

MINUTES OF THE SELMA CITY COUNCIL
FEBRUARY 27, 2006
5:00 P.M.

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, February 27, 2006 at 5:00 p.m. with the following members present during roll call: Council President George Evans and Council members Dr. Cecil Williamson, Reid Cain, Jean T. Martin, Dr. Geraldine Allen, Johnnie M. Leashore, Bennie R. Crenshaw and Jannie M. Venter. Others present were Mayor James Perkins, Jr., City Clerk Lois Williams, City Attorney Jimmy Nunn, City Treasurer Cynthia Mitchell, and the Mayor's Secretary Darlene Rudolph. Reverend Joe Nathion Brown gave the invocation. Councilman Randolph was absent from the Chambers during roll call, but arrived at 5:13 p.m.

Presentation - Prayers for our community by President Evans
Pledge of Allegiance
Roll Call

APPROVAL OF AGENDA:

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

Additions: Executive Session

Deletions: Items:

- I Selma Waterworks and Sewer Board Report
- V Check Register
- VI Accounting Supervisor

Following a lengthy discussion of the agenda items, Councilwoman Crenshaw stated she does not feel the Selma Public Library Funding should be placed on the agenda. A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore that the Selma Public Library Funding is not placed back on the agenda. A roll call vote was taken and the motion passed with a majority vote of the Council. There were five ayes and four nays. President Evans and Council members Williamson, Cain and Allen cast nay votes. A motion was then made by Councilman Cain and seconded by Councilman Williamson to approve the agenda as amended. The motion carried with a unanimous vote (show of hands) of the Council.

APPROVAL OF MINUTES:

After approval of the agenda, President Evans asked for a motion to approve the minutes of January 23, 2006 regular meeting, which approval was delayed at the last Council meeting due to a clarification issue concerning the copy fee. Following discussion, President Evans stated this item would be addressed later in the meeting. A motion was made by Councilwoman Martin and seconded by Councilman Randolph to approve the minutes of January 23, 2006. The motion carried with a majority vote (show of hands) of the Council. There were seven ayes and two opposes. Councilman Leashore and Councilwoman Crenshaw opposed due to violation of the code of ordinance for rules and procedures.

President Evans also asked for a motion to approve the minutes of February 13, 2006 regular meeting. Following discussion, a motion was made by Councilwoman Martin and seconded by Councilman Randolph to approve the minutes of February 13, 2006. The motion carried with a unanimous vote (show of hands) of the Council.

Mayor Perkins stated he would like to remind the Council that at the last meeting he requested an executive session for the purpose of discussing contract negotiations for capital investment. A motion was made by Councilman Leashore and seconded by Councilwoman Venter to add executive session to the amended agenda. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

CITIZENS' REQUEST

Attorney Faya Rose Toure'
Re: Street naming, Public housing, Bridge Crossing Jubilee, and Police Protection

Ms. Sarah Harris
Re: March of Dimes

Councilman Randolph departed from the Chambers briefly and returned.

CITIZENS' REQUEST

Mr. Robert Walker

Re: Gateway Baptist Church

Following discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to grant approval to Gateway Baptist Church to conduct prayer on the steps of City Hall on April 14, 2006. **The motion carried with a unanimous vote (show of hands) of the Council.** Mr. Walker stated the re-enactment of the last supper of Christ would be held on April 13, 2006 from 6:30-8:30 p.m.

Mr. Adney Taylor

Re: Mileage Rate

Ms. Sylvia Smith

Re: Open Records Law

Councilman Cain departed from the Chambers briefly and returned.

Mr. Blaise Marin

Re: Black History Month Showcase

Reverend Michael Henson

Re: Citizens Concerns on Council Issues

Attorney April Albright

Re: Citizens Concerns

I. MAYOR'S REPORT

A. Length of Service Recognition Awards. Mayor Perkins stated before he gets into his report he would like to recognize a couple of employees who have earned their service pins and asks Coach Elton Reece, Recreation Department, to come forward in recognition of *Fifteen years of dedicated service to the City of Selma*. Mayor Perkins stated he would like to also ask Ms. Krystal Dozier, Community Development, to come forward in recognition of *Five years of dedicated service to the City of Selma*.

B. WilsonPrice - Draft of Independent Auditors' Report. Mayor Perkins stated the auditors are here tonight and he would like them to come forward to present a draft of the audit recognizing that this is not the final report. Mayor Perkins stated once the final is completed they will present it to him and he will present it to the Council, and at the same time, he will also present the content of the management letter to the Council. Mayor Perkins asked Mr. Billy Daniels to come forward to address the Council. Mr. Daniels addressed the Council stating what they have before them is a draft of the financial statements for the year ending September 30, 2005. Mr. Daniels stated they have attempted to place the financials on the scene with a Power Point presentation and stated he would like to go over some of the high points.

During the presentation, Mr. Daniels stated as per paragraph 3 of the Independent Auditors' Report that "In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City as of September 30, 2005, and the respective changes in financial position and cash flows, where applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America." Mr. Daniels stated their was an increase in total assets of \$3,678,000.00, cash balance increase of \$1,548,000.00, total liabilities increased to \$957,000.00 over last year, with the largest increase in this area being the debt for the school board. Mr. Daniels stated the total net assets, which is what they call the equity is an increase of \$2,700,000.00, which is a positive result from the prior year. Mr. Daniels stated he wants to point out one important aspect, the "change in net assets", is reflective of net income if you had a business, and that on the accrual basis of accounting is the increase of more revenue than expense and that amount is \$2,692,258.00.

In conclusion, Mr. Daniels stated he appreciated the opportunity to serve the City, and certainly could not have gotten the job done without the help of the Mayor, the Finance Department and other employees of the City, it has been a pleasure and hopefully he has explained some things.

I. MAYOR'S REPORT

President Evans asked if there were any questions from the Council. Councilman Cain asked Mr. Daniels if he could explain what conclusions are involved and what does the management letter discuss? Mr. Daniels answered stating the management letter is typically a byproduct of an audit where certain components, internal controls, and ways to do things better are looked at to enhance the accountability, which is reflective of a "perfect world" and how things need to be done. Mr. Daniels further stated a draft is presented to the City to review and concur and gives them an opportunity to develop a response of their way to correct the items or it could be that they are already corrected and once that is received a formal letter is submitted as well as the financial statements, which is given to the Mayor and he distributes to the Council. Councilman Leashore asked Mr. Daniels if he would go on record to say that this City is financially sound? Mr. Daniels answered stating their opinion, of course, is unqualified, however, from the results of the different statements in the financial statements, they illustrate financial strength.

C. Youth United for Change. Mayor Perkins stated for the past two years Councilwoman Crenshaw and the National League of Cities President, Mr. Jim Hunt have been working on a project to build bridges of inclusiveness with youth united for change. Mayor Perkins stated corporate sponsors have agreed to pay the airfare and four nights stay for a group of students and two chaperons, who will be housed at the Washington Hilton Hotel. Mayor Perkins read to the Council that "in order to build a foundation for future partnership activities, a group of students from Selma High School, Selma, Alabama and Liberty High School, Clarksburg West Virginia will attend the National League of Cities 2006 Annual Congressional Cities Conference, March 11, 2006 through March 15, 2006, and in addition to taking part in the conference as youth delegates these students will participate in a facilitated discussion to explore ways to develop an ongoing relationship between these high schools." Mayor Perkins further stated this partnership is the results of an ongoing relationship between City officials in Selma, Alabama and Clarksburg, West Virginia. These students present are Sade' King, Anthony Robertson, Britney Moore, Brandon Holt, Chifra Burton and Chris Howard, all of Selma High School. Mayor Perkins stated he would like to congratulate them for being selected and he will see them in Washington, DC.

Proclamation - A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to support the adoption of the proclamation read to the Council by Mayor Perkins. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

D. Concerns about Votes at the Last Council Meeting: Library Funding and Rules and Procedures Ordinance. Mayor Perkins stated he would like to address a couple of things that were dealt with at the last Council meeting after he left. Mayor Perkins stated there were a couple of votes that really concerned him and he wants to address these concerns. Mayor Perkins stated he has really tried to stay clear of Council debates, by offering all Council members the opportunity to talk to him by phone or the opportunity to personally meet with me about any issue that the Council will decide or that will impact administration, services and functions.

Mayor Perkins stated he has agreed to work with Council committees and in an attempt to reduce communication problems with the committees, he has provided documented procedures to be used that are consistent with the law. Mayor Perkins stated he has created a multi-part form especially for Council use so that community service requests can be documented and we can act on them accordingly and in spite of these efforts, many of the Council members have refused to use the forms and refuse to follow the procedures for requesting department heads and his involvement in the Council committee meetings and some refuse to schedule a personal meeting and even pick up the telephone and call to have a conversation.

Mayor Perkins stated he is convinced that the unwillingness to informally or formally communicate outside of this chambers, with him, is not the cause of the disruptions that are experienced in Council meetings, however, he is convinced that these are tactics used to support the disruptions and cause confusion. Mayor Perkins stated that a lot of things that go on in the chambers are reactions to things that people don't see, and the people don't really know and understand and can hardly appreciate why the reactions are the way they are. Mayor Perkins stated he hopes no one will take his comments as a personal attack, because he is simply trying to understand what is going on and since many of the members of this Council have opt to not have private conversations with him, but instead have votes on issues that have been talked about and agreed on, and then come back in this chambers and change their position without a dialogue or phone call. Mayor Perkins stated he is concerned about President Evans using the power of the chair of the meeting, specific to the City Council rules. Following a lengthy dialogue, in conclusion, Mayor Perkins stated he feels compelled to ask the Council to accept ordinance #O102-05/06 as presented to the Council by Attorney Nunn and discussed with the League attorneys.

I. MAYOR'S REPORT

Mayor Perkins stated specific to the vote on the funding for the Library without regard to the ongoing negotiations between the State of Alabama, Dallas County and the City of Selma, he really felt betrayed because Councilwoman Allen and the majority of the Council that was present supported and encouraged to go out and negotiate terms that were favorable, then bailed out in the middle of the negotiations. Mayor Perkins stated he would like to ask the Council to fully adopt ordinance O102-05/06. A motion was made by Councilman Leashore and seconded by Councilman Leashore to fully adopt the said ordinance. President Evans stated no Council member who was not on the prevailing side could make a motion on this issue at this time. Mayor Perkins then stated he would like to ask the Council to entertain a motion to rescind the vote that was made on the Library in the last meeting. A motion was made was made by Councilwoman Martin and seconded by Councilman Leashore to rescind the vote for funding of the Library. During discussion, Dr. Allen stated that Mayor Perkins' perception was wrong and at no time have she intended to undermine any negotiations that occurred with him and the other individuals that were involved in that process. Dr. Allen stated she applauded the Mayor's efforts, Senator Sander's efforts and the other individuals who attempted to develop a plan to work with the Library and obtain the needed funds for utilities and her recommendation was not to undermine, but to say that if those items did not, there needed to be a contingency plan. A roll call vote was taken and the motion failed due to lack of a majority vote of the Council. There were four ayes and four nays and one abstention. President Evans and Council members Williamson, Cain and Allen cast nay votes. Councilwoman Venter abstained from voting.

Councilman Randolph departed from the Chambers briefly and returned. Councilman Leashore departed from the Chambers briefly and returned. Councilwoman Venter departed from the Chambers briefly and returned.

Mayor Perkins stated he would like to ask the Council for a new motion to adopt section 25 of the Rules and Procedures ordinance and he read as per the ordinance. Mayor Perkins stated according to State law the Council cannot make a law that would give itself the authority to give a directive to a City employee. During discussion, President Evans stated this directive has always gone through the Mayor's Office and if the Mayor did not allow them to come, all that was done was to acknowledge it and he asked when was this request made and someone showed up without the Mayor's permission. Mayor Perkins asked President Evans if he recalls the occasion when Councilman Williamson directed him to tell the Chief of Police to attend a meeting, and that based on the provisions in the ordinance, that the President has that authority. President Evans concurred. Mayor Perkins stated it was at that time that he brought it to the attention of the Council that this was not the authority of the Council, so the reason for the amendment was to correct that issue. Councilman Leashore addressed a possible clarity of the language of this issue.

Councilwoman Martin departed from the Chambers briefly and returned.

Councilman Williamson departed from the Chambers briefly and returned.

President Evans stated to Mayor Perkins that no one has super ceded or violated that issue. Mayor Perkins asked President Evans whether it matters if the language is wrong. President Evans stated to Mayor Perkins that he is not saying that the language is wrong, but what he is saying is that you don't know when to back off. President Evans stated there is a time for everything, you win a few and you lose a few, and the point he makes is that the statements made by the Mayor about him tonight opens a can of worms that should not have been opened. President Evans stated that he has tried to work with Mayor Perkins. Councilwoman Venter interrupted and stated that the motion she abstained to previously, she would like to change her vote. President Evans stated he would allow her to change her vote, but give him an opportunity to finish what his statement. During a lengthy dialogue, at which time President Evans relinquished the gavel to President Pro Tempore Councilwoman Martin, and he stated to Mayor Perkins that he has always tried to support him in spite of his differences with him. Councilwoman Allen also made a statement, which she stated was in response to her name being called in a previous dialogue. Councilwoman Allen stated it is very important to her to respect everyone and she certainly tries to respect everyone on this Council and the administration, that includes you as Mayor, she stated to Mayor Perkins. Councilman Leashore and Councilwoman Crenshaw also made statements during this dialogue.

E. Lawsuit - Dallas County Communications District vs. City of Selma. Mayor Perkins stated the lawsuit that was filed against the City of Selma by Dallas County Communications District was dismissed in federal court for lack of jurisdiction. Mayor Perkins stated as the Council should recall the lawsuit was filed in an attempt to place a tower in the Historic District on Dallas Avenue and he sincerely hopes that the E-911 Board, EMA and Dallas County would try to work with the City of Selma, and not try to force their will upon the City.

I. MAYOR'S REPORT

Mayor Perkins stated he looks forward to working with them in an attempt to amicably resolve this issue. Mayor Perkins stated he still believes that we should and should place the tower at the police department building and he hopes they will agree soon so that we will not lose the grant money. Mayor Perkins asks that we continue to stick together on this issue.

F. Renaming Lapsley Street to Boynton Street. Mayor Perkins stated he recalls that there was some discussion on this matter at the last Council meeting. Mayor Perkins stated what is actually being considered is the actual dead end of Lapsley at Jeff Davis up to Woodrow, which would take what is presently one street with two names and give it one name, thereby actually helping E-911 response. Mayor Perkins stated in this particular instance this would not be something that will be disruptive to public safety. Mayor Perkins stated he believes that Councilwoman Crenshaw has actually moved forward and started a petition from the residence on that street and at the appropriate time she needs to make that available. Mayor Perkins stated he would like to ask the Council favorable consideration of this matter. During discussion, a motion was made Councilman Leashore and seconded by Councilwoman Venter to rename the above-mentioned section of Lapsley Street to Boynton Street. A substitute motion was made by Councilman Williamson and seconded by Councilman Cain to have a public hearing prior to renaming a street. President Evans relinquished the gavel during discussion to Councilman Randolph. A roll call vote was taken and the motion failed for lack of a majority vote of the Council. There were three ayes and six nays. Council members Martin, Allen, Randolph, Leashore, Crenshaw and Venter cast nay votes. President Evans stated the Council should now vote on the main motion to rename the street. Councilwoman Crenshaw stated to Councilman Leashore that she would like to make the motion on this issue. Councilman Leashore stated he would allow her to do so and deferred this motion to her. A motion was then made by Councilwoman Crenshaw and seconded by Councilman Leashore to rename the street as mentioned above. A roll call vote was taken and the motion passed with a majority vote of the Council. There were seven ayes and two nays. Councilman Williamson and Councilman Cain cast nay votes.

A motion was made by Councilman Williamson and seconded by Councilman Cain that for the future, renaming streets should be brought before the Council in the form of a public hearing to get the input of the citizens. An amended motion was made by Councilman Leashore and seconded by Councilman Randolph that this issue is referred to a committee to develop a process or procedure for renaming streets to be brought back to the Council, therefore, in the future we will always have steps in place as to how to go about renaming a street. During further discussion, President Evans asked each Council member to withdraw their motions and refer this issue to a committee. Council members concurred.

G. Oak Street Railroad Crossing. Mayor Perkins stated at the last Council meeting he reminded Councilman Williamson of a memo addressed to him, dated February 13, 2006, and to date he still has not received a response from the Councilman to set up a meeting to talk about the Oak Street railroad crossing. Mayor Perkins stated if the Council recalls he asked to have discussion about this matter to set up public meetings in the neighborhood and the request has not been honored, so at this point he is going to forego the issue and move forward with the second memo that was issued to the Council at large to schedule a meeting with M & B Railroad executives and Northfolk Southern. Councilman Williamson stated Oak Street railroad crossing is not in his ward, it is in Ward 2. Councilman Cain stated to Mayor Perkins that he looks forward to the meetings.

Continued from previous discussion on item D.: Concerns about Votes at the Last Council Meeting: Library Funding and Rules and Procedures Ordinance. President Evans stated he would like to go back to Councilwoman Venter's request to change her vote. Councilwoman Venter stated she would like to change her vote on the Library issue because she had been told she could not vote. President Evans stated he did not state that she could not vote, but that she could not make the motion. Councilwoman Venter stated she would like to change her vote to aye. Councilwoman Martin stated she would like to also change her vote because she wants the utilities to be paid for March. During discussion, President Evans explained clarity of the vote to Councilwoman Martin and asked Councilwoman Martin what she desired to do. After further clarification by Mayor Perkins, Councilwoman Martin then stated she rescinded her request to change her vote. President Evans stated the vote of the Council is now five ayes and four nays on the motion not to rescind the vote for the Library Funding and rely on the negotiations that are taking place for the purpose of resolving this matter. The motion now passes with a majority vote of the Council. President Evans and Council members Williams, Cain and Allen votes remain nay.

II. CITY ATTORNEY'S REPORT

A. Ordinance - #O104-05/06 Certain Changes in the Present Zoning Map. Attorney Nunn asked that this ordinance #O104-05/06 be placed on first reading. Attorney Nunn stated the public hearing would be March 13, 2006 during Council meeting at 5:00 p.m. A motion was made by Councilwoman Martin to place the said ordinance on first reading until the next Council meeting. The motion carried with a unanimous vote (show of hands) of the Council.

B. Liquor License Application - A & N Minit Shop. Attorney Nunn stated the Council has been given copies of two off premises liquor licenses, one for A & N Minit Shop L.L.C. located 2301 Broad Street, and one for Minit Shop 2, L.L.C. located at 500 Cahaba Road. Attorney Nunn asked that both licenses are placed on first reading to be decided on at a later Council meeting. A motion was made by Councilman Leashore and seconded by Councilwoman Martin to place A & N Minit Shop L.L.C. and Minit Shop 2 L.L.C. on first reading. The motion carried with a unanimous vote (show of hands) of the Council.

C. First Reading - Liquor Licence Application for Sandra's Gift Basket Boutique. Attorney Nunn stated at the last Council meeting a liquor license application was placed on first reading for Sandra's Gift Basket Boutique. Attorney Nunn stated Mrs. Sandra Mims is present tonight and he has had an opportunity to speak with her and her establishment is as stated previously that she will be designing and selling baskets that will contain a bottle of wine. A motion was made by Councilman Randolph and seconded by Councilwoman Martin to approve the said liquor license. The motion carried with a majority vote (show of hands) of the Council. There were seven ayes and two abstentions. Councilman Williamson and Councilwoman Venter abstained from voting.

D. Statement - Alabama Municipal Insurance Corporation. Attorney Nunn stated the Council has been given copies of a statement from A.M.I.C. for claims requesting a total amount of \$5,319.17, and asks the Council approval. A motion was made by Councilman Leashore and seconded by Councilwoman Martin to approve the said statement. A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight ayes and one nay. Councilman Williamson cast a nay vote.

E. Payment of Notice of Liquor License Signs. Attorney Nunn stated if the Council recalls at the last Council meeting they discussed the payment for the signs for the notice of liquor license. Attorney Nunn stated the amount was about \$540.00 and only about \$400.00 was collected from the Council discretionary and this payment needs to be completed on tonight. President Evans stated the completed amount is confirmed.

F. Public Hearing for Rezoning Issue. Attorney Nunn stated of the Council recalls a public hearing is scheduled for next Council meeting as it relates to vacating of a alley behind AmSouth Bank and between Stoney Vincent parallel with Highland, and rezoning issue behind Regions Bank and Stoney Vincent. During discussion, Councilman Leashore stated to President Evans that some of the Council members would be attending the annual conference on March 13, 2006, which is the next Council meeting. Councilwoman Crenshaw stated in the past, a Council meeting was never held during the week that the conference was held. A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore that a Council meeting is only held during this time for the purpose of discussing the public hearing for rezoning and the vacation of an alley as per request of Attorney Nunn. A roll call vote was taken and the motion passed with a majority vote of the Council. There were seven ayes and two nays. President Evans and Councilman Williamson cast a nay vote.

G. Good Samaritan Agreement. Attorney Nunn stated the lease agreement on the Good Samaritan Hospital has already been renewed for another year. Following discussion, Attorney Nunn stated the City of Selma, three months prior to renewal, must give notice of termination of the agreement, which was February 3rd, and since notice was not given, it automatically renews for May 2nd.

BUSINESS ITEMS:

III. REVISIT COPY FEE

President Evans stated the Council should discuss, in terms of copy fee, what was meant for cost of copies? Councilwoman Crenshaw asked what was the original cost of copies? City Clerk Lois Williams stated \$1.25 per page up to 25 pages and 26 pages and above \$1.75. A motion

funds.

EXECUTIVE SESSION

President Evans requested a motion to recess into executive session, and stated the reason and length of time needed. A motion was made by Councilwoman Martin and seconded by Councilman Leashore to recess this meeting into executive session to discuss matters of negotiation and acquisition of property at 10:49 p.m. for a period of approximately twenty minutes. The motion carried with a unanimous vote (show of hands) of the Council.

Following executive session, a motion was made by Councilman Leashore and seconded by Councilwoman Martin to reconvene the meeting into regular session at 11:25 p.m. The motion carried with a unanimous vote (show of hands) of the Council.

President Evans stated the meeting has been reconvened following executive session dealing with matters of negotiation and acquisition of property, and now the Council is asked to consider this matter. A motion was made by Councilwoman Martin and seconded by Councilman Leashore to authorize the Mayor to negotiate the purchase of real estate. The motion carried with a majority vote (show of hands) of the Council. There were seven ayes and two nays. Councilman Williamson and Councilman Cain cast a nay vote.

A motion was made by Councilman Leashore and seconded by Councilwoman Martin to have the Council members maintain confidentiality until this process is completed. The motion carried with a majority vote (show of hands) of the Council. There were seven ayes and one nay and one abstention. Councilman Williamson cast a nay and Councilman Cain abstained from voting. Councilman Leashore stated if it can be proven that any Council member has breached this confidentially, the full extent of the law would be used by the Council to sanction severe action.

ADJOURNMENT

There being no further business to come before the Council, a motion was made by Councilwoman Crenshaw and seconded by Councilwoman Martin to adjourn, and by unanimous consent the Council adjourned the meeting at 11:28 p.m.



GEORGE P. EVANS, PRESIDENT

ATTEST:

APPROVED:



LOIS WILLIAMS, CITY CLERK



JAMES PERKINS, JR., MAYOR