

MINUTES OF THE SELMA CITY COUNCIL
AUGUST 8, 2005
5:00 P.M.

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, August 8, 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 Attorney Jimmy Nunn, City Treasurer Cynthia Mitchell and the Mayor's Administrative Assistant Sherri James. Reverend Michael Henson 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 Councilwoman Venter 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 July 25, 2005 regular meeting. A motion was made Councilwoman Martin and seconded by Councilman Randolph to approve the adoption of the said minutes as written. The motion carried with a unanimous vote (show of hands) of the Council.

I. MAYOR'S REPORT

A. **Elimination List for 2004-2005 Tax Year.** Mayor Perkins stated he would like to ask Tax Collector Roosevelt Goldsby to come forward to address the Council. Mr. Goldsby stated the City of Selma Tax Department issues the statement of authorized eliminations from tax digest 2004-2005 to the Council for approval in the amount of \$47,922.89. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve the elimination list for 2004-2005. The motion carried with a unanimous vote (show of hands) of the Council.

B. **Contract - Dallas County Commission and City of Selma - Tax Bills for 2005-2006.** Mayor Perkins stated he would like to ask Tax Collector Roosevelt Goldsby to come forward to address the Council. Mr. Goldsby stated as per contract that Probate Judge John W. Jones, Jr., Chairman of the Dallas County Commission agrees to contract with the City of Selma to furnish to the Tax and License Department approximately 8400 four page tax bills for the tax year 2005-2006 and to also furnish abstracts for all real property, personal property, corporations, public utilities and abatements/industrial exemptions for the City of Selma property tax year ending April 30, 2005. The City of Selma agrees to pay to the Dallas County Commission the amount of \$1,956.35 for the cost of printing tax bills and abstracts, plus \$2,000.00 as reimbursement for the services of S & W Computer Company for a total amount of \$3,956.35. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve the said contract. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

C. **Resolution - Land & Water Conservation Fund.** Mayor Perkins stated he would like to as Mrs. Charlotte Griffeth to come forward to address the Council. Mrs. Griffeth stated she asks the Council approval to resubmit a grant that was written on last year, but not funded. Mrs. Griffeth stated as per resolution #R178-04/05 that the City of Selma intends to make application to the Alabama Department of Economic and Community Affairs for grant assistance to develop the Riverwalk Phase I - Development of Riverfront Park from the Land and Water Conservation Fund proposed project cost estimated at \$100,000.00. Mrs. Griffeth further stated the City of Selma holds in reserve fifty percent (50%) or \$50,000.00 matching funds to be included in the City of Selma 2005-2006 annual budget, Planning and Development-Matching Funds line item. The deadline is to submit this application is August 20, 2005. A motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to approve the said resolution. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

D. **Memorandum of Agreement - Decision, Incorporated.** Mayor Perkins stated he would like to ask Ms. Valeria Jones to come forward to address the Council. Ms. Jones stated this agreement is for Fire Fighters to become Fire Engineers, and in keeping with personnel policies, it is time to administer another exam. Ms. Jones stated she asks the Council approval of this agreement and the funds are already in the budget in the amount \$13, 000.00 A motion was made by Councilwoman Martin and seconded by Councilman Leashore to approve the said agreement. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

I. MAYOR'S REPORT

E. Resolution - Performing Arts Center. Mayor Perkins stated he would like to ask Ms. Lois Williams to come forward to address the Council. Ms. Williams stated as per resolution #R171-04/05 that during the month of July 14, 2005 through July 26, 2005 bid proposal for carpet at the Performing Arts Center were submitted and accepted in the City Clerk's Office. Ms. Williams stated on July 26, 2005 sealed bids were opened and Rush Carpets was the lowest responsible bidder and she asks the Council approval to award this bid to Rush Carpets in the amount of \$7,245.29. 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 unanimous vote of the Council.

F. Crescent Hill Project Update. Mayor Perkins stated he would like to ask Mr. David Painter to come forward to address the Council. Mr. Painter stated briefly that the contractors started this project on July 11, 2005 and after extensions due to weather, the project is at 59 days and 75% complete as of Sunday, August 7, 2005. Mr. Painter stated this project will be well within the budget and he will give the Council a written report at a later date.

II. CITY ATTORNEY'S REPORT

A. Liquor License Approvals - Mr. James Murphy and Mr. Cedric Griffin. Attorney Nunn stated at the last Council meeting two liquor licenses were approved for Mr. James Murphy and Mr. Cedric Griffin with conditions. Attorney Nunn stated these conditions have been met and approved by Fire Inspector Mr. Greg Lewellen. Councilman Leashore stated before any license is acted upon, the process must be complete prior to presentation to the Council. President Evans concurs.

B. Resolution - Surplus Property. Attorney Nunn stated as per resolution #R177-04/05 the City of Selma has certain items of personal property which are no longer needed for public or municipal purposes and that the Mayor and the City Clerk are hereby authorized and directed to dispose of the property by receiving bids and to be sold to the highest bidder. Following a brief discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the said resolution with amendments. A roll call vote was taken and the motion was passed with a unanimous vote of the Council.

C. Ordinance - Rezoning on Highland Avenue. Attorney Nunn stated the Council has been given copies of an ordinance for rezoning a property from R65 to B2 at 1207 Highland Avenue. Attorney Nunn stated the petition was presented to the Planning Commission by Mr. Grant Sullivan and approved, all legal requirements have been met and he asks the Council approval at this time. Following discussion, a motion was made by Councilman Randolph and seconded by Councilwoman Martin to suspend the rules to adopt the said ordinance. A roll call vote was taken and the motion failed for lack of a majority vote of the Council. A motion was then made by Councilwoman Crenshaw and seconded by Councilman Leashore to place this ordinance on first reading until the next regular Council meeting on August 22, 2005. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

D. Resolution - Capital Improvement Project. Attorney Nunn stated if the Council recalls, on April 25, 2005 funds were designated for a capital improvement project. Attorney Nunn stated as per resolution #R179-04/05 that it is the desire of the Selma City Council to designate specific funds for a community wide project, whereby the youth of the City of Selma will have additional recreational facilities. Attorney Nunn stated the Council approved the purchase and installation of basketball courts and playground equipment to be placed throughout the City of Selma, specifically at Taylor Field, Ronnie Sharpe Park, Cedar Park, Meadowview, Buckeye and Dinkins Park, further amount includes the cost of the repair of the fountain in front of City Hall and the Valley Creek Park walking trail. During discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the said resolution with amendments. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

E. Resolutions - Historic Preservation Authority Appointments. Attorney Nunn stated if the Council recalls, Historic Preservation Authority appointments were approved at the last meeting, however, the terms for replacements from the period beginning in January 1981 were not determined. During discussion, Attorney Nunn stated the appointments would have to be approved retroactive to the six-year term established for each appointment. A motion was made

II. CITY ATTORNEY'S REPORT

by Councilwoman Martin and seconded by Councilman Randolph to approve resolutions #R172-04/05 through #R176-04/05. The motion carried with a unanimous vote (show of hands) of the Council.

F. Lawsuit - Andrew Walker vs City of Selma - Wrongful Termination. Attorney Nunn stated on July 12, 2005, the City of Selma was served with a lawsuit by Mr. Andrew Walker stating wrongful termination from the Police Department. Attorney Nunn stated this lawsuit has been forwarded to our insurance company (Alabama Municipal Insurance Corporation) and they are preparing this case and will be filing the appropriate response. Attorney Nunn stated he did not seek an administrative opinion from the Personnel Board.

G. Lawsuit - Dallas County vs City of Selma. Attorney Nunn stated this lawsuit is still pending and he is hopeful to have additional information to present to the Council at the next Council meeting.

H. EEOC Complaint by Robert Green. Attorney Nunn stated this EEOC complaint filed by the former Chief of Police, Mr. Robert Green, against the City of Selma has been dismissed per noticed received as of August 1, 2005.

I. Update - St. James Hotel. Attorney Nunn stated he spoke with Mr. Larry Striplin on last week and Mr. Charles Bonner did not meet the deadline on July 31, 2005. Attorney Nunn stated Mr. Bonner requested an extension and Mr. Striplin agreed to extend the deadline for about a week. Attorney Nunn stated he has not spoke with Mr. Striplin as of today, but he will update the Council at the next Council meeting.

J. Livestock Within the City Limits. Attorney Nunn stated he is still working on this item.

K. Ordinance - Truck and Trailer Parking. Attorney Nunn stated the Council has been given copies of the Truck and Trailer ordinance as per previous discussions. Attorney Nunn stated this issues regarding this ordinance would be discussed at the next Council meeting.

L. Lease Agreement - Municipal Asset Management, Inc. Attorney Nunn stated at the last Council meeting a lease agreement for the purchase of roll out carts and dumpsters was presented and approved by the Council for an approximate amount of about \$515,368.80. Attorney Nunn stated following negotiations he is pleased to inform the Council that the lease agreement was signed in the amount of \$477,000.00.

BUSINESS ITEMS:

III. BLUE NOTE LOUNGE

President Evans stated he wrote Mr. Reginald Lyons a letter and he has given copies to all Council members concerning a petition from the citizens in the area submitted to the Council. President Evans stated it is alleged that this procedure was not done correctly. Mr. Reginald Lyons addressed the Council stating the Blue Note Lounge is a business and he followed all the necessary requirements for approval, and as far as the issue concerning a baby, this is ludicrous, and he does not know anything about it. Mr. Lyons stated he did not receive a letter, but he heard word about this issue from the neighbors in the area. Mr. Lyons stated he has taken time out to consult with the neighbors concerning their feelings about his lounge and their response has been that they do not have a problem with the lounge, and he also stated he makes sure he respects the neighbors in the area. President Evans stated the Council would like to know the authenticity of the names on the petition presented to the Council, if they were adults over the age of 21. Mr. Lyons stated all names on the petition are legitimate; these persons actually signed and are all of the age indicated, no teenagers. Councilman Randolph stated he would volunteer his time to visit the lounge to verify these issues. Mr. Lyons stated he would encourage this visit.

IV. SUMMER YOUTH EMPLOYMENT

The Council was given a written reports from Mayor Perkins, which was prepared by Mrs. Bridget Mills.

BUSINESS ITEMS:

V. NOISE REPORT

The Council was given a written report by Mayor Perkins, which was prepared by Police Chief Jimmy Martin.

VI. 2005 BUDGET DISCREPANCIES

Councilwoman Crenshaw stated in previous discussions by the Council, President Evans has asked that these discrepancies be discussed with Mayor Perkins and she does not know if that has taken place or not. Councilwoman Crenshaw stated she was hopeful that this could be satisfied through that process and then brought back to the Council, and if that has not been done she feels the report from Councilman Cain concerning budget discrepancies should not be discussed at this time. President Evans stated he and Councilman Cain has discussed this matter and in as much as Councilman Cain has made numerous attempts to meet with Ms. Mitchell and Mayor Perkins, Councilman Cain wishes to make it a matter of record that he has made an effort to try to clarify some issues that he had questions about as it relates to he budget. During discussion, Councilman Cain stated this information has been sought after since January and there is memo from Mayor Perkins concerning the re-engineering strategies that initiated the protocol to go through the mayor's office. Following further discussion, President Evans stated he would like the Inert Landfill budget to be clearly defined and given to the Council. A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore not to accept the information from Councilman Cain concerning budget discrepancies, amended by Councilwoman Allen to record this information from Councilman Cain only as interpretations of discrepancies in the budget; that it is informational to the Council and not a report. The previous motion made by Councilwoman Crenshaw and seconded by Councilman Leashore was withdrawn and an amended motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to only accept the information from Councilman Cain based upon the fact that it is only his interpretation of budgetary item discrepancies, which are attached. The motion carried with a unanimous vote (show of hands) of the Council.

VII. RESOLUTION - VOTING RIGHTS ACT 1965

Councilwoman Crenshaw stated this week there has been many celebrations centered around the 40th Anniversary of the Voting Rights Act of 1965. Councilwoman Crenshaw stated she feels it is only fitting that the Selma City Council sends forth the resolution documentation that the City of Selma asks the United States Congress to conduct the appropriate due diligence to support the re-authorization of the key enforcement provisions of the Voting Rights Act of 1965 and for other purposes. Following discussion and reading of the resolution, a motion was made by Councilwoman Crenshaw and seconded by Councilwoman Martin and Councilman Leashore to accept the said resolution and move forward with sending to the United States Congress and the President of the United States. The motion carried with a majority vote (show of hands) of the Council. There were eight affirmative votes and one negative vote. Councilman Williamson cast a negative vote. Councilman Leashore asked the question why Councilman Williamson choose not to vote for the Voting Rights Act, however, President Evans stated that question would not have to be answered because that is Councilman Williamson's right.

VIII. OLD DEPOT MUSEUM A/C SYSTEM

President Evans stated there is a need for an air conditioning system at the Old Depot Museum and Councilwoman Martin has discussed this issue with him. President Evans stated she has already paid \$1,250.00 for the purpose of installing a compressor from the oil lease funds. President Evans stated since there are no more funds available from the oil lease, she asks the Council support the Old Depot Museum in the amount of \$3,100.00 for an air conditioning system. Following discussion by Councilwoman Martin, a motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the payment of this item from the Council special projects funds. A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight affirmative votes and one abstention. Councilwoman Martin abstained from voting due to the fact that she is the director of the Old Depot Museum.

CITIZENS' REQUEST REPORT

Mr. Christopher Jones
Re: Extreme Ink (Tattoo Business) 2802 Citizens Parkway

STANDING COMMITTEE REPORTS

RECREATION COMMITTEE - Councilman Samuel Randolph, Chairperson

Councilman Randolph stated the Recreation committee met on August 8, 2005 at 9:00 a.m. and he read his report to the Council regarding items discussed. Councilman Randolph stated he would like to address questions to Mayor Perkins regarding (1) Are there any city employee who are compensated by Dallas County Commission to maintain a sportsplex, (2) How much revenue was collected at the gates during this season, and (3) Which accounts or line items were these funds placed? Councilman Randolph further stated that a grass cutting scheduled is requested for the East Selma Pond and Selma High School Baseball field. Councilwoman Allen asked if the Cedar Park field could be added to the request as well. Councilwoman Crenshaw asked if the Rutledge Park field could also be added to the request. Councilman Randolph stated he would update the Council on these issues at the next Council meeting.

ADMINISTRATIVE COMMITTEE - Chairperson

There is no report for the Administrative Committee.

PUBLIC SAFETY COMMITTEE

Councilman Cain stated the Public Safety committee met on July 28, 2005 at 4:00 p.m. and read his report to the Council concerning items discussed. Councilman stated the curfew ordinance, the E911 issue, and FEMA as public safety issues were discussed. Councilman Cain stated the reports given by Chief Martin are excellent and informative tools provided to the Council and he commends him and appreciates his work. Councilman Cain stated the next meeting will be held on August 10, 2005 at 4:00 p.m.

COMMUNITY DEVELOPMENT COMMITTEE

There is no report for the Community Development Committee.

PUBLIC WORKS/GENERAL SERVICES COMMITTEE

Councilman Leashore stated there is no report for the Public Works/General Services Committee; however, a committee meeting is scheduled for August 18, 2005 at 5:00 p.m. Councilman Leashore further stated there would be a ward meeting on Tuesday, August 16, 2005 at 6:00 p.m. at Bethlehem Baptist Church.

DISCRETIONARY FUNDS COMMITTEE

There is no report for the Discretionary Funds Committee.

ADJOURNMENT

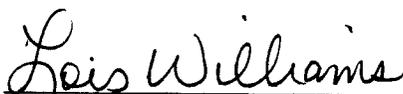
There being no further business to come before the Council, on motion made by Councilwoman Allen and seconded by Councilwoman Martin, the Council voted by unanimous consent to adjourn this meeting at 8:15 p.m.



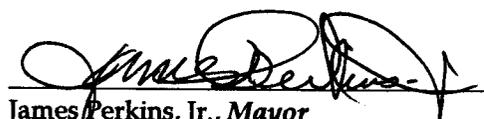
George P. Evans, *President*

ATTEST:

APPROVED:



Lois Williams, *City Clerk*



James Perkins, Jr., *Mayor*