-2004 audit. This is informational to the Council and requires no action at this time.

E. Craig Field Airport & Industrial Authority Board Appointment. Mayor Perkins stated three members of the Craig Field Airport and Industrial Authority Board are recommended by the Mayor and approved by the Council. He further stated Councilman Cecil Williamson is a member of that Board and his term has expired. He further stated he wishes to make the Council aware, at this time, he would be making recommendation for a replacement for Councilman Williamson at the next Council meeting.

F. Good Samaritan Hospital Building. Mayor Perkins stated the Good Samaritan Building was originally renovated under a HUD 108 Loan, which was a pass-through from ADECA, with the City of Selma serving as a guarantor. He further stated the 108 Loan went into default, however, on June 14th the Council approved a resolution that authorized the Mayor to execute a guarantee assistance document that virtually refinanced the 108 Loan with HUD and ADECA. During discussion, Mayor Perkins asked if the Council would appoint a special committee to assess this issue, which would consist of Councilwoman Crenshaw as Chairperson, with Councilwoman Martin and Councilwoman Allen and Councilman Leashore to serve on the committee.

G. Resolution - Notice of Property Assessments. Mayor Perkins stated the Council has a copy of a resolution from the Tax and License Office for notice of property assessments. He stated the Council is asked for favorable consideration of this resolution, which is simply an announcement in the newspaper, and if anyone needs an explanation on this resolution, Mrs. Jackson is present to address any questions. After brief discussion from Mrs. Jackson, a motion was made by Councilman Leashore and seconded by Councilwoman Martin to approve the said resolution. **The motion carried with a unanimous vote of the Council.**

III. CITY ATTORNEY'S REPORT

A. Ordinance #O101-04/05 - Transfer of Appointment Powers. Attorney Nunn stated Ordinance #O101-04/05 was placed on first reading on October 4, 2004, and he asks the Council to approve said ordinance at this time. A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the said ordinance. During discussion, Councilman Cain read from his written statement that appointment powers lie best with the Office of Mayor for various reasons listed in his statement, and concluded stating the Office of Mayor should be in a position of leadership. President Evans discussed some concerns for clarity of the media coverage regarding this issue. **A roll call vote was taken and the motion passed with a majority vote of the Council.** There were eight affirmative votes. Councilman Williamson cast a negative vote.

B. Resolution #R107-04/05 - Appointment of City Clerk. Attorney Nunn stated as per the previous ordinance just passed, the appointments of the City Clerk, City Treasurer and City Judge still remain in the hands of the Council, and the Mayor hereby handles all other appointments. Attorney Nunn stated the

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Council has a copy of Resolution #R107-04/05 as it relates to the appointment of the City Clerk, with a bond amount of \$100,000.00. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Martin to approve the appointment of Ms. Lois Williams as City Clerk for a term of four years. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

C. Resolution #R108-04/05 - Appointment of City Treasurer. Attorney Nunn stated the Council has a copy of Resolution #R108-04/05 as it relates to the appointment of the City Treasurer, with a bond amount of \$100,000.00. A motion was made by Councilwoman Martin and seconded by Councilman Cain to approve the appointment of Ms. Cynthia Mitchell as City Treasurer for a term of four years. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

D. Ordinance #O102-04/05 - Rules and Procedures of the Council. Attorney Nunn stated the Council has a copy of Ordinance #O102-04/05 as it relates to the rules of procedures of the Council. He further stated this ordinance was placed on first reading on October 4, 2004, and discussed during work session; some minor changes were made to section 8, section 23, and section 32. Following discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore for the said ordinance to remain on first reading until the next regular scheduled meeting pending revisions and amendments by Attorney Nunn. A roll call vote was taken and the motion carried with a unanimous vote of the Council.

E. Resolution #R106-04/05 - Repeal Bond Trust Funds Designations - Ward 8. Attorney Nunn stated the Council has a copy of Resolution #R106-04/05 as it relates to the repeal of a resolution passed at the last Council meeting on September 27, 2004, to transfer Councilman James Durry's 1999 Bond Issue balance of \$35,391.00 and Alabama Trust Fund balance of \$23,994.00; totaling \$59,385.00 to a Special Project Fund designated only for recreation projects in Ward 8. Attorney Nunn stated this current resolution would hereby repeal the said resolution. Following discussion, a motion was made by Councilwoman Martin and seconded by Councilman Leashore to approve the said resolution to repeal as stated. A roll call vote was taken and the motion passed with a majority vote of the Council. There were six affirmative votes. President Evans, Councilman Williamson, and Councilman Cain cast negative votes.

F. Ordinance #O103-04/05 - Transfer of Authority of Appointment of Standing Committees. Attorney Nunn stated the Council has a copy of an Ordinance #O103-04/05 as it relates to the transfer of authority of appointments of Standing Committees from the President of the City Council to the Council as a whole. Following a lengthy discussion, a motion was made by Councilwoman Allen and seconded by Councilwoman Martin to table this ordinance at this time. A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight affirmative votes. Councilman Leashore cast a negative vote. Councilwoman Crenshaw stated this issue would resurface.

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G. Council Do's and Don'ts. Attorney Nunn stated his office has prepared a listing of Standing Council Committees do's and don'ts for Council's informational purposes.

H. Attorney Fees - Gamble, Gamble, Calame & Chittom. Attorney Nunn stated the Council has a copy of the final bill as it relates to attorney fees payable to Gamble, Gamble, Calame & Chittom for services rendered during the Friends of Forrest lawsuit in the amount of \$7,924.32. A motion was made by Councilman Randolph and seconded by Councilwoman Martin to approve the payment of the said attorney fees. **A roll call vote was taken and the motion passed with a majority vote of the Council.** There were eight affirmative votes. Councilman Williamson cast a negative vote.

I. Contract - AlaTax -Tax Revenue Renewal. Attorney Nunn stated a contract has been prepared as it relates to a Tax Revenue Enhancement Agreement. Attorney Nunn stated if the Council recalls, the Department of Revenue previously collected the City of Selma taxes, however, about one year ago, the City changed to AlaTax, who is currently collecting the taxes. Attorney Nunn further stated after discussing this matter with Mayor Perkins, it has been recommended to enter into another contract for one year on the basis that it will be the same as the original contract. A motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to approve the renewal of the said contract. **A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.** Councilman Leashore was absent from the Chambers when this vote was taken.

J. Contract - AlaTax - Business License Cross Examination. Attorney Nunn stated a contract has been prepared as it relates to business license cross-examination. Attorney Nunn stated the City of Selma currently issues business licenses to businesses within the City limits and AlaTax is proposing to cross examine the data they have as it relates to the different businesses that have applied for a business license within the City limits and other businesses that are doing business in Selma from Cities surrounding the City of Selma to ensure that we are collecting all the monies that need to be collected for the City of Selma. Attorney Nunn further stated this is a separate contract than the tax revenue contract and for one year fifty percent of the money collected be forward to AlaTax, after which, the full amount will forward to the City of Selma. After further discussion, Mayor Perkins asked the Council to take no action on this item at this time.

K. Appointment of Planning Commission. Attorney Nunn stated there are nine members who serve on the Planning Commission. Attorney Nunn further stated an appointment to replace former Councilman James Durry needs to be approved at this time for a term of four years. A nomination was made by Councilwoman Crenshaw and seconded by Councilwoman Allen to appoint Councilwoman Venter to serve on the Planning Commission. **The motion carried with a unanimous vote (show of hands) of the Council.** Attorney Nunn stated Planning Commission meetings are held the second Tuesday in each month at 9:30 a.m. in the Council Chambers.

III. CITY ATTORNEY'S REPORT

L. **Ordinance - Curfew.** Attorney Nunn stated this ordinance has been prepared and per President Evans will be turned over to the Public Safety Committee.

M. **Ordinance - Smoking.** Attorney Nunn stated this ordinance has been prepared as well as the ordinance on vicious dogs.

N. **Appointment of Selma Water & Sewer Board.** Attorney Nunn stated the Selma Water & Sewer Board appointment would be presented at the next Council meeting. Attorney Nunn stated one of the appointments on the Water Board has expired and the Council will be asked to appoint another member to serve on this Board.

O. **Appointment of City Judge.** Attorney Nunn stated he has spoke with President Evans and asks the Council to postpone appointment of the City Judge until the next regular meeting to allow further research for a proposal to the Council. He stated this is an appointment of the Council.

BUSINESS ITEMS:

IV. 2004-2005 BUDGET

President Evans asked Mayor Perkins the status of the 2004-2005 Budget. Mayor Perkins stated there would be a draft prepared for the Council before the next regular Council meeting.

V. E-911 CONTRACT

President Evans asked Attorney Nunn if he has any additional information regarding the E-911 Contract. Attorney Nunn stated as it relates to the \$4,000.00, he has contacted Brett Howard to address the Council possibly during the next scheduled work session at 4:00 p.m. on Monday, October 25, 2004. The Council concurred.

VI. SCHOOL BOARD VACANCIES

President Evans stated this item has been transferred to the Administrative Committee and Councilwoman Allen will give a report at a later date.

VII. PARKING FOR COUNCIL MEMBERS

President Evans stated he would like to ask Mayor Perkins to consider the designation of parking spaces for Council members as time permits. Councilwoman Crenshaw stated she would not be in favor of parking spaces for the Council members. President Evans stated he was not suggesting nine spaces for Council members since they are not at City Hall during the day, maybe one or two possibly.

VIII. MAYOR/COUNCIL COMMUNICATIONS

President Evans stated the Council met with Department Heads this morning during their staff meeting with Mayor Perkins. President Evans stated this was an excellent meeting with positive dialog with the Mayor and Department Heads. President Evans stated Mayor Perkins has outlined a structure by which he would like the Council to communicate with Department Heads. President Evans stated the Council should make the president aware of any occasions they need to communicate with Department Heads. President Evans stated it has been suggested by Mayor Perkins that the Council develops its own way of communicating with each other regarding any necessity to communicate with Department Heads. President Evans further stated Councilman Cain has suggested one way of doing so which he read from a memo to the Council. Mayor Perkins stated he respects what Councilman Cain may be trying to achieve, however, he is concerned about the approach. Following discussions, President Evans stated he apologies for the approach taken with this memo, a mistake was made and he would respect whatever the Council decides to do regarding this communication matter and move forward.

IX. WORK SESSION SCHEDULE

President Evans asked the Council their desires for scheduling work sessions, they were held in years past, in an effort to shorten long meetings of the Council. Councilwoman Crenshaw stated a work session should be scheduled at least thirty minutes prior to the next regular Council meeting for the purpose of dealing with the E-911 contract.

X. WORSHIP SERVICES

President Evans stated he would like to ask the Council if they would like to visit the Church of each Council member and other Churches to attend worship services together at least once a month. Councilwoman Crenshaw stated she previously expressed her concerns regarding this matter and she would not like to see this Council commit themselves; meaning if this were to take place, there should be a feeling of togetherness and true understanding. Therefore, her recommendation, at this time, is that a Council member visits another Council members Church by choice and not by commitment. President Evans stated this point is well taken and if any Council member desires to address this item again, it could be revisited at another time.

ANNOUNCEMENTS:

- Councilman Leashore stated it is very important that this Council officially recognizes that Mayor Perkins has been reinstated as Superintendent of the Selma Water & Sewer Board. President Evans stated he is certain everyone here is aware, however, he would like to announce that the Selma Water & Sewer Board has appointed Mayor Perkins as Superintendent of the Water Board by unanimous consent. Mayor Perkins thanked all the citizens of Selma.

ANNOUNCEMENTS:

- Mrs. Sherri James stated she would like to cordially invite the Council and citizens of Selma to a "Thank You" celebration in the park (Bloch Park) on Saturday, October 16, 2004 from 11:00 a.m. – 3:00 p.m. Mayor Perkins would like to thank all volunteers, supporters and citizens of Selma.

XI. STANDING COMMITTEE REPORTS

RECREATION COMMITTEE

There is no report for the Recreation Committee.

ADMINISTRATIVE COMMITTEE

There is no report for the Administrative Committee.

PUBLIC SAFETY COMMITTEE

Councilman Cain stated there would be a Public Safety meeting in the Council Chambers on Thursday, October 21, 2004 at 3:45 p.m.

COMMUNITY DEVELOPMENT COMMITTEE

There is no report for the Community Development Committee.

PUBLIC WORKS/GENERAL SERVICES

There is no report for the Public Works/General Services Committee.

DISCRETIONARY FUNDS COMMITTEE

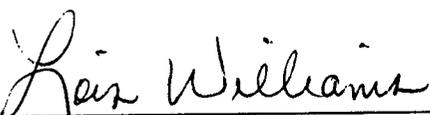
There is no report for the Discretionary Funds Committee.

There being no further business to come before the Council, on motion made by Councilwoman Martin and seconded by Councilwoman Allen, the Council voted by unanimous consent to adjourn this meeting at 7:53 p.m.



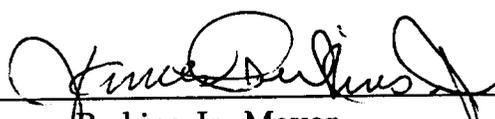
George P. Evans, President

ATTEST:



Lois Williams, City Clerk

APPROVED:



James Perkins, Jr., Mayor