

**MINUTES OF THE  
SELMA CITY COUNCIL  
APRIL 11, 2005  
5:00 P.M.**

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, April 11, 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 Ron Stone 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 Martin and seconded by Councilman Randolph 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 March 28, 2005 regular meeting. A motion was made by Councilwoman Martin and seconded by Councilwoman Venter to approve the adoption of the minutes of March 28, 2005. **The motion carried with a unanimous vote (show of hands) of the Council.**

Recognition of Mrs. Elizabeth Driggers – Resolution for 35 Years of Service to the City of Selma  
Presentation to Mr. Ralph Goldsby (Award of Merit)

**I. MAYOR'S REPORT**

A. **Resolution #R157-04/05 – Fire Grant Application.** Mayor Perkins stated a resolution has been prepared to submit a Fire Grant Application that the Fire Chief made a decision to move forward. Mayor Perkins stated this application has been submitted for the past three years, one successful and two unsuccessful. Mayor Perkins stated this is a \$253,000.00 grant with \$230,000.00 being the maximum amount of the grant and \$23,000.00 being the 10% match. Mayor Perkins stated this would be in next fiscal year's appropriations. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw 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. **Resolution #R160-04/05 – Street Repairs on Mabry Street.** Mayor Perkins stated a resolution has been prepared for resurfacing on the Mabry Street project. Mayor Perkins stated the amount of this resurfacing is \$4,900.00. Mayor Perkins stated this area was caved in and now needs to be resurfaced. A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the said resolution for resurfacing of Mabry Street. Mayor Perkins stated the funds would come from the mutual aid fund. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

C. **Liquor License Request – Sunset Lounge.** Mayor Perkins stated the Council placed a liquor license for Mr. Rodney Hardy, Sunset Lounge, located at 102 Washington Street, on first reading at the March 28, 2005 Council meeting. A motion was made by Councilman Randolph 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. There were six affirmative votes and three negative votes. Councilman Williamson, Councilwoman Martin and Councilwoman Venter cast negative votes.**

D. **Liquor License – Sports Bar.** Mayor Perkins stated the Council placed a second liquor license for Mr. Matthew Mollette, 49 Sports Bar, located at 3215 Water Avenue, on first reading at the March 28, 2005 Council meeting. A motion was made by Councilman Leashore and seconded by Councilman Randolph to approve the said liquor license. **A roll call vote was taken and the motion failed for lack of a majority vote of the Council. There were three affirmative votes and six negative votes. Councilman Williamson, Councilman Cain, Councilwoman Martin, Councilwoman Allen, Councilwoman Crenshaw and Councilwoman Venter all cast negative votes.**

I. MAYOR'S REPORT

E. Memorandum of Understanding – UAB. Mayor Perkins stated for information purposes, he would like to make the Council aware of a memorandum of understanding between the City of Selma and the University of Alabama Birmingham, National Center on Minority Health and Disparity. Mayor Perkins stated the City of Selma and UAB are collaborating on a grant proposal to be submitted to the National Institute of Health (NIH) and there are several collaborating partners, and he recommends the City of Selma as a partner in this grant application. Mayor Perkins stated this is not an obligation of funds and therefore does not require Council approval, however, he will gladly respond to any questions from the Council. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to go on record in support of this project. **The motion carried with a unanimous vote (show of hands) of the Council.** Mayor Perkins stated he genuinely appreciates this vote of confidence from the Council.

F. Contract – Pyro Production. Mayor Perkins stated a contract for Pyro Production for the annual Fourth of July celebration has been prepared for the Council with identical terms as the prior year and he asks the Council favorable consideration. Mayor Perkins stated in response to Councilman Williamson that the contracted amount is \$2,400.00 for the stage, plus \$10,000.00 for the fireworks display, which is in the budget. A motion was made by Councilwoman Martin and seconded by Councilman Leashore to approve the said contract. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

G. Distribution of Monthly Financial Reports to Council Members. Mayor Perkins stated because there has been so much discussion regarding information distribution and access, although it is his contingent that much of the information is already being provided to the Council by and through various vehicles, he is going to begin making the reports given by the departments a part of the Mayor's Report. Mayor Perkins stated he would like to ask City Clerk Lois Williams to make the distribution of these reports a part of the minutes of the meeting. Mayor Perkins stated the Council is in receipt of the Litter Control statistics for each ward and the Incident report from the Selma Police Department for the month of March for each ward, including the Noise violations.

Following discussion, Mayor Perkins stated everyone who requested a special report has received it, and it took some efforts to produce. Mayor Perkins stated he would continue to provide information requested by the Council, but please be sensitive to the dilemmas that we face. Mayor Perkins stated in response to Councilwoman Crenshaw that copies will be made for all Council members no matter who the request was received from and a copy will be given to the press because he will not continue to allow the misrepresentation of the intent of this administration.

Mayor Perkins stated further that he would like to also give the Council a copy of the monthly financial reports and much of the information requested is received each month. Mayor Perkins stated each month the Council receives the Sales Tax collected report (Y-T-D \$157,000.00 above prior year) broken down by month compared to the prior year and showing the variance, the Lodging Tax (Y-T-D \$24,800.00 above prior year) by month for the prior and current fiscal year showing the variance, bank account balances that shows every account in City government in categories by restricted and unrestricted funds, obligated and un-obligated with a balance at the end. Mayor Perkins stated in this report there is a total fund available in the City of \$6.3 Million Dollars. Mayor Perkins stated the Council also receives each month a check register showing all checks written, those that are reconciled, voided and not reconciled, the monthly revenue report that shows the adopted budget, current monthly transaction, year-to-date total amount of revenue by line item and balance of anticipated revenue for the fiscal year, and expenses year to date for all accounts within departments with a summary.

President Evans stated the Council has received this information and should move on and accept this information and if there are any questions, rather than go to anyone else, the Council should contact Mayor Perkins and discuss those items with him for the purpose of receiving any clarifications needed, so there will be no further embarrassment to ourselves and our City through the means by which it has been done in the past. President Evans requested the Council to follow this recommendation properly. President Evans stated lots of information has been given and he does not understand what more could be given and this information will be received by the Council each month and forward.

I. MAYOR'S REPORT

H. Purchase vs Lease of Curbside Garbage Collection Equipment. Mayor Perkins stated he has one final issue dealing with the purchase versus lease on the resolution to purchase equipment for General Services. Mayor Perkins stated he would like to ask City Clerk/Purchasing Agent Lois Williams to come forward and provide the details of this transaction to the Council. Ms. Williams stated each Council member has received a package that contains the master lease from First Continental Leasing, Inc. in reference to pieces of equipment that the City has recently acquired. Ms. Williams stated First Continental Leasing is the leasing entity for a piece of equipment that was leased in 2003, which is why a copy of the master lease was distributed to reference the purchase of a Dump Truck that is currently being leased for the Public Works Department.

Ms. Williams further stated when the three additional pieces of equipment were purchased for the General Services Department; First Continental Leasing added these items to the existing agreement, which was voted and approved by the Council on two separate resolutions on February 14, 2004 in the amount of \$291,022.48 and \$150,186.00. Ms. Williams stated an additional resolution that was included with the leasing documents from First Continental Leasing is in question at this time, which needs a signature of the President of the governing body and she asks the approval of the Council. Ms. Williams stated in response to Councilman Williamson that the interest information was included in the bid documents that were given to the Council following the bid award and the interest to be paid would be the difference of \$441,208.48 and \$492,004.27. Councilman Williamson stated this is about \$50,000.00 and asked if the Council would need to approve the additional cost for interest. President Evans stated to Councilman Williamson that this has already been estimated in the original cost analysis.

Following discussion by Mayor Perkins, who also stated this particular financial arrangement has no financial obligation in this fiscal year and therefore does not change the budget, a motion was made by Councilman Leashore and seconded by Councilwoman Martin to approve the said resolution from First Continental Leasing for the amount of \$291,002.48. **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. Councilman Williamson and Councilman Cain both cast negative votes.** A motion was made by Councilman Leashore and seconded by Councilman Randolph to approve the said resolution from First Continental Leasing for the amount of \$150,186.00. **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. Councilman Williamson and Councilman Cain both cast negative votes. Councilman Cain stated his vote is no due to not receiving the information packet until this meeting.**

II. CITY ATTORNEY REPORT

A. Public Hearing - Rezoning. Attorney Nunn stated the rezoning hearing scheduled for this afternoon has been cancelled due to the withdrawal of the petition by the property owner.

B. Resolution #R156-04/05 - Designation of the National Incident Management System (NIMS). Attorney Nunn stated this resolution is prepared as the basis for all incident management in the City of Selma. Attorney Nunn stated the President of Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, Local and Tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity and that the Council of the City of Selma hereby establishes the NIMS as the City's standard for incident management. A motion was made by Councilwoman Martin and seconded by Councilman Leashore to approve the said resolution. Mayor Perkins asked if this resolution would obligate the City to purchase a communication tower. Attorney Nunn responded with the answer no and stated it would not be any cost to the City. **The motion carried with a unanimous vote (show of hands) of the Council.**

C. Charter Communications Update. Attorney Nunn stated a meeting with Charter Communications was scheduled for last week; however, due to miscommunication of cancellation information from Charter the meeting did not take place. Attorney Nunn stated since then, he has spoken with Charter and they have agreed to reschedule the meeting any time the Council is available. Attorney Nunn stated if the Council would give him two tentative dates, he would

## II. CITY ATTORNEY REPORT

forward to Charter for rescheduling. Councilwoman Allen stated she would poll the Council and respond to Attorney Nunn at a later date.

D. Livestock Within the City of Selma. Attorney Nunn stated he has had an opportunity to review the ordinance; this ordinance was adopted in 1954 and needs to be revised. Attorney Nunn stated he would revise this ordinance, which should have been done years ago and respond back to the Council.

E. Garbage Collection Ordinance. Attorney Nunn stated a revised copy of the garbage collection ordinance is distributed to the Council for discussion and review. Attorney Nunn stated public hearings have been held as well as radio announcements regarding this ordinance. Attorney Nunn discussed several revisions that have been made. Attorney Nunn stated this ordinance has also been placed on first reading and should be passed at the next Council meeting. Further garbage collection discussions followed.

### BUSINESS ITEMS:

## III. LETTER RECEIVED FROM COUNCILMAN LEASHORE

President Evans stated all Council members should have received a copy of the letter from Councilman Leashore addressed to him. President Evans stated he would not prolong the discussion on this matter; however, he does disagree with the contents alleged with the exception of one item. President Evans stated he would like to ask Councilman Leashore if he would put these items in writing regarding these occurrences as such, he would be glad to answer.

## IV. RESOLUTION - EDWARD MOSS

President Evans stated a resolution has been prepared by the Council acknowledging that Mr. Moss has served our City very well during his life. President Evans stated Mr. Moss served on the Council for two terms and contributed much through various agencies in the city and passed away recently and the Council pays tribute and respect to him and his family at this time. A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the said resolution to present to the family of Mr. Edward Moss. **The motion carried with a unanimous vote (show of hands) of the Council.**

## V. COUNCIL TRAVEL POLICY

Councilman Leashore stated his purpose for discussing this item at this time is to clarify information given during the last Council meeting. Councilman Leashore stated the Administrative Committee addressed this item to the Council regarding the division of the travel budget funds and his comments to President Evans was that this subject had already been discussed, debated and voted down and President Evans rebuttal was that this did not happen. Councilman Leashore stated he asked the Council would not vote at that time, but to review and discuss, and he did not have a copy of the minutes for backup and differed his comments. Councilman Leashore stated when he was able to review the minutes of January 10, 2005; the documentations did support his position on this matter. Councilman Leashore read from these minutes to the Council.

Councilman Leashore further stated because of this he feels the parliamentary procedures were violated and this was brought to the attention of President Evans who then indicated that maybe the transcription of the minutes did not reflect what was actually discussed, suggesting that the City Clerk had transcribed information different than what was recorded. Councilman Leashore stated President Evans recommended they listen to the tapes of the meeting, which they did, and once again, the tapes also supported his position as transcribed in the minutes of January 10, 2005. President Evans stated based on this information from Councilman Leashore he concurs, he stands corrected and he apologizes to Councilman Leashore and the Council. President Evans stated, in essence, what was otherwise voted on was not in violation of Robert Rules of Order.

**BUSINESS ITEMS:**

**IX. SCHOOL BOARD APPOINTMENTS**

Councilwoman Allen stated a notice has been placed in the newspaper asking all interested individual to mail a resume or letter requesting consideration for the Selma City School Board, to be received no later than April 18, 2005. Councilwoman Allen stated after this date, she would then poll the Council on how they would like to handle the interview process for these vacancies. President Evans stated the Council should review the decree regarding these appointments in terms of the race rotation. Councilwoman Allen stated City Attorney Jimmy Nunn has been asked to research this issue and he would update the Council on this matter at a later date.

**X. SCHOOL BOARD ELECTIONS**

Councilwoman Allen stated the Council would be polled on when they would like to hold a public forum for constituents to voice their opinion on the possibility of an elected school board. Councilwoman Allen stated this would be prepared for the next Council meeting. Councilwoman Allen reminded the Council that City Attorney Jimmy Nunn has also been asked to poll the Council as it relates to the meeting with Charter Communications.

**XI. ALABAMA RESTORATION OF VOTING RIGHTS**

Councilwoman Crenshaw stated she would like to recommend that this item would be removed from the Public Safety Committee and since an ordinance will have to be drafted, she would also like to ask City Attorney Jimmy Nunn to review this matter and update the Council.

**XII. ALABAMA LEAGUE OF MUNICIPALITIES – HUNTSVILLE CONVENTION**

President Evans stated there is about \$1,500.00 left in the Council travel budget. President Evans stated the Huntsville trip will be coming up in May 2005, and he asks how the Council would like to handle this issue. Councilman Randolph stated he would like to recommend that any Council members interested in making this trip should pay for their own hotel and travel expenses and use the funds left for registration. Councilman Randolph stated since the registration amount is \$325.00 and only a limited number of members would be able to attend, he yield to go at this time. Councilwoman Crenshaw stated she too will not attend this trip, but will be seeking funds from constituents for travel to the National Black Caucus Conference and will not ask the City for any contribution for this trip. President Evans asked how many persons would be traveling to this conference; he stated only three persons at this time are planning to travel. President Evans stated he would ask Ms. Johnson to begin travel preparations for those Council members.

**XIV. 2005 SUMMER YOUTH PROGRAM**

Councilman Williamson asked if the summer youth program would be taking place this year. President Evans stated this item was not appropriated. Councilwoman Crenshaw stated the Council should find some way of generating funds for this program. President Evans asked City Treasurer Cynthia Mitchell if she would try to research for funds to have this program and bring the Council an update. Councilman Crenshaw stated the Council should ask businesses to help fund this program with sponsorships and she would try to ask about ten businesses. City Treasurer Cynthia Mitchell stated about \$68,000.00 would be needed to fund this program.

**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.

**STANDING COMMITTEE REPORTS**

**PUBLIC SAFETY COMMITTEE**

There is no report for the Public Safety Committee.

**COMMUNITY DEVELOPMENT COMMITTEE**

Councilwoman Martin stated she would like to present to the Council and the City, which was a Silver Sponsor for the 2005 Relay for Life, a plaque from the American Cancer Society. The Relay for Life was co-chaired by Mrs. Sherri James, Mayor's Administrative Assistant. Mrs. James stated she would like to add that the goal of \$75,000.00 was met. President Evans stated he would also like to add to this report that the Reverend James Reeb monument was unveiled on Saturday, April 9, 2005. Councilman Leashore and Councilwoman Crenshaw expressed heartfelt comments on the unveiling event as well.

**PUBLIC WORKS/GENERAL SERVICES COMMITTEE**

Councilman Leashore stated the Public Works/General Services Committee report has been given.

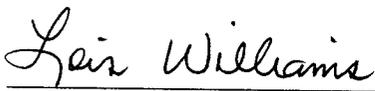
**DISCRETIONARY FUNDS COMMITTEE**

There is no report for the Discretionary Funds Committee.

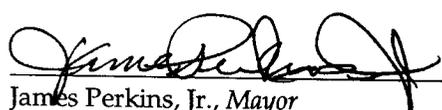
There being no further business to come before the Council, on motion made by Councilman Leashore and seconded by Councilman Randolph, the Council voted by unanimous consent to adjourn this meeting at 8:18 p.m.

  
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George P. Evans, *President*

**ATTEST:**

  
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Lois Williams, *City Clerk*

**APPROVED:**

  
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James Perkins, Jr., *Mayor*