

MINUTES OF THE SELMA CITY COUNCIL
JUNE 12, 2006
5:00 P.M.

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, June 12, 2006 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, 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 Executive Assistant Sherri James. Reverend Rod Rodchester gave the invocation. Councilman Leashore was absent from the meeting due to attendance of another meeting.

Pledge of Allegiance
Roll Call

APPROVAL OF AGENDA:

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

Additions: None
Deletions: Item(s):
III, Crime Task Force Recommendations, VII, Renaming Streets Committee Report,
and XII, Curfew Ordinance

Following a brief discussion, a motion was made by Councilman Cain, and seconded by Councilwoman Allen to approve the agenda as amended. **The motion carried with a unanimous vote (show of hands) of the Council members present.**

APPROVAL OF MINUTES:

After approval of the Agenda, President Evans asked for a motion to approve the minutes of May 22, 2006 regular meeting. A motion was made by Councilwoman Martin and seconded by Councilwoman Allen to approve the minutes of May 22, 2006 as written. **The motion carried with a unanimous vote (show of hands) of the Council members present.**

CITIZENS' REQUESTS

Mrs. Debra Reeves-Howard and Judge Robert (Bob) Armstrong
Re: Summer Youth Football Camp

I. MAYOR'S REPORT

A. Liquor License Application Procedure. Mayor Perkins stated he wanted to express some concerns about the way we are "working" the liquor license issue. Mayor Perkins stated his concerns are based on the following: there are a couple of individuals who are presently working to put a restaurant downtown, and are investing a lot of money into this facility for the purpose of opening up the restaurant on Broad Street. Mayor Perkins also stated that they are researching the process of applying for a liquor license. Mayor Perkins stated that his concern is that with the most recent votes of the Council in terms of the liquor license issue, whether or not the City of Selma is providing a "friendly business atmosphere" by allowing people to make major investments in facilities and then reject the license needed to do the kind of business they are targeting to do. This particular entity's intent is to apply for a liquor license, and it is less than a block from the downtown Church. But, it is a facility that we really want to develop in the downtown area. Mayor Perkins stated he is trying to get some clarity from the Council on how we really should proceed with this. Mayor Perkins stated that the Council has been fairly consistent in their deliberations on this issue but he is concerned about the consequences about how we are going about the process. President Evans stated it was indicated in the Council meeting that anyone who was planning to open up a restaurant needing a liquor license to at least come before the Council and indicate such, before investing the money. President Evans stated certainly the last unanimous vote of the Council not to approve the liquor license application was as a result of the citizens who came before this Council and indicated that they did not feel liquor license should be granted. President Evans further stated the Council has basically approved all liquor license applications. Councilwoman Allen made a request to Attorney Nunn to research this issue to see what can be adopted to manage the situation procedurally. President Evans concurred and also asked Attorney Nunn to research this issue and bring something back to the Council.

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B. Oil Lease Appropriation. Mayor Perkins stated the disbursement we received from the State of Alabama is \$122,444.00. Mayor Perkins stated he indicated to the Council that he would come forward with a recommendation of what we could do with these funds. Mayor Perkins stated he has a recommendation and he encourages the Council to consider what he is suggesting: \$60,000.00 per year over a three-year span, allotted for a skateboard park to be located at Bloch Park at the old swimming pool area; \$7,500.00 per Council member for additional sidewalks, in various wards throughout the City. Mayor Perkins asked Council favorable consideration. President Evans stated that the question that needs to be resolved tonight is whether or not the Council accepts the Mayor's suggestion. A motion was made by Councilman Williamson and seconded by Councilman Cain to divide the funds between the Council members and the Mayor. A roll call vote was taken and the motion passed with a majority vote of the Council members present. There were six ayes and two nay votes. Councilwoman Crenshaw and Councilwoman Venter cast a nay vote. During further discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilwoman Martin in the form of a request that each Council member would consider giving up to \$6,000.00 each for the skateboard park. A roll call vote was taken and the motion passed with a majority vote of the Council members present. There were six ayes and two nay votes. Councilman Williamson and Councilman Cain cast a nay vote.

C. PAL - Annual Tournament - 1st Place. Mayor Perkins stated the Selma Police Athletic League (PAL) recently participated in the Brown YMCA "Stop The Madness" basketball tournament. Mayor Perkins asked Detective Cowan to come forward to address the Council regarding this tournament. Detective Cowan stated this tournament is an annual tournament at the Brown YMCA and the PAL team participated and won 1st Place. Detective Cowan stated on behalf of the board and the players, they would like to present the trophy to Mayor Perkins and the Selma City Council in appreciation for their support.

D. Phoenix Building Façade Failure. Mayor Perkins stated he would like to ask Mrs. Charlotte Griffeth and Mrs. Patty Sexton to come forward to address the Council regarding resolutions, which the Council has copies. Mrs. Griffeth addressed the Council stating she is sure the Council is aware of the incident that recently happened on Water Avenue with the collapse of the building. Mrs. Sexton addressed the Council stating details of the evaluation, recovery and cleanup of the collapse of the building. Mrs. Sexton stated that Steve Shanks, an Engineer from Birmingham, has been highly recommended to come in and assess the damages. It was also recommended to get an opinion from the Joint Commission, which has already been done. Following further discussion, a motion was made by Councilwoman Martin, and seconded by Councilman Randolph, to accept the Mayor's recommendation to use the services of Mr. Steve Shanks. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.

E. Resolution - #R170-05/06 Criteria for an Owner Rehabilitation Initiative. Mrs. Charlotte Griffith addressed the Council requesting that the Council approve this Resolution, whereby the Office of Planning and Development would engage in a contract with Mrs. Jeanne Anderson, to assist in Grant Application Preparation. This Contract also authorizes the development of criteria for an owner rehabilitation initiative. A motion was made by Councilman Cain, and seconded by Councilwoman Martin, to approve the Contract. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.

F. Resolution - #R171-05/06 Streetscape Project. Mrs. Charlotte Griffith addressed the Council requesting that the Council approve this Resolution on behalf of the Water Avenue Streetscape Improvement Project, whereby the City of Selma enters into an Agreement with the State of Alabama. A motion was made by Councilwoman Martin, and seconded by Councilwoman Crenshaw, to give Mayor Perkins authorization to sign and execute the Agreement. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.

G. Resolution - #R172-05/06 Permission to Apply for an AmeriCorp Grant. Mrs. Griffith addressed the Council requesting that the Council approve this resolution on behalf of the AmeriCorp Grant Application. She stated this Grant would total \$393,173.00 with a cash match of Thirty-Six Percent (36%), cash approximately \$120,216.00. She further stated this resolution is a request for an approximate match amount of \$23,143.00 to be appropriated in the 2006-2007 budget year. A motion was made by Councilwoman Crenshaw, and seconded by Councilwoman Venter, to give permission to apply for an AmeriCorp Grant.

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A roll call vote was taken and the motion passed with a majority vote of the Council members present. There were seven ayes and one nay vote. Councilman Williamson cast a nay vote.

H. Resolution - #R173-05/06 - National Scenic Byways Program Project. Mrs. Charlotte Griffith addressed the Council and stated this Resolution represents funds from the Alabama Department of Transportation for the stabilization of the Interpretive Center Building. She further stated these funds will be used explicitly to stabilize the buildings that are on Broad Street that were purchased by the Alabama Department of Transportation, for the City of Selma. These funds total approximately \$287,499.96. There is no required cash match from the City of Selma. Mrs. Griffith also stated that the City would submit a budget to the Alabama Department of Transportation which would indicate that anything above that amount would need to come back before the Council for review and approval. A motion was made by Councilwoman Crenshaw, and seconded by Councilwoman Venter, to give Mayor Perkins authorization to sign and execute the Agreement. A roll call vote was taken and the motion passed with a majority vote of the Council members present. There were seven ayes and one nay vote. Councilman Williamson cast a nay vote.

I. Resolution - #R174-05/06 - Knox Pest Control - Termite Contract. Mrs. Charlotte Griffith addressed the Council to request approval of funding in the amount of \$10,000.00, for the Termite Contract with Knox Pest Control for the St. James Hotel. After discussion, a motion was made by Councilwoman Crenshaw, and seconded by Councilwoman Venter, to give Mayor Perkins authorization to sign and execute the Renewal Termite Contract with Knox Pest Control, with the understanding that Attorney Nunn would research the issue. A roll call vote was taken and the motion passed with a majority vote of the Council members present. There were seven ayes and one nay vote. Councilman Williamson cast a nay vote.

J. Financial Statements. Mayor Perkins stated the City of Selma, in his opinion, is in good financial shape. He further stated he feels that we are continuing to deal with the critical needs of the City, and at the same time, are managing along. Mayor Perkins stated he appreciates the Council's assistance.

K. Crime Statistics Report. Mayor Perkins distributed copies of the Crime Statistics Report to the Council, which was provided by Chief of Police Jimmy Martin.

L. Tea 21 Project - Highway 80 Beautification Project. Mayor Perkins stated initially this was a joint venture maintenance arrangement between the County, City, Chamber of Commerce and the Craig Industrial Park. The City of Selma committed to \$10,000.00 for this project. Mayor Perkins stated this money has already been appropriated. Mayor Perkins further stated that this would be a simple agreement between the City and the County, whereby we would forward \$10,000.00 to them for maintenance of the contract. Mayor Perkins asked the Council for favorable consideration for the \$10,000.00. A motion was made by Councilwoman Crenshaw, and seconded by Councilwoman Venter, to give Mayor Perkins authorization to sign and execute this contract. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.

M. Response to Questions Requested by the Public Safety Committee. Mayor Perkins stated that this information has been provided and the Council has a copy. Mayor Perkins asked that the Council take into consideration the advisement in the first paragraph of the Memorandum from him to the Council. Councilman Cain asked if the information was as of May or as of March. Chief Martin responded, stating this information was compiled as of two weeks ago.

N. E-911 Tower. Mayor Perkins stated he shared with the Council earlier this month a letter written to Probate Judge Johnny Jones, requesting that a meeting be scheduled to discuss the tower issue. Mayor Perkins stated the Council has been provided with a copy of that letter. Mayor Perkins stated, to-date, he has not gotten a response to that letter, but is hopeful that a response will be received in the near future.

O. Basketball Goals in Neighborhood Streets. Mayor Perkins stated this ordinance was placed on first reading at the last Council meeting. A motion was made by Councilman Williamson, and seconded by Councilwoman Martin, to approve the basketball goals ordinance. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.

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P. Mayor and Police Chief Meeting. Mayor Perkins stated a meeting would be scheduled between himself, Chief of Police Jimmy Martin, President George Evans, and Councilwoman Jannie Venter.

Q. City Hall - Air Conditioner. Mayor Perkins stated that the unit went out, and the part is on order, and due in any day now. Mayor Perkins further stated that once the part is in it will be installed.

R. Police Department - Mold. Mayor Perkins stated that there is mold at the Police Department, and asked Chief of Police Jimmy Martin to address the Council. Chief Martin addressed the Council and confirmed that there is mold at the Police Department. Mayor Perkins further stated that an environmentalist expert has also been consulted. He also stated this issue has been bid out, but we only received one vendor's bid response. Mayor Perkins suggested we re-bid this item to see if we could get more contractors to bid on this issue. The Council concurs, and this item will be re-bid.

S. Policy on Renting City Equipment to Individuals. Mayor Perkins stated it is his understanding that we are not renting equipment, but what we do is charge citizens a cost per load on dumping debris. As a part of them dumping per load, there is a tipping fee on the per load charge, we provide them with the dumpster, and are making the money on the cost per load and not on the equipment.

T. Ordinance - Vicious Dogs. Mayor Perkins stated he has spoken with City Attorney Jimmy Nunn with regard to this ordinance, which was revised in July 2005, and he is of the opinion that the ordinance is still not strong enough, and needs to be revised to add some "additional teeth". A person who has vicious dogs that would just attack a person the way that these dogs attacked, this ordinance addresses that, but it does not have any provisions for criminal penalties for people who have these types of vicious dogs. Mayor Perkins further stated that he may come back to ask the Council to consider revising the Ordinance to include criminal penalties.

U. Resolution - Carl Morgan. President Evans asked Mayor Perkins if he would please sign the resolution as it relates to Mr. Carl Morgan. President Evans stated Mr. Morgan was a former council member and a former mayor. President Evans stated he asks the Council to ratify and affirm this resolution on behalf of the Council and Mayor in memory of Mr. Morgan. A motion was made by Councilwoman Venter and seconded by Councilman Randolph to approve the said resolution. The motion carried with a unanimous vote (show of hands) of the Council members present.

V. Meadowcraft Contract - Lease Agreement Renewal. Mayor Perkins stated it is time for the renewal of the Meadowcraft Lease Contract. Mayor Perkins asked the Council for favorable decision in renewal of the Meadowcraft Lease Contract in the amount of \$320,00.00, for 24 months. A motion was made by Councilwoman Martin, and seconded by Councilwoman Crenshaw, to give Mayor Perkins authorization to sign and execute the Contract. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.

II. Recognition of Service - Lieutenant Robert Green. President Evans asked the Council if they would allow him the opportunity at this time to acknowledge individuals present from the City of Northport. President Evans stated the individuals are from the Northport Police Department where Chief Robert Green is currently the Chief of Police, and they are present on behalf of Chief Green to receive a plaque awarded to Lieutenant Green. Councilman Cain stated on behalf of the Public Safety Committee and members of the Council, they would like to express their appreciation to Lieutenant Green for 24 years of dedicated service to the Selma Police Department and the City of Selma. Councilman Cain also read to the Council the response from Chief Green.

III. CITY ATTORNEY'S REPORT

A. Resolution and Petition - Vacating Street. Attorney Nunn asked Attorney Hobbs to come forward and address the Council on behalf of the Resolution and Petition - Vacating a Street. Attorney Hobbs addressed the Council stating the details and location where the street

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vacation would take place, which is owned by Vaughan Place Senior Living Community. He stated the road has never been opened. After discussion, a motion was made by Councilman Williamson and seconded by Councilwoman Martin to approve the said resolution and petition. The motion carried with a unanimous vote (show of hands) of the Council members present.

B. Songs of Selma Park Usage for "Gospel Lunch Feast". Attorney Nunn stated if the Council recalls some time ago there was a request made to use the Songs of Selma Park. Attorney Nunn stated this was presented to the Council about a month ago and the Council requested more information. Attorney Nunn stated he was able to contact Mr. King, and he is present to answer any questions of the Council. Mr. King addressed the Council. Following discussion, a motion was made by Councilman Williamson and seconded by Councilman Randolph to approve the said request. The motion carried with a unanimous vote (show of hands) of the Council members present.

C. Correction to April 10, 2006 Item - "Lots to be Purchased by or Donated to the City of Selma". Attorney Nunn stated the Council has a copy of the April 10, 2006 minutes that includes an issue dealing with item (4), which states that amount of the purchase would be, at the most, \$500.00 or \$600.00. Attorney Nunn stated the tax assessment of the property show and additional \$115.00 and he would like to ask the Council to approve this additional \$115.00. A motion was made by Councilwoman Allen and seconded by Councilwoman Martin to approve the additional cost. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.

D. French Quarters - Alcoholic Beverage License. Attorney Nunn stated he spoke to President Evans briefly regarding French Quarters nightclub as well as spoke with Mr. Tidwell as it relates to this matter. Attorney Nunn stated an alcoholic beverage license application was presented to the Council and approved. Attorney Nunn stated before this application was presented to the ABC Board three other items on the criminal history came back on Mr. Wilkerson. He stated when it was presented to the City Council, there was nothing listed on the criminal history. Attorney Nunn stated according to the law, he was required to inform the City of Selma as it relates to criminal history, and it is up to the Council whether to continue the approval. Attorney Nunn stated Mr. Wilkerson has presented a new application to the City of Selma, which includes this information. Attorney Nunn stated he has checked with the Alabama League and it is advised that the Council rescind any action that was taken on the old application and vote again on the new application with the additional information. Following discussion, a motion was made by Councilman Randolph and seconded by Councilwoman Allen to rescind the old application for alcoholic beverage license for French Quarters nightclub. The motion carried with a majority vote (show of hands) of the Council members present. There were six ayes, one abstention and one nay vote. Councilman Cain cast a nay vote and Councilwoman Venter abstained from voting. A motion was then made by Councilman Randolph and seconded by Councilwoman Martin to reconsider approval of the new application based on new evidence brought to the Council at this time. The motion carried with a majority vote (show of hands) of the Council members present. There were five ayes, two nays and one abstention. Councilman Williamson and Councilman Cain cast a nay vote and Councilwoman Venter abstained from voting.

E. Statement - Reimbursement to A.M.I.C. Attorney Nunn stated the Council has copy of a statement that includes claims that were presented to the Alabama Municipal Insurance Company, which upon investigation were paid to claimants in the total amount of \$6,241.54. Attorney Nunn asked approval of the Council for this payment. Following a brief discussion, a motion was made by Councilman Cain and seconded by Councilwoman Allen to approve the payment of the said statement. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

F. Resolution - #R169-05/06 - Condemned Houses. Attorney Nunn stated the Council has a copy of resolution R169-05/06 as it relates to a bid proposal on three condemned houses that was accepted and awarded to Tyus Trucking and Construction Company for \$350.00 each, in the total amount of \$1,050.00. Attorney Nunn stated he asks the Council approval. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Venter to approve the said resolution. A roll call vote was taken and the motion passed with a majority vote of the Council members present. There were seven ayes and one nay vote. Councilman Cain cast a nay vote.

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G. Request for Bid Rejection - Selma Police and Fire Department Hurricane Repairs. Attorney Nunn stated this information was given to the Council in a previous meeting as it relates to a bid proposal for repairs on the Fire Station/Garage and the Police Department for hurricane damages. Attorney Nunn stated when this was presented to the Council; there was only one bid received and the bid specification need to be re-evaluated for additional repairs. Attorney Nunn stated the State law allows the Council to reject any and all bids and on behalf of the City Clerk's Office it is requested that due to these conditions, it is requested of the Council to reject the existing bid presented to the Council. A motion was made by Councilman Williamson and seconded by Councilwoman Allen to approve the request for bid rejection of the said requisition. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.

H. Letter - Speed Breakers. Attorney Nunn stated a letter has been presented to the Council and Mayor Perkins on June 7, 2006 as it relates to speed breakers in the City of Selma. Attorney Nunn stated this letter addresses the procedures used by previous City Council to install speed breakers within the City of Selma. Attorney Nunn stated attached to the letter are copies of the minutes that date back to 1997 to 2003 of actions taken by the previous Council. Attorney Nunn stated this is informational to the Council.

I. Sales Tax Holiday Act. Attorney Nunn stated the Council has been given copies of a letter and information as it relates to the Sales Tax Holiday Act. During discussion, Attorney Nunn stated this Sales Tax Holiday ordinance has to be approved (30) thirty days prior to the effective date of August 1, 2006, which would be July 1, 2006. A motion was made by Councilman Williamson and seconded by Councilwoman Martin to place the said ordinance on first reading and to be discussed at the next work session. The motion carried with a unanimous vote (show of hands) of the Council members present.

J. Striplin Property - Appraisal, Survey and Historic Review - 118.4 Acres More or Less. Attorney Nunn stated if the Council recalls, about a month ago there was a request by the Council to perform (1) an Appraisal, (2) a Survey, (3) a Historical Review and (4) an Environmental-Phase 1 study on the Striplin property of 118.4 acres more or less, as a condition of purchasing said property. Attorney Nunn stated the quotes for this request total about \$9,000.00 for the studies and asks the Council approval to proceed with this study. During discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilwoman Martin to approve the request to proceed with the study. A roll call vote was taken and the motion passed with a majority vote of the Council members present. There were seven ayes and one nay vote. Councilman Williamson cast a nay vote.

K. Tower Lawsuit. Attorney Nunn stated this lawsuit is still pending at this time.

BUSINESS ITEMS:

IV. CLOSING REMARKS BY EACH COUNCIL MEMBER (2 MINUTE LIMIT)

Councilman Williamson. Live Oak Cemetery.

STANDING COMMITTEE REPORTS

RECREATION COMMITTEE - COUNCILMAN SAMUEL RANDOLPH, CHAIRPERSON

There is no report for the Recreation Committee.

ADMINISTRATIVE COMMITTEE - COUNCILWOMAN DR. GERALDINE ALLEN, CHAIRPERSON

Councilwoman Allen stated there are nine (9) school board applicants that would like to be interviewed for the vacancies. Councilwoman Allen stated if the Council can meet on Monday, June 19, 2006 at 4pm - 8pm, all applicants could be interviewed in one day. Councilwoman Allen stated this meeting would be held in the Council Chambers and the public is invited. Councilwoman Allen further stated it has been requested by the PTO President to make a recommendation to the Council and they do realize that although they cannot vote, they would like to make a recommendation.

STANDING COMMITTEE REPORTS

PUBLIC SAFETY COMMITTEE - COUNCILMAN REID CAIN, CHAIRPERSON

Councilman Cain stated the Public Safety met on Thursday and discussed the issue of the Crime Task Force committee.

COMMUNITY DEVELOPMENT COMMITTEE - COUNCILWOMAN JEAN MARTIN, CHAIRPERSON

There is no report for the Community Development Committee.

PUBLIC WORKS COMMITTEE - COUNCILMAN LEASHORE, CHAIRPERSON

There is no report for the Public Works Committee.

DISCRETIONARY FUNDS COMMITTEE - COUNCILWOMAN CRENSHAW, CHAIRPERSON

There is no report for the Discretionary Funds Committee.

Addition to Mayor's Report

Business Communications Manager Proposal from BellSouth Communications Systems for the City of Selma Police Department. City Clerk Lois Williams stated this item should have been an item during the Mayor's Report and she would like to apologize on behalf of Mayor Perkins for the delay in making this presentation to the Council. Ms. Williams stated on March 9, 2006, there was a lightening storm that damaged the Police Department Public Safety Building, which cause some extensive damage to their communications equipment and telecommunications equipment as well. Ms. Williams stated they incurred over \$40,000.00 in damages, which included the console for their telephone system. Ms. Williams stated BellSouth has been most helpful in assisting the City with obtaining a replace for this system, which has brought us to the proposal that is before the Council at this time. Ms. Williams stated while preparing the bid specifications, we learned that the equipment offered by BellSouth is on the State Bid Contract Listing, which means that it does not have to go through the normal bid process, because as a municipality we can purchase directly from the State listing. Ms. Williams briefly conveyed details of the proposal to the Council. During discussion, President Evans stated this item would be tabled and discussed at the next work session. President Evans also asked that a representative from BellSouth would attend the work session to address further details with the Council on this matter.

ADJOURNMENT

There being no further business to come before the Council, a motion was made by Councilman Williamson and seconded by Councilwoman Martin to adjourn, and by unanimous consent the Council adjourned the meeting at 9:10 p.m.



GEORGE P. EVANS, PRESIDENT

APPROVED:

ATTEST:



LOIS WILLIAMS, CITY CLERK



JAMES PERKINS, JR., MAYOR