

MINUTES OF THE SELMA CITY COUNCIL  
FEBRUARY 12, 2007  
5:00 P.M.

Call to Order

Invocation: Reverend Thomas Gray  
Pastor, Reformed Presbyterian Baptist Church

Pledge of Allegiance  
Roll Call

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, February 12, 2007 at 5:00 p.m. with the following members present during roll call: Council President George Evans and Council members Cecil Williamson, Reid Cain, Jean T. Martin, Geraldine Allen, Samuel Randolph, Johnnie M. Leashore, Bennie R. Crenshaw and Jannie M. Venter. Others present were Mayor James Perkins, Jr., City Clerk Lois Williams, Assistant City Clerk Ivy S. Harrison, City Attorney Jimmy Nunn, City Treasurer Cynthia Mitchell, and the Mayor's Executive Assistant Darlene Rudolph.

**APPROVAL OF AGENDA:**

After review and discussion of the agenda items, the following amendments were made:

**Additions:** During discussion, a motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to place an item on the agenda to discuss removing the current chairman of the Administrative Committee, Councilman Cecil Williamson. The motion failed due to the first nay vote cast by President Evans. Thus, no items were added.

**Deletions:**

<b>Business items:</b>	
VII	City Audit
VIII	Hiring Freeze
IX	Public Works Pay Time
XV	Update on Chief Martin's Assassination Plot
XVI	Speed Breakers
XIX	Cable Rates

A motion was then made by Councilwoman Martin and seconded by Councilman Randolph to approve the agenda as amended. **The motion passed with a majority vote (show of hands) of the Council. There were eight aye votes and one nay vote. Councilman Leashore cast a nay vote.**

**APPROVAL OF MINUTES:**

After approval of the agenda, President Evans asked for a motion to approve the minutes of the January 22, 2007 regular meeting. A motion was made by Councilman Cain and seconded by Councilwoman Allen to table the approval of the minutes until the next Council meeting. **The motion passed with a unanimous (show of hands) vote of the Council.**

Presentation: Dr. Park Chittom presented the Council with cookies for Valentine's Day from the First Baptist Church.

**CITIZENS' REQUESTS**

Mrs. Mallieve Breeding  
Re: Selma Community Pride Committee

Dr. Kirit Chapatwala  
Re: Sickle Cell - Selma

Ms. Lee Paige  
Re: Concordia College Girl's Basketball Tournament

Mrs. Nancy Sewell  
Re: Teen Summit - 2007

Mr. Joe Bombrey  
Re: Diversity Workshop

## PUBLIC HEARING

**Resolution #R146-06/07 - T-Mobile Wireless.** Attorney Nunn stated a public hearing has been requested for this time and all notifications have been sent to the residents and property owners in the neighborhood. Attorney Nunn asked Mrs. Bowers to come forward to address the Council. Mrs. Bowers addressed the Council representing the Center for Municipal Solutions. Following this information, President Evans asked if there were any citizens present who would like to come forward to address this issue. Steve Kopp, Corporate Director of Quality, representing Globe Metallurgical, addressed the Council regarding safety concerns in conjunction to the tower operations and their detonation procedures. Mrs. Bowers responded via section 6-G-17 & 18 of the City of Selma telecommunications ordinance, stating there is a requirement to support this concern, which she read to the Council. Following discussions and questions from Council members, a motion was made by Councilwoman Crenshaw and seconded by Councilman Williamson to table this resolution until the next Council meeting to address the safety concerns. **The motion carried with a unanimous (show of hands) vote of the Council.** Contact information for Theresa Tkacik, Attorney at Law, Haskell, Slaughter, Young & Rediker; 2001 Park Place North, Ste. 1400, Birmingham, AL 35203. Phone number: 205-254-1482.

## MAYOR'S REPORT

A. **(1) Resolution #R147-06/07 & Memorandum of Agreement for Decision's Inc.** Mayor Perkins stated to President Evans that he feels the work session worked very well, and he expresses his appreciation to him for his cooperation, and those Council members who attended are informed, so this should not take long. Mayor Perkins asked Ms. Val Jones to come forward to address the Council. Ms. Jones addressed the Council stating in accordance with the Personnel Rules and Regulations, it is the Personnel departments' responsibility to maintain an eligible roster for those persons who wish to be promoted to lieutenant or captain, therefore, she would like to request Council approval for Decisions, Inc. to develop and administer a police exam for lieutenants and captions for the Police Department. Ms. Jones stated the cost for this contract is \$32,000.00, however, Chief Martin, by way of a resolution, agreed to grant \$12,000.00 to the Personnel department towards the exams. Mayor Perkins stated after hearing this information, he asks the Council favorable consideration. A motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to approve the said contract and resolution. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

**(2) Landfill Employee Driver Salary Increase.** Ms. Jones addressed the Council regarding a Landfill Employee Driver, who is recommended for a two-step increase in salary with his department head's approval. Ms. Jones stated this employee has not been compensated for filling in as lead person performing supervisory duties in the absence of the part time department head, which is only required to work a 20-hour week. She stated the two step increase is from \$9.73 to \$10.12, an annual increase of \$811.20 or an additional thirty nine cents per hour. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve this increase in salary. Following a brief discussion, **a roll call vote was taken and the motion passed with a majority vote of the Council. There were seven ayes and two nay votes. President Evans and Councilman Cain cast nay votes.**

B. **Appointment: Henry Hicks - Public Works Director.** Mayor Perkins stated he would like to formally announce that Mr. Henry Hicks has been appointed by the mayor, per City ordinance, as Public Works Director, as of February 12, 2007 at a salary of \$44,626.25 on a month-to-month basis. Congratulations extended to Mr. Henry Hicks.

C. **(1) Memorandum of Agreement - Auburn University and the City of Selma.** Mayor Perkins asked Ms. Charlotte Griffeth to come forward to address the Council on this issue. Ms. Griffeth addressed the Council as per the said agreement, which she read to the Council. Mayor Perkins asked Council favorable consideration and approval of this agreement, in part; to provide urban tree remediation, which the recipient shall provide cost share in an amount equal to or greater than \$17.40 per hour in accordance with the appropriate OMB circular during the project period July 17, 2006 through July 16, 2007, to be reported on invoice form by August 4, 2007. A motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw, to approve said agreement and to recapture funds that have been made available to the City of Selma per Ms. Griffeth. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

**(2) Resolution #R144-06/07 - Keystone Engineering.** Ms. Griffeth addressed the Council as per said resolution read, for project #HPP-A169(900), agreement to contract with Keystone Engineering to provide services in connection with the underground electrical improvements along Water Avenue. Mayor Perkins asked Council favorable consideration and approval of this resolution. A motion was made by Councilwoman Martin and seconded by

### MAYOR'S REPORT

Councilwoman Venter to approve the said resolution. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

**(3) Resolution #R145-06/07 - Amending R136-06/07.** Ms. Griffeth addressed the Council as per said resolution read in the amount of \$7,250.00, to amend resolution R136-06/07. Following a brief discussion regarding the lodging tax, a motion was made by Councilwoman Martin 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 abstention. Councilman Leashore abstained from voting.

D. **Speed Breakers.** Mayor Perkins stated there was extensive discussion about the speed bumps in work session. Following discussions, Mayor Perkins asked the Council to work through this issue and decide whether to maintain the responsibility of making these decisions or decide otherwise, and he and the departments will govern themselves accordingly.

E. **2005-2006 Audit Report.** Mayor Perkins stated he wanted to mention briefly that Ms. Mitchell is presently working on the Treasurer's section of the audit. Mayor Perkins stated it is anticipated to have the audit would be completed before the first meeting in March.

F. **Ordinance - #O116-06/07 - Veterans Grave Marker.** Mayor Perkins stated he has the honor, as mentioned in the work session, of presenting this ordinance to the Council, following a visit from a group of veterans about a benefit that they had been receiving and provided to veterans in our city. Mayor Perkins stated the City, during the passage of the most recent version of the cemetery price schedule, inadvertently left out a provision to waive the fees for the placement of the Veterans Administration's head stones. Mayor Perkins stated this fee is \$30.00 for veterans and it is an honor that we should bestow upon our veterans and asked Council if they would suspend the rules to pass this ordinance with unanimous support of the veterans. A motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to suspend the rules to vote on this ordinance. A roll call vote was taken and the motion passed with a unanimous vote of the Council. A motion was then made by Councilwoman Martin and seconded by Councilman Williamson to approve the said ordinance. A roll call vote was taken and the motion passed with a majority vote of the Council. There were seven ayes and two abstentions. Council members Randolph and Leashore abstained from voting.

G. **Cable Rates.** Mayor Perkins stated he would like to express his disappointment once again for Charter Communications increasing their rates again. Mayor Perkins stated he would like to remind the Council and citizens that we have done everything within our power to try to avoid this continuous increase, but we have no authority or jurisdiction to stop it. Councilman Williamson asked if a committee could be formed to begin a study of this issue for the City to have its own cable network. Mayor Perkins stated he has looked at this issue and would be very interested in looking into a study on this matter. President Evans stated this issue really needs to be revisited and appointed Councilman Williamson and Councilman Leashore to serve on this committee along with Mayor Perkins. He stated he would certainly serve as ex-officio and asked if anyone else would like to serve on the committee. None concurred. Mayor Perkins stated he would pull together a team of persons to provide technical assistance and schedule a meeting.

### CITY ATTORNEY'S REPORT

A. **Clinton Peeples' Weapon Request.** Attorney Nunn stated the Council has a copy of a letter from Clinton Peeples requesting to retain his Glock 40 Caliber duty weapon. During discussion, a motion was made by Councilman Williamson and seconded by Councilman Leashore to approve the said request. Following further discussion, Councilman Leashore stated he would like to withdraw his second to the motion. A motion was then made by Councilman Cain and seconded by Councilman Williamson to table this item until further information is obtained. The motion carried with a unanimous (show of hands) vote of the Council.

B. **Resolution - #R142-06/07 - Concession Rights.** Attorney Nunn stated bids for this item were taken via the City Clerk's office. After a brief discussion, a motion was made by Councilman Williamson and seconded by Councilwoman Martin to approve the said resolution awarding the bid contract to Massey Concessions in the amount of \$6,051.00, payable to the City of Selma. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

C. **Ordinance #274 of 1954 - Enforcement on Signs.** Attorney Nunn stated the Council has a copy of the city ordinance as it relates to signs on public streets, sidewalks, telephone poles, etc prohibited. He stated per the request of the Council, it was requested that this is

**CITY ATTORNEY'S REPORT**

provided to the Council, at the last work session, this is A & B of section 6-83 applies since 1977. Councilman Williamson asked if the Council would ask Mayor Perkins to have the police chief to enforce this ordinance. During discussion, a motion was made by Councilman Cain seconded by Councilwoman Venter to approve the enforcement of the said ordinance, to begin on tomorrow, February 13, 2007. A roll call vote was taken and the motion passed with a unanimous vote of the Council. There were eight ayes and one abstention. Councilman Leashore abstained from voting.

D. **Alcoholic Beverage License Application.** Attorney Nunn stated an alcoholic beverage license for Triple M Food Mart, LLC, located at 2800 Citizens Parkway has been placed on first reading at the last Council meeting. Attorney Nunn stated the sign has been posted and advertised in the local newspaper. During a brief discussion, a motion was made by Councilman Randolph and seconded by Councilwoman Allen to approve the said liquor license request. The motion carried with a majority (show of hands) vote of the Council. There were six ayes, two nays and one abstention. Council members Cain and Williamson cast a nay vote. Councilwoman Venter abstained from voting.

E. **Livestock Ordinance O112-06/07.** Attorney Nunn stated a draft has been provided to the Council concerning this ordinance. President Evans stated this item would be discussed further in work session.

F. **Elected School Board vs Appointed School Board.** Attorney Nunn stated per request during work session, he has researched this issue with other cities (the City of Bessemer). During discussions, President Evans asked the Council what is their pleasure about pursuing this matter further. Councilwoman Allen, Councilman Williamson, Councilwoman Martin and Councilman Cain stated they would be in favor of an elected school board. Councilwoman Crenshaw stated she is in favor of polling the people. Councilman Leashore stated he is in favor of whatever the law governs. Councilman Randolph stated he is not in favor of an elected school board. Councilwoman Venter stated she would like to know what Attorney Nunn has to bring back to the Council regarding this matter. Per request and concurrence from President Evans for an elected school board, Attorney Nunn stated he would continue to research this item further and return an opinion to the Council.

G. **Mr. Larry Striplin, Letter of Request for Extension.** Attorney Nunn stated the Council has received a letter from Mr. Larry Striplin asking for an additional 30 days to continue evaluations at the St. James Hotel. Following a brief discussion, a motion was made by Councilman Leashore and seconded by Councilwoman Martin to grant Mr. Striplin an additional 60 days to continue evaluations, based on the date he receives this notification. The motion carried with a unanimous (show of hands) vote of the Council.

H. **Letter of Request for Opinion #89-239 - Removal of Water Board Members.** Attorney Nunn stated the Council has a copy of a letter drafted to Councilman Williamson, per his request, as it relates to the removal of Water Board members. Attorney Nunn stated attached to the same is the Attorney Generals Opinion and Law 6-6591 of the Code of Alabama. Attorney Nunn stated the impeachment process would also be an issue that would have to go through the court system as well. Attorney Nunn asked if there were any questions or comments from the Council at this time. None responded. Attorney Nunn then stated if there are no comments or questions the Council would need to take some type of action for the recommendation of the Commission. Councilman Williamson stated he does not feel any action should be taken and if Councilwoman Allen is to be removed from the Water Board, it should be done just as the law says. Councilwoman Allen stated she can speak for herself, and she was concerned about the many remarks and unkind remarks, that were made regarding her action of voting during the Water Board appointment. However, she stated, without the vote that she made, which in 2000 and 2004, others did the same, she still would have received the majority vote of the consensus of the Council to serve on the Water Board. Therefore, she stated, she would not resign from the Water Board, however, she further stated, to ensure that there is no question as it relates to monetary gain she is asking that she does not receive a salary during her term. Councilwoman Allen then stated she is also asking that all other Council members who may have voted for themselves in 2000 or 2004 join her in doing the same. Councilman Leashore stated he is not aware of whom his colleague is referencing especially in the 2004 appointment, but he knows for a fact that there was no violation on his part, and he feels he can speak for his colleague Councilwoman Crenshaw that there was also no vote on her part to place herself on the Water Board. Councilman Leashore stated there is a letter from the Ethics Commission advising the Council what to do and he would highly recommend that the Council take the action that is being recommended. Attorney Nunn stated he wants to mention that when he spoke with the Ethics Commission, they stated there are several increases to the Ethics Commission and that action

### CITY ATTORNEY'S REPORT

needs to be taken by the Council before a complaint is filed. Councilwoman Allen stated she asks that the Council would allow a complaint to be filed. Councilwoman Crenshaw stated that if anyone on the Council can prove that she voted for herself, they would have the opportunity to prove that. President Evans stated he did listen to the tape and the Clerk does have the tape available in the event there needs to be clarification. President Evans stated that during the 2004 October Council meeting, reading from the minutes, to the Council. Following further discussion, President Evans stated the tape will reflect, "if you listen to it" that he called what he thought the vote was, which was seven to two. President Evans stated the question now is "how do we resolve this matter" to the satisfaction of what needs to be done pertaining to this opinion. Councilman Cain stated this is has really become a "none" issue thanks to Dr. Allen and her position on this matter, she is not accepting any compensation, and the issue with the Ethics Commission considers personal gain, and there is no personal gain in her position to be placed upon this Board. Councilwoman Venter asked President Evans why would have our Attorney to go through all the problem of checking with the Ethics Commission, receive a letter, and still we ignore it, she feels the Council needs to read the letter because the letter speaks for itself and we need to move on with it. President Evans stated all information should be turned over to the proper authorities for the proper investigation for the purpose of coming up with a ruling. Attorney Nunn stated the Ethics Commission only rule on matters that have not been taken prior to. Attorney Nunn further stated this issue did not just start with the 2000 or 2004 votes, if you go back to 1989, there was a "unanimous" vote to appoint for the \$350.00, and everyone voted for their own salaries, all three Council members; and all the way back to 1980, when Councilman Williamson also sat on the City Council and board members were appointed by unanimous votes. Attorney Nunn stated this does not start with this Council and he does not want it to be a reflection just on this Council. Following further discussion, Attorney Nunn stated the vote to place Dr. Allen on the Board was not a roll call vote. Councilman Leashore stated since we have been advised by our Attorney that the vote to place Councilwoman Allen on the Water Board is against the ethics law, and they are highly recommending that we correct this wrong, he would like the record to show that he made an attempt to correct this wrong by making a motion to place one of his colleagues on the Water Board. President Evans stated at this juncture, unless the Council overrules otherwise, this matter has been turned over to our lawyer to set up a conference call with the Ethics Commission for the purpose of getting clarification as oppose to doing anything else, because there are a lot of concerns in terms of how the Council needs to go forward with this process and until that is done, he feels we need to let the system work. Councilwoman Crenshaw stated she feels there needs to be a record of a vote on how the Council chose to deal with the information brought to the Council by Attorney Nunn and a motion is on the floor for that. President Evans stated at this point the motion is out of order unless the Chair is, by right, overruled. A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to appeal to overrule the Chair's decision to rule the motion stated previously by Councilman Leashore out of order. A roll call vote was taken and the motion passed with majority vote of the Council. There were five ayes and four nay votes. President Evans and Council members Williamson, Cain and Allen cast a nay vote. Councilwoman Crenshaw stated to Attorney Nunn that he is appreciated and she just wanted to offer him respect by the vote that was just taken. President Evans then asked for a motion to transfer all information to Attorney Nunn for the purpose of getting an opinion from the Ethics Commission. No motion was placed on the floor, after two requests from the Chair, therefore, the request for a motion failed. Attorney Nunn stated the Water Board Attorney is present and asked what to do in the meantime, since there is a meeting coming up? President Evans asked that Dr. Allen would not appear for a meeting until the Council receives an opinion on this matter, but she has to make that decision. Councilwoman Allen stated she will not attend until this is resolved.

### **BUSINESS ITEMS:**

#### **I. ENVIRONMENTAL COURT**

President Evans stated this item would be referred back to the Public Safety Committee to report on the status at the next Council meeting.

#### **II. DIVERSITY WORKSHOP**

President Evans stated there are approximately seven Council members interested in this workshop, "do we move forward with this with the seven or just let it die"? Councilman Cain asked if this could be tabled until the next meeting. President Evans concurred.

Councilman Leashore and Councilwoman Crenshaw left the Chambers during this discussion.

**BUSINESS ITEMS:**

**III. MICROBOARDS COPYWRITER LIVE CD WRITER UPDATE**

President Evans stated during the work session on Thursday, he suggested that the Council has dual tapping, in as much as cassettes are being used for the purpose of recording, he would like to have a dual CD that would be placed in the office "back here" in the event that the Council would need to listen and so forth, and also use the cassettes. President Evans stated this is his recommendation and he would like for the Council to move forward with this suggestion to have dual tapping. A motion was made by Councilman Cain and seconded by Councilman Williamson to move forward with this recommendation. **The motion carried with a unanimous (show of hands) vote of the Council members present. Councilman Leashore and Councilwoman Crenshaw were absent from the Chambers when this vote was taken.**

**IV. BUDGET LINE ITEM**

President Evans stated the budget line item was discussed in the work session, stating any budget line item, in the past, could be moved within line items within the budget, but any created or new budget items would have to come before the Council for approval. Councilman Williamson if this is not the policy he would like to make a motion to adopt this policy. A motion was made by Councilman Williamson and seconded by Councilwoman Martin that there would be a policy that money can be transferred among line items that the Council approved in the budget, but if a department creates a new line item, they would need to get the Council approval before putting money in that line item. Councilman Cain stated he would like to make one last clarification on this matter, right now it is the policy that if anything changes from department to department, it comes back before the Council, which he feels is being implemented and handled inappropriately. President Evans concurred. **The motion carried with a unanimous vote (show of hands) of the Council members present. Councilman Leashore and Councilwoman Crenshaw were absent from the Chambers when this vote was taken.**

**IV. SPEED BREAKERS**

President Evans stated this item would be tabled and no further speed breakers will be placed in the city until further information is obtained on this matter.

Councilwoman Crenshaw and Councilman Leashore returned to the Chambers during this discussion.

**V. NOISE IN THE CITY**

Councilman Williamson commented that according to the report the Council received, the whole police department did not issue but five noise citations during the past month. Councilman Williamson stated he believes any Council member could ride around with the police for eight hours in one day and hear more than five loud noise violations. He stated he feels this law is not being enforced and no effort is being made to do so. Councilwoman Allen asked if she could comment on this issue for her Public Safety Committee report. She addressed the Council with details. Councilman Leashore stated that during work session, ways and means of curtailing the violators were discussed, and he feels that public service announcements by this City, typically the Police Department, informing the citizens about the noise ordinance that we have on record would go a long, long way. President Evans stated he feels the Council should move forward with the Council members would go on the radio to do Public Service Announcements encouraging our citizens for the purpose of sending a message to abide by the noise ordinance and if we do this no one would have the excuse of not know and say that they are being treated unfairly about tickets.

**VII. YOUTH DELEGATES TO ATTEND THE CONGRESS OF CITIES CONFERENCE**

Councilwoman Crenshaw this is something that is very important to her and there are eight students from Selma High, Morgan, Meadowview and Central Christian schools, who are expected to travel to Washington as Youth Delegates and we are requesting \$7,000.00 from the Council travel budget to defray some of the expense of the trip. A motion was made by Councilman Leashore and seconded by Councilwoman Martin to approve \$7,000.00 from the Council travel for 8 students and 2 chaperones to travel to Washington, D.C. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

**STANDING COMMITTEE REPORTS**

**RECREATION COMMITTEE - Councilman Leashore, Chairperson**

No Report.

**ADMINISTRATIVE COMMITTEE - Councilman Dr. Cecil Williamson, Chairperson**

No Report.

**PUBLIC SAFETY COMMITTEE - Councilwoman Dr. Geraldine Allen, Chairperson**

Councilwoman Allen reported. Copy of minutes are attached.

**COMMUNITY DEVELOPMENT COMMITTEE - Councilwoman Bennie Ruth Crenshaw, Chairperson**

No Report.

**PUBLIC WORKS COMMITTEE - Councilwoman Venter, Chairperson**

Councilwoman Venter reported. Copy of minutes are attached.

**DISCRETIONARY FUNDS COMMITTEE - President Evans, Chairperson**

President Evans stated \$4,200.00 has been collected from the Council discretionary.

**CLOSING REMARKS BY EACH COUNCIL MEMBER.**

**EXECUTIVE SESSION**

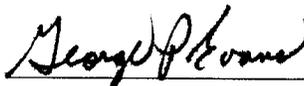
President Evans requested a motion to recess into executive session. A motion was made by Councilwoman Crenshaw, and seconded by Councilwoman Allen, to recess this meeting into executive session to discuss legal matters for approximately thirty minutes at 9:32 p.m. The motion carried with a unanimous (show of hands) vote of the Council.

Following executive session, a motion was made by Councilman Leashore, and seconded by Councilwoman Allen, to reconvene the meeting into regular session at 9:51 p.m. The motion carried with a unanimous vote (show of hands) of the Council.

A motion was then made by Councilman Leashore, and seconded by Councilwoman Martin, to take no action due to no jurisdiction. The motion carried with a unanimous (show of hands) vote of the Council.

**ADJOURNMENT**

There being no further business to come before the Council, a motion was made by Councilman Leashore, and seconded by Councilwoman Crenshaw to adjourn, and by unanimous consent of the Council, this meeting adjourned at 9:52 p.m.



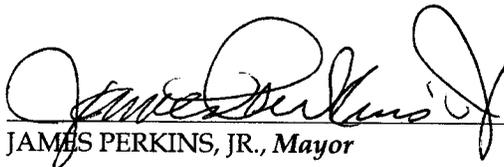
GEORGE P. EVANS, *Council President*

**ATTEST:**



LOIS WILLIAMS, *City Clerk*

**APPROVED:**



JAMES PERKINS, JR., *Mayor*