

MINUTES OF THE SELMA CITY COUNCIL
APRIL 10, 2006
5:00 P.M.

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, April 10, 2006 at 5:00 p.m. with the following members present during roll call: Council President George Evans and Council members Cecil Williamson, 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. Reverend Ron Stone gave the invocation. Councilman Cain was absent from the Chambers during roll call, but arrived at 5:16 p.m. Councilman Randolph was absent from the Chambers during roll call, but arrived at 5:06 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 then made by Councilwoman Martin and seconded by Councilwoman Crenshaw to approve the agenda as written. The motion carried with a unanimous vote (show of hands) of the Council.

APPROVAL OF MINUTES:

After approval of the agenda, President Evans asked for a motion to approve the minutes of March 27, 2006 regular meeting. A motion was made by Councilwoman Martin and seconded by Councilman Randolph to approve the minutes of March 27, 2006. The motion carried with a unanimous vote (show of hands) of the Council.

CITIZENS' REQUEST

Mr. Mallieve Breeding
Re: Save the Butterfly Day

Reverend Winston Williams
Re: Selma Christian Ministries

Mr. Brandon Williams
Re: Selma High School Band

Mrs. Dorothy Hawkins (Rev. Edwards spoke on her behalf)
Re: Senior Citizens Prom Night - 2006

I. MAYOR'S REPORT

(1) **Monthly Financial Statements.** Mayor Perkins stated Ms. Mitchell is distributing the financial statements for the month ending March 2006 and the financial statements for the month of February were received in the last Council meeting. Mayor Perkins stated the numbers are fairly consistent with where they were in prior months, still running in excess of \$233,000.00 above projected revenue and sales tax, \$28,000.00 above revenue in lodging tax, \$79,866.00 above revenue in tobacco tax. Mayor Perkins stated the cash position is totaling restricted and unrestricted at \$6,800,000.00. Mayor Perkins stated if the Council has any questions, he looks forward to receiving their calls and comments.

(2) **Good Samaritan Operations Report.** Mayor Perkins stated this report is still running in good shape. Mayor Perkins stated we had a large capital outlay this time around with some elevator issues in the building but there were resources to take care of it and that line item is first line item in the expense category, which is about \$7,460.00.

(3) **Clay Smith - Crime Town Hall Meeting.** Mayor Perkins stated this young man was present at the crime town hall meeting, Mr. Clay Smith. Mayor Perkins stated he would really would like to see the off shore oil lease money used again this time to do something with the skating situation and the sidewalks. Mayor Perkins stated he really thinks if we sit down and put our heads together and understand that the sidewalk project could be something that would be really good, it could not only be done, but a certain amount of the work to be done, can be done through the Public Works Department to offset some of the real costs associated with actual labor

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in-house. Mayor Perkins stated he would encourage the Council that once that money comes in, that we would look seriously at doing the skating rink, and he feels it would be another homerun for the City. Mayor Perkins stated he and Clay have talked about this project on more than one occasion, and the first time he came by he brought a design. Mayor Perkins stated this young man is serious because he brought an actual design for a skating rink and he went by Montgomery to look at the one they have and if you find yourself in Montgomery, they have one sitting in front of the Convention Center and maybe we can take a look at that. Mayor Perkins stated he feels location is important and it needs to put in a place that will be accessible, but highly visible. Mayor Perkins stated he would like the Council to take a look at this issue and consider it as a possible investment for the health, wellness and recreation benefit of the community.

(4) Crime Reports from Chief Martin. Mayor Perkins stated the Council has been given copies of the crime reports from Chief Martin. Mayor Perkins stated this reports gives you some idea of what is going on in the various wards. Contents of the report were read by Mayor Perkins, and he stated he encourage the Council to take a look at this report as we move through the process so the Council would have an idea why certain things are being done.

(5) Resolution #R155-05/06 - Carnival Opening. Mayor Perkins stated if the Council recalls around the fifth or sixth of the month a letter was circulated from Attorney Nunn addressing the issue of a carnival. Mayor Perkins stated this was actually a poll of the Council members because the carnival opening date was going to be same date of the Council meeting date and there would not have been enough time for them to get approval and a signature sheet was circulated to determine if the Council would be willing to concur with the opening and take a vote at this meeting. Mayor Perkins stated they have fully complied with all provisions and he asks the Council favorable consideration of this resolution. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve the said resolution. The motion carried with a unanimous vote (show of hands) of the Council.

(6) Resolution #R145-05/06 - Merge Part-time Positions. Mayor Perkins stated he would like to ask Mrs. Kay Jones to come forward to address the Council with this resolution. Mrs. Jones stated she respectfully request the approval of the Council as per the resolution read. Following discussion, a motion was made by Councilman Williamson and seconded by Councilman Leashore to approve the said resolution. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

(7) Resolution #R146-05/06 - Appointment of Poll Officials for the Special Election. Mayor Perkins stated the Council is aware that there is an election coming up on April 25, 2006 addressing the school system portion of the Ad valorem tax. Mayor Perkins stated it is now time to appoint the polling officials and resolution R146-05/06 has been given to the Council. Mayor Perkins stated Ms. Williams has sent correspondence to the prior polling officials and those who have served in the past who responded have already inserted. Mayor Perkins stated there are positions that are still open that need to be filled and he wanted to ask the Council if they have any individuals in their wards that would like to serve in this capacity. Mayor Perkins stated this information would be needed from the Council by Thursday, April 13, 2006. Mayor Perkins stated in the past election, polling officials were paid \$73.00 regardless of the position that they held, therefore, he is asking for two actions (1) to pass resolution R146-05/06, and (2) to approve the salary for the polling officials per person for that day. Following discussion, a motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve the said resolution with necessary amendments as the document is updated. A roll call vote was taken and the motion now passes with a unanimous vote of the Council.

(8) Youth Delegates - NLC Recognition Presentations. Mayor Perkins stated there is a special group of young people present this evening and he would like to ask if Mrs. Griffeth and Councilwoman Crenshaw and the parents to come forward at this time. Mayor Perkins stated he wants to make the community aware that these young people are very special and very talented, as many of our young people are in the City, but they took on a unique challenge, one that is not going to just stop with one effort. Mayor Perkins stated they have embraced this effort and he feels it will mean a tremendous amount to our community over time. Mayor Perkins stated the National League of Cities recognize them and their colleagues from Clarksburg, WV on the front page of the NLC newsletter with a photo, students from Selma High School and students from Liberty High School who teamed up at the NLC Congressional Conference in Washington, DC and had a very powerful dialogue on race and race relations. Mayor Perkins stated the student census at Liberty High School is 95% plus white and the student census at Selma High School is 95% plus

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black and these students got together and had passionate dialogue that was powerful to behold. Following further discussion, Mayor Perkins read a letter addressed to the students and he stated he asked them to come forward for presentation of certificates for outstanding leadership and extraordinary representation as a youth delegate ambassador. Mayor Perkins stated also asked Councilwoman Crenshaw to come forward to present the certificates to the following students: Chris Howard, Anthony Robinson, Sadie King, Brandon Holt and Britney Moore. Mrs. Charlotte Griffeth and Ms. Geniveve Moore were also presented with a certificate for serving as a student coordinator during the event.

(9) NLC Leadership Initiatives. Mayor Perkins stated there are a lot of things that come out of the NLC Conferences and during discussion he stated Councilman Randolph has grabbed the idea and began working with the Americorp program on an initiative of the NCL for earned income tax credit designed to roll out a greater knowledge, understanding and utilization of the current earned income tax credit throughout the country. Councilman Randolph explained this initiative during the meeting and provided a phone number for citizens to call who are interested in more information.

(10) Resolution #R147-05/06 - Unappropriated Lodging Tax Funds. Mayor Perkins stated he would like to address the use of the unappropriated lodging tax funds, and if the Council recalls these statements of proposed strategies were received by the Council in the last Council meeting, which he indicated a resolution would be forthcoming in this Council meeting asking for a favorable consideration of those projects. Mayor Perkins stated he would like to ask Mrs. Griffeth to come forward at this time to address the Council concerning this matter. Mrs. Griffeth addressed the Council stating as per the resolution. This resolution requests permission to use unappropriated lodging funds for five projects totaling \$71,840.00; \$49,000.00 for the purpose of dredging the City Marina, \$5,000.00 for services rendered by a consultant to create a conceptual rendering of an aviation museum, \$3,760.00 for professional geologists for Geotech Studies on Riverfront Property (Phase II), \$4,080.00 for laboratory analysis of pesticides, etc. with mass detection on the Lovelady Building (Phase II), and \$10,000.00 for incentives to downtown business owners for expansion to promote downtown revitalization. During discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the said resolution. A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight ayes and one nay. Councilman Williamson cast a nay vote.

(11) Resolution #R151-05/06 - Fire Fighters Grant. Mayor Perkins stated he would like to ask Mrs. Griffeth to continue to address the Council with resolution #R151-05/06. Mrs. Griffeth addressed the Council stating as per the resolution. This resolution possesses the legal authority to apply to the U. S. Department of Homeland Security for a FY 2006-2007 Assistance to Firefighters Grant to assist the City with the current need for prevention equipment, employee training and community educational initiatives, the grant totals \$230,590.00 and the maximum grant amount is \$207,531.00; the City pledges to provide 10% match in the amount of \$23,059.00 to appropriated in the FY 2006-2007 budget. During discussion, 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.

(12) Resolution #R152-05/06 - Mutual Self-Help Housing. Mayor Perkins stated the Mutual Self-Help Housing pre-application is a grant application requirement with no match involved, but the grantors desires that the City show a consensus of support between the Office of Mayor and Council and this resolution will be incorporated as part of the grant package. Mayor Perkins stated he would like to ask Mrs. Griffeth to continue to address the Council with resolution #R152-05/06. Mrs. Griffeth addressed the Council stating as per the resolution. This resolution authorizes the submission of a Mutual Self-Help pre-application for \$10,000.00 to USDA/Rural Development, and further authorizes the submission of a Mutual Self-Help application for \$330,000.00 to build 20 units over a two-year period. During discussion, a motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve the said resolution. A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight ayes and one nay. Councilman Williamson cast a nay vote.

(13) Resolution #R149-05/06 - Summer Food Program. Mayor Perkins stated this resolution is for the 2006 Summer Food Program through the School Food Section of the Alabama State Department of Education. Mayor Perkins read as per the resolution and asked the Council favorable consideration. A motion was made by Councilwoman Crenshaw and seconded by

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Councilman Leashore to approve the said resolution. The motion passed with a unanimous vote (show of hands) of the Council.

(14) Resolution #R148-05/06 - Summer Youth Employment Program. Mayor Perkins stated this is a resolution pertaining to the funding of the Summer Youth Employment Program. Mayor Perkins stated this is something that has been done in the past and Mrs. Bridget Mills has been working diligently with the District Judge Bob Armstrong and the Circuit Judge Marvin Wiggins to pull together a collaborative between the County and the City on this summer jobs program. Mayor Perkins read as per the resolution. This resolution states the City desires to amend the budget and increase the City of Selma Summer Youth Program Salary and FICA line items with funds transferred from the Police Department Salary and Wages line items respectively in the total amount of \$50,000.00. During discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the said resolution. Councilman Williamson stated this is one of the worst ideas he has ever heard, because there is a perception in this community that crime is out of control and of all the places to get \$50,000.00, the last place it should be taken from is the Police Department, and he then made an amendment to the motion and seconded by Councilman Cain to fund this program from the unappropriated funds. 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 nays. President Evans, Councilwoman Martin, Councilwoman Allen, Councilman Randolph, Councilman Leashore, Councilwoman Crenshaw and Councilwoman Venter all cast nay votes. President Evans stated the original motion would now be entertained as per resolution #R148-05/06. Following further brief discussion, a roll call vote was taken on the original motion and the motion passed with a majority vote of the Council. There were eight ayes and one nay. Councilman Williamson cast a nay vote.

(15) Request for an Executive Session. Mayor Perkins stated he has an update on the secret property transaction that showed up in the paper. Mayor Perkins stated he has a copy of the editorial on if the Council wishes to review it. Mayor Perkins stated he asks that the Council would recess into executive session for the purpose of an update of the latest offer. A motion was made by Councilman Leashore and seconded by Councilwoman Martin to recess into executive session following the meeting on tonight. During discussion, Councilman Williamson stated he has been in two of these secret meetings and he vowed to hold a secret of those meetings, but he will not be a part of this meeting and he stated if he finds out what was said in this meeting he will feel free to publicize it, so he would like to be excused from this meeting. Councilwoman Allen stated she would like to note that this is a legal meeting, it is not a secret meeting that is illegal, and she will not be a part of any illegal meetings. Councilman Leashore stated he does not feel that any Council member would be a part of a meeting that is categorized as illegal. Mayor Perkins stated the purpose for this executive session is to negotiate contractual issues and the Sunshine Law clearly provides municipalities with the ability to go behind closed doors to negotiate transactions. Mayor Perkins stated it puts municipalities at a competitive disadvantage when it discusses its negotiate position in a public forum, which causes a municipality to have to pay more if the transaction than they otherwise would. Mayor Perkins stated he submit to the Council that anyone in this body who has knowledge of the information regardless of how it was obtained, if this information is disclosed publicly, as he believes has already been done, that person would actually be working against the best interest of the City and the citizens they are bound to serve. Following further discussion, a roll call vote was taken and the motion passed with a unanimous vote of the Council.

(16) NLC Recognition of Council Members. Mayor Perkins stated during his report he was informed that there had been a consensus that the President of the Council would present certificates to members of the Council and that is why he did not do them, so it was not an oversight. President Evans stated he appreciates the opportunity to do so and he would like to present Certificates of Achievement in Leadership during the NLC Conference to Councilwoman Jannie Venter and Councilwoman Bennie Ruth Crenshaw.

II. CITY ATTORNEY'S REPORT

(1) Resolution #R154-05/06 Special Use Permit. Attorney Nunn stated this resolution was discussed in the work session and he hopes it is the consensus of the Council to approve this matter at this time. Following a brief discussion, a motion was made by Councilman Cain and seconded by Councilwoman Martin to approve the said resolution. The motion carried with a unanimous vote (show of hands) of the Council.

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(2) Legal Fees - Dallas County vs. City of Selma. Attorney Nunn stated the legal fees in the amount of \$7,324.20 submitted to the Council during work session are the final fees for the lawsuit of Dallas County vs. City of Selma, which has been dismissed. A motion was made by Councilwoman Martin and seconded by Councilman Leashore to approve the payment of the final fees for this lawsuit. A roll call vote was taken and the motion passed with a majority vote of the Council. There were seven ayes and two nays. Councilman Williamson and Councilman Cain both cast a nay vote.

(3) Selma Code & State Law - Parking on Sidewalks. Attorney Nunn stated per Council request, the Council has been given copies of the Selma code and the State law as it relates to parking on the curb or parking on the sidewalks. Attorney Nunn stated that per section 21-195 of the Selma code, and 32-5A-138 of the State law, parking on curb or sidewalk is prohibited.

Councilman Cain departed from the Chambers briefly and returned at 7:40 p.m.
Councilman Randolph departed from the Chambers briefly and returned at 7:42 p.m.

(4) Lots to be Purchased by or Donated to the City of Selma. Attorney Nunn stated during work session the Council was presented with copies of about six lots that the Council is asked to approve for purchase. Attorney Nunn stated the lots are located at L. L. Anderson, Lapsley Street, Gamble Street, Philpot Street, and King Street. Following a brief discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilwoman Venter to approve the purchase of the said lots. Attorney Nunn stated the cost would be, at the most, about \$500.00 or \$600.00. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

(5) Application - Alcoholic Beverage License - A & N Minit Shop #2. Attorney Nunn stated at the last meeting the Council placed on first reading a liquor license transfer for A & N Minit Shop #2 located at 2800 Citizens Parkway. A motion was made by Councilman Cain and seconded by Councilwoman Martin to approve the said liquor license. This establishment is located in ward four and Councilwoman Allen stated she concurs with the motion. A roll call vote was taken and the motion passed with a majority vote of the Council. There were seven ayes, one nay and one abstention. Councilman Williamson abstained from voting and Councilwoman Venter cast a nay vote.

(5) Application - Alcoholic Beverage License - French Quarters Night Club. Attorney Nunn stated at the last meeting the Council placed on first reading a liquor license for French Quarter Night Club located at 1301 Water Avenue. A motion was made by Councilwoman Martin and seconded by Councilman Leashore to approve the said liquor license. A roll call vote was taken and the motion passed with a majority vote of the Council members present. There were six ayes, one nay and one abstention. Councilman Williamson abstained from voting, Councilman Cain cast a nay vote and Councilwoman Venter was absent from the Chambers when this vote was taken.

(5) Application - Alcoholic Beverage License - Vasser's Mini Mart. Attorney Nunn stated at the last meeting the Council placed on first reading a liquor license transfer for Vasser's Mini Mart located at 1900 West Dallas Avenue. Attorney Nunn stated this location has a issue as it relates to the sign and at the time they are working on the sign language which reads liquor license. Attorney Nunn stated once Mrs. Melissa Calvert notified them of this concern, the sign was revised. Attorney Nunn stated Mrs. Calvert stated the language liquor license was kind of strong due to the fact that she only sells beer. Attorney Nunn stated there was another issue concerning where to place the sign and due to Mrs. Calvert stating she has to check with the owners regarding the location of the sign and the uncertainty at this time whether they will continue to sell beer, the sign has not been placed on site at Vasser's Mini Mart. Attorney Nunn stated the other sites did not have a problem with the sign; however, the sign has been revised to read "Alcoholic Beverage License". Following a brief discussion, a motion was made by Councilman Williamson and seconded by Councilman Cain to table the said liquor license. Councilwoman Crenshaw made an amendment to the motion that this item is tabled with the understanding that the sign must be placed at the location prior to taking to the Council vote. Councilman Williamson stated he concurs with the amendment. The motion carried with a unanimous (show of hands) vote of the Council.

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(5) Application - Alcoholic Beverage License - Golden Ranch BBQ & Grill. Attorney Nunn stated at the last meeting the Council placed on first reading a liquor license for Golden Ranch BBQ & Grill located at 2003 Highland Avenue. A motion was made by Councilman Cain and seconded by Councilwoman Martin to approve the said liquor license. The motion passed with a majority vote of the Council. There were seven ayes and two abstentions. Councilman Williamson and Councilwoman Venter abstained from voting.

BUSINESS ITEMS:

III. LAW ENFORCEMENT CONFERENCE LUNCHEON

President Evans stated the Council contributed discretionary funds for the Law Enforcement Conference to be held on April 26, 2006 through April 28, 2006. President Evans stated the luncheon would be held on April 26, 2006 at the Ramada Inn.

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 did meet with Councilman Williamson and Councilwoman Martin present and he will have a report prepared for the next Council meeting.

COMMUNITY DEVELOPMENT COMMITTEE - COUNCILWOMAN JEAN MARTIN, CHAIRPERSON

There is no report for the Community Development Committee.

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 \$3,200.00 from discretionary funds.

EXECUTIVE SESSION

President Evans requested a motion to recess into executive session, and stated the reason and length of time needed. A motion was made by Councilman Leashore and seconded by Councilwoman Martin to recess this meeting into executive session to discuss matters of negotiation and acquisition of property at 8:17 p.m. for a period of approximately ten minutes. The motion carried with a unanimous vote (show of hands) of the Council.

Councilman Williamson did not remain in the Chambers with the Council for executive session.

Following executive session, a motion was made by Councilman Leashore and seconded by Councilwoman Martin to reconvene the meeting into regular session at 8:35 p.m. The motion carried with a unanimous vote (show of hands) of the Council.

President Evans stated the meeting has been reconvened following executive session to entertain discussion pertaining to the matter of negotiation and acquisition of property. Mayor Perkins stated his recommendation is to move forward with making a bonafide offer to complete this transaction contingent upon the appraisal and historic study for compliance. A motion was made by Councilman Leashore and seconded by Councilwoman Martin to approve this

EXECUTIVE SESSION

transaction with said contingents. A roll call vote was taken and the motion passed with a majority vote of the Council. There were seven ayes and two nays. Councilman Williamson and Councilman Cain cast a nay vote.

Mayor Perkins stated the Council did agree on sanctions if the confidentiality of executive session was breached, and since Councilman Williamson made a public statement that he did not breach this confidentiality, he would like to ask each Council member to go on record and make a public statement whether they breached this confidentiality, because someone in the executive session came out of the session and made a statement about this transaction. Councilman Leashore stated he did not breach this confidentiality, Councilwoman Crenshaw stated she did not breach this confidentiality, Councilwoman Venter stated she did not breach this confidentiality, Councilman Randolph stated he did not breach this confidentiality, Councilwoman Martin stated she did not breach this confidentiality, Councilwoman Allen stated she did not breach this confidentiality, President Evans stated he did not breach this confidentiality and Councilman Cain also stated he did not breach this confidentiality.

President Evans stated work session would be held on Thursday, April 20, 2006 at 5:00 p.m. and if the Council members have any agenda items, please give them to Ms. Johnson by Wednesday, April 19, 2006 by 12:00 noon.

Councilman Leashore stated if the Council discovers who breached the confidentiality of the transaction discussed in executive session, action would be taken. President Evans stated he concurs.

ADJOURNMENT

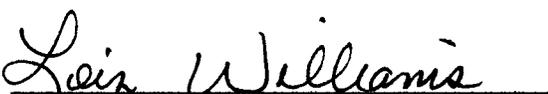
There being no further business to come before the Council, a motion was made by Councilman Leashore and seconded by Councilwoman Martin to adjourn, and by unanimous consent the Council adjourned the meeting at 8:41 p.m.



GEORGE P. EVANS, *PRESIDENT*

ATTEST:

APPROVED:



LOIS WILLIAMS, *CITY CLERK*



JAMES PERKINS, JR., *MAYOR*