

**MINUTES OF THE
SELMA CITY COUNCIL
JUNE 27, 2005
5:00 P.M.**

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, June 27, 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 and Bennie R. Crenshaw. 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. Council member Jannie M. Venter was absent from the meeting due to an injury from a fall. Reverend Clinton Peeples 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. Councilman Williamson stated he would like to ask the Council to draft a resolution expressing appreciation to Dr. and Mrs. F. D. Reese for his 40 years of ministry at Ebenezer Baptist Church, to be presented at one of the future Council meetings. President Evans stated this would be an amendment as the last item on the agenda. A motion was made by Councilwoman Martin and seconded by Councilman Cain to approve the agenda as amended. The motion carried with a unanimous vote (show of hands) of the Council members present.

After approval of the agenda, President Evans asked for a motion to approve the minutes of June 13, 2005 regular meeting. A motion was made by Councilman Leashore and seconded by Councilwoman Martin to approve the adoption of the said minutes as written. After a brief discussion, a motion was made by Councilman Cain and seconded by Councilman Williamson to amend the previous motion to have the minutes to include a statement made by Mayor Perkins regarding the Good Samaritan projection of cost contracts and expenditures. A roll call vote was taken and the motion passed with a majority vote of the Council members present, to amend the original motion to approve the adoption of the minutes of June 13, 2005. There were five affirmative votes and three negative votes. Councilman Randolph, Councilman Leashore and Councilwoman Crenshaw cast negative votes. A final motion was made by Councilman Williamson and seconded by Councilman Cain to approve the adoption of the minutes of June 13, 2005 with this amendment. The motion carried with a majority vote (show of hands) of the Council members present. There were five affirmative votes and three negative votes. Councilman Randolph, Councilman Leashore and Councilwoman Crenshaw cast negative votes.

I. MAYOR'S REPORT

A. Clarification of Good Samaritan Projection of Cost. Mayor Perkins read as per the minutes of June 13, 2005, item "M" for clarification stating he does not want the citizens present to presume that something was being hidden from the public.

B. Agenda Items and Perpetual Reports. Mayor Perkins stated typically his office receives a copy of the agenda for Council meetings late on Friday afternoons or on Monday mornings prior to the Council meeting. Mayor Perkins stated it is a difficult task to get department heads lined up to respond to items on the agenda on that night. Mayor Perkins stated he spoke with President Evans and made a suggestion to identify items for perpetual updates from the agenda and make provisions to prepare those updated reports for the Council. Mayor Perkins stated if the Council adds a new item that has not been a part of any prior update, he would like to reserve the right not to respond to that item upon the first review of the agenda, however, will defer any response until two weeks thereafter, so that the staff would have an opportunity to prepare an appropriate response.

C. Contract - Khafra. Mayor Perkins stated he reported at the last Council meeting that the contract for Khafra Engineering is due for renewal. Mayor Perkins stated he encouraged the Council members to visit the City Clerk's Office to review the contract and he asked the Council for a favorable vote on this contract at this meeting. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve the said contract for Khafra Engineering. Following a brief discussion, Councilman Williamson asked Mayor Perkins if he would conduct a study with the administrative committee along with the Public Works committee to hire a full time engineer rather than a consulting firm. A motion was made by Councilman Williamson and seconded by Councilman Cain to amend the original motion to have the ending

I. MAYOR'S REPORT

contract effective as of September 30, 2005. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.

D. GIS Contract - Khafra. Mayor Perkins stated he also reported at the last Council meeting that the GIS contract for Khafra Engineering is due for renewal. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve the said GIS contract for Khafra Engineering in the amount of \$113,000.00. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.

E. Contract - Alabama Historic Commission. A motion was made by Councilwoman Martin and seconded by Councilman Leashore to approve the contract for the Alabama Historic Commission in the amount of \$2,800.00 with matching funds of \$700.00, totaling \$3,500.00. Mayor Perkins stated these funds are already in the FY 04/05 budget. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.

F. Memorandum of Understanding between the City of Selma, the Water and Sewer Board of the City of Selma, and the Y.M.C.A. Mayor Perkins stated the Water Board has already approved its portion of this memorandum of understanding and he asks the Council favorable consideration. A motion was made by Councilwoman Martin and seconded by Councilman Cain to approve the memorandum of understanding concerning the pumping out water and refilling the pools at Camp Grist and Brown Y.M.C.A. effective as of June 1, 2005. The Board shall not invoice or charge any fees to the City or the Y.M.C.A. for pumping out or refilling the pools at both locations and in exchange, the Y.M.C.A. shall waive any and all fees associated with the City of Selma's Public Safety employees' utilization of Y.M.C.A.'s facility for their health, recreational and fitness use. A roll call vote was taken and the motion passed with a unanimous vote of the voting Council members present. There were four affirmative votes and four abstentions. President Evans, Councilman Cain, Councilwoman Martin and Councilwoman Allen each abstained from voting due to serving on the Y.M.C.A. Board.

G. Resolution #R166-04/05 Surplus Property. Mayor Perkins stated this resolution has been prepared by City Clerk Lois Williams recommending that items listed therein be declared surplus. A motion was made by Councilman Leashore and seconded by Councilwoman Martin to approve the adoption of this resolution, whereas the City of Selma has certain items of personal property, which is no longer needed for public or municipal purposes, and authorizing the Mayor and City Clerk on behalf of the City of Selma to dispose of the personal property by receiving bids for such property. The motion carried with a unanimous vote (show of hands) of the Council members present.

H. Resolution - R167-04/05 Surplus Property sold to the City of Uniontown. Mayor Perkins stated the City has identified a purchaser for two garbage trucks that are surplus as a consequence of the change in the system of collecting garbage. The City of Uniontown has a need for these trucks and they have agreed to pay the amount listed in the resolution, section (2) two, of \$20,000.00 each. A motion was made by Councilman Leashore and seconded by Councilwoman Martin to approve the adoption of this resolution, whereas the City of Selma has (2) two 2000 Freight Body Garbage Trucks, known as personal property, which is no longer needed for public or municipal purposes, and authorizing the Mayor and City Clerk on behalf of the City of Selma to execute a Bill of Sale to the City of Uniontown for the sum of \$20,000.00 each, totaling \$40,000.00. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.

I. Charter Communications Update. Mayor Perkins stated members of the staff, he, and two members of the Council met with the Vice President and two members of his staff from Charter Communications. Mayor Perkins stated he would like to thank the members of the Council who attended for their comments and strong support. Mayor Perkins further stated he is still awaiting a reply from Charter and will update the Council as soon as he receives further information from them.

J. Crescent Hill Drive Project Update. Mayor Perkins stated he would like to ask Mr. David Painter, City Engineer, to come forward to address the Council regarding this matter. Mr. Painter addressed the Council stating bids have been opened and accepted for the Crescent Hill Drive slope repairs. Mr. Painter stated the Council has been given a copy of the proposal bided and he noted this is a unit price bid proposal. Mr. Painter stated according to the standards in the contract documents, there were a few minor extensions changes that changed the bid

I. MAYOR'S REPORT

proposal amount by a small amount totaling \$105,059.85. Mr. Painter stated several vendors attended the pre-bid conference, however, only one bid was received from Tri-County Construction, LLC, submitting a bid proposal of \$105,059.85. Mr. Painter stated his recommendation is to accept the bid proposal from Tri-County and as soon as the Council gives approval, he will issue a notice of award. Mr. Painter further stated it would take about (10) days to receive executed contract documents and a pre-construction meeting is planned for July 11, 2005. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve the said bid contract to Tri-County Construction, LLC. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.

K. Introduction of Mrs. Charlotte Griffeth - Planning & Development Director. Mayor Perkins stated he would like to present to the Council and member of the public, Mrs. Charlotte Griffeth, Planning and Development Director. Mrs. Griffeth stated she takes on this position as Director of Planning and Development with a great deal of enthusiasm and she is excited about moving forward with the City of Selma.

L. Selma City Government Website. Following a PowerPoint presentation, given by City Clerk Lois Williams, assisted by Mr. Clarence Lindsey, of the newly constructed Selma City Government Website, Mayor Perkins stated he wanted a website that is simple as well as functional and integrated by hyper linking to other resources such as the Chamber of Commerce and Tourism. Mayor Perkins stated this is a tremendous opportunity to increase access into municipal government by making our ordinances, resolutions, minutes and even financial reports available online for all citizens. Mayor Perkins further stated he would like to publicly thank Mr. Clarence Lindsey and Ms. Lois Williams for a job well done.

M. Fourth of July Celebration. Mayor Perkins stated the Fourth of July celebration is forthcoming and he would like to make sure all Council members are aware that there will be special sitting for the Council. Mayor Perkins stated this is one of the greatest Fourth of July celebrations in the Southeast and probably one of the best in the Country. Mayor Perkins stated the gates open at 7:00 p.m. and the opening fanfare starts at 8:15 p.m. Mayor Perkins further stated this event is very patriotic and this year's theme is "Proud To Be An American".

N. City Clean-Up. Mayor Perkins stated he would like to ask Environmental Services Director Mr. Henry Hicks, to come forward. Mayor Perkins stated Selma looks different and Mr. Hicks was in charge of cleaning up while special guests were in town. Mayor Perkins stated what General Services did for our community was very important and he would like to publicly commend the staff in General Services because they worked and worked and really cleaned up the City. Mayor Perkins further stated he will be asking that we get together, after the dust settles, and pull together a celebration for the staff who worked in General Services, Public Works, Cemetery and Recreation.

II. CITY ATTORNEY'S REPORT

A. St. James Hotel Update. Attorney Nunn stated his office has not received any type of communication from Mr. Larry Striplin or Mr. Charles Bonner regarding the St. James Hotel. Attorney Nunn stated if the Council recalls, at the last meeting there was a long discussion as well as a PowerPoint presentation as it relates to the assignment of the lease agreement. Attorney Nunn stated at the last meeting following the presentation, Mr. Striplin did state to the Council that he would complete the repairs at the St. James Hotel. Attorney Nunn stated he would keep the Mayor and Council updated on any new developments.

B. Ordinance - #O112-04/05 - "The Leash Law". Attorney Nunn stated this ordinance deals with regulating animal control within the City of Selma and the Police Jurisdiction. Attorney Nunn stated on January 24, 2004, the Council passed ordinance #O122-03/04. Attorney Nunn stated due to the fact that Dallas County and Central Alabama Animal Shelter has come on board along with Animal Control Director Ms. Teresa Martin, there were several changes presented after this ordinance was passed and some revisions have been made. Following discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to place the said ordinance on first reading with the necessary corrections made for the next regular Council meeting. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.

II. CITY ATTORNEY'S REPORT

C. Complaint - Placement of Tower on Dallas Avenue. Attorney Nunn stated for information purposes, the City of Selma has been served with a complaint filed in Dallas County Federal Court, seeking a declaratory judgment as to the placement of the communications tower at 311 Dallas Avenue. Attorney Nunn stated this complaint has been forwarded to the insurance company and relevant information is being gathered so that an answer can be filed on behalf of the City of Selma. Attorney Nunn stated he will update the Council as pertinent information becomes available.

D. Resolution #R168-04/05 - Special Use Permit. Attorney Nunn stated a copy of a resolution has been given to the Council for the special use permit for use of wireless telecommunications facility located at 212 Washington Avenue. Attorney Nunn stated Mr. Greg Qualls is the consultant on the placement of towers to the City of Selma and he asked Mr. Qualls to explain further details. Mr. Qualls addressed the Council with further details. Following discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilwoman Martin to approve the said resolution. The motion carried with a unanimous vote (show of hands) of the Council members present.

E. Alabama Municipal Insurance Corporation (A.M.I.C.) Reimbursement of Deductible Statement. Attorney Nunn stated the Council has been given a copy of a statement from A.M.I.C. for reimbursement of deductible in the amount of \$2,002.70. Attorney Nunn stated he asks Council approval of this statement. A motion was made by Councilman Leashore and seconded by Councilman Randolph to approve the said statement in the amount of \$2,002.70. A roll call vote was taken and the motion passed with a majority vote of the Council members present. There were seven affirmative votes and one negative vote. Councilman Williamson cast a negative vote.

F. Curfew Ordinance. Attorney Nunn stated, per Council request, he has researched and prepared an ordinance after surveying about eight other cities for a model ordinance. Attorney Nunn stated the ordinance that has been prepared is a daytime and nighttime curfew ordinance dealing with weekdays hours from 8:00 a.m. to 2:30 p.m. and from 11:00 p.m. to 5:00 a.m.; weekends from 12:00 a.m. to 5:00 a.m., which children are prohibited from being on the streets. Attorney Nunn stated Councilman Cain requested him to draft a nighttime only ordinance, which is why he did not present the previous ordinance to the new Council; however, he will revise it unless the Council votes to have a daytime and nighttime ordinance. Councilwoman Crenshaw stated the Council should work along with the Chief of Police on whether the ordinance should be daytime or nighttime. Councilwoman Crenshaw stated an ordinance should not be drafted unless it is the consensus of the Public Safety committee, the Chief of Police and the Mayor's office. Councilman Cain stated the Public Safety committee has met and he and Councilwoman Venter recommended moving forward with the nighttime ordinance at the last Council meeting, as well as the Chief of Police meeting with Attorney Nunn regarding the ordinance. Following further discussion, a motion was made by Councilman Williamson and seconded by Councilwoman Martin to request Attorney Nunn to draft a nighttime curfew ordinance to be presented at the next Council meeting. Councilman Williamson stated he would like to withdraw his motion and the second also withdrawn by Councilwoman Martin and defer this matter to the chairperson of the Public Safety committee. President Evans stated ninety (90) days from this Council meeting a report should be given by Attorney Nunn for the feasibility of this ordinance. President Evans further asked Councilman Cain to give the Committee a calendar of the potential meeting dates for the Public Safety meetings at the next Council meeting.

G. Noise Ordinance. Attorney Nunn stated the noise ordinance has been prepared and the Council is currently receiving monthly reports from the Police Department.

BUSINESS ITEMS:

III. CITIZENS' REQUEST DISCUSSION

President Evans stated in previous Council meetings citizens were addressing the Council prior to the meeting oppose to waiting through the end of the meeting. President Evans asked if the Council would like to move the citizens' request back to the beginning of the meeting and allow citizens three to five minutes prior to the Mayor's report. After a brief discussion, a motion was made by Councilman Williamson and seconded by Councilwoman Martin to have the

BUSINESS ITEMS:

citizens' requests moved back prior to the Mayor's report on the agenda. A roll call vote was taken and the motion failed for lack of a majority vote.

IV. PRIVILEGE LICENSES

Councilman Williamson stated it's costing the City about \$500,000.00 per year to provide services in the police jurisdiction. Councilman Williamson stated since we are beginning to work on the budget for the next fiscal year, this is something that needs to be resolved because the City collected \$295,000.00 in the police jurisdiction in 2003, but spent \$882,000.00. Councilman Williamson stated it costs the City \$586,000.00 and we have seen that two-thirds of our police calls are outside of the city limits, last year (2004) the figures were similar receiving \$323,000.00 and spending \$892,000.00, costing the City \$569,000.00 and he does not see how the City can continue to absorb this half of a million dollars to provide all these services in the police jurisdiction. Councilman Williamson stated since we are beginning to work on the budget, he would like the Council to address this problem. Councilman Cain stated he has addressed this issue with the Public Safety committee and they are planning to also meet with the chairperson at E-911 and Dallas County Sheriff's Office to find out what the issue is with the excessive calls in the police jurisdiction. Councilman Leashore stated he respectfully request that President Evans appoint a committee chaired by Councilman Williamson and he will willing to serve on this committee as well. Councilwoman Crenshaw stated she would like to serve as well. Councilman Williamson stated he concurs and the Public Safety committee (Councilman Cain and Councilwoman Venter) should also serve on the committee and meet with Mayor Perkins. President Evans agreed and asked if this committee would have a report for the next Council meeting.

V. NO TAX ON GROCERY (JULY 2, 2005)

During discussion, President Evans stated this item would be postponed until September for Labor Day.

VI. RESOLUTION - DR. & MRS. F. D. REESE 40TH PASTORAL ANNIVERSARY

President Evans stated at the consensus of the Council he would contact Dr. & Mrs. Reese regarding this resolution to verify their acceptance.

CITIZENS' REPORT

Ms. Fran Pearce
Re: Leadership Selma-Dallas County

STANDING COMMITTEE REPORTS

RECREATION COMMITTEE

Councilman Randolph stated the City will be starting its All Star Baseball teams for 15, 16, and 17 year olds this week and he would like to ask everyone to come out and support the teams.

ADMINISTRATIVE COMMITTEE

There is no report for the Administrative Committee Committee.

PUBLIC SAFETY COMMITTEE

There is no report for the Public Safety Committee.

COMMUNITY DEVELOPMENT COMMITTEE

Councilwoman Martin stated she would also like to remind the Council of the Fourth of July celebration. Councilwoman Martin stated there will be a special recognition of the National Guard Unit 122D CSG and their families. Councilwoman Martin stated in October the Alabama Cemetery Preservation Alliance to have a citywide meeting on preserving and caring for historic cemeteries, she has brochures and asks the Council to place on their calendars.

STANDING COMMITTEE REPORTS

PUBLIC WORKS/GENERAL SERVICES COMMITTEE

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

DISCRETIONARY FUNDS COMMITTEE

There is no report for the Discretionary Funds Committee.

ADJOURNMENT

There being no further business to come before the Council, on motion made by Councilwoman Martin and seconded by Councilman Cain, the Council voted by unanimous consent to adjourn this meeting at 7:55 p.m.



George P. Evans, *President*

ATTEST:

APPROVED:



Lois Williams, *City Clerk*



James Perkins, Jr., *Mayor*