

**MINUTES OF THE SELMA CITY COUNCIL  
SEPTEMBER 12, 2005  
5:00 P.M.**

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, September 12, 2005 at 5:00 p.m. with the following members present: Council President George Evans and Council members Cecil Williamson, Reid Cain, 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 Krystal Dozier. Council members Jean T. Martin and Samuel L. Randolph were absent from the meeting. Reverend Grover Brown 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. President Evans stated he would like to add the minutes of August 8, 2005. Following a brief discussion, a motion was then made by Councilman Cain and seconded by Councilman Leashore to approve the agenda as amended. The motion carried with a unanimous vote (show of hands) of the Council members present.

After approval of the amended agenda, President Evans asked for a motion to approve the minutes of August 8, 2005 regular meeting. A motion was made by Councilman Cain and seconded by Councilman Leashore to approve the minutes of August 8, 2005 with corrections. The motion carried with a unanimous vote (show of hands) of the Council members present. A motion was made by Councilman Leashore and seconded by Councilwoman Venter approve the minutes of August 22, 2005 regular meeting. The motion carried with a unanimous vote (show of hands) of the Council members present.

**I. MAYOR'S REPORT**

**A. Memorial Services Notice - Former Honorable Mayor Joe T. Smitherman.** Mayor Perkins stated he would like to acknowledge that at 5:00 p.m., the wake for the former Honorable Mayor Joe T. Smitherman would be held at the Vaughn-Smitherman Museum. Mayor Perkins stated he would be attending and he encouraged the Council to adjourn timely to pay respects to the family as well. Mayor Perkins read a memo issued to city employees and he stated he would like to express his sincere condolence to the family and acknowledge his 35 years of public service to the City of Selma, Office of Mayor.

**B. Ordinance - Selma City School Bond Warrant Issue.** Mayor Perkins stated, as agreed, the City of Selma will be supporting the Selma City School System on the issuance of a warrant for the construction of a new central office. Mayor Perkins stated he would like to ask Mr. Bob Young, of Fraizer Lanier to come forward to address the Council with the ordinance to close the deal, which is due on tomorrow. Mr. Bob Young addressed the Council stating further that Mayor Perkins requested that the school board adopt a funding agreement, which states that they formally agree to make the payments on this warrant issue, which of course, they intended to do, but this memorializes the action in a more business like manner. This action was adopted on August 8, 2005. Following a brief discussion, a motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to suspend the rules to vote on the Selma City School Board Bond Warrant Issue ordinance. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present. A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the said ordinance. A roll call vote was taken and the motion passed with a majority vote of the Council members present. There were six affirmative votes and one negative vote. Councilman Cain cast a negative vote.

**C. Air University Correspondence.** Mayor Perkins stated communications were drafted to be forwarded to the officials at Air University, which he read to the Council members present. Mayor Perkins stated this tour at Air University took place on Friday, September 9, 2005.

**D. Resolution - Hurricane Katrina.** Mayor Perkins stated a resolution has been prepared to provide a temporary moratorium of an ordinance that prohibits the placement of mobile homes within the city limits for the purpose of providing temporary housing relief for Hurricane Katrina victims. Mayor Perkins stated this is one of the components of the proposed strategy that has been prepared for FEMA, even though they have not approved the proposal as of yet, but he wanted to be proactive with the assumption that it will be approved and asks the Council favorable consideration. Following discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the said resolution. The motion carried with a unanimous vote (show of hands) of the Council members present.

**E. Financial Reports for August 2005.** Mayor Perkins distributed financial reports for August 2005 to the Council members present.

**I. MAYOR'S REPORT**

**F. Public Works Director - Darry Bradley.** Mayor Perkins stated he would like the Council and citizens to welcome Mr. Darry Bradley, Public Works Director.

**G. Magistrate Position Open.** Mayor Perkins stated the Magistrate, Tanika Wagner, has resigned and process has been started for interviews for this position.

**H. Budget Amendments Clarification.** Mayor Perkins stated he would like to clarify the process of facilitating budget amendments, in that as long as the budget amendment is within a department, if a department chooses to, for managerial purposes, to move money from one line item to another within their budget, the only exception would be from a payroll line item to a non-payroll line item. Mayor Perkins stated those budget amendments are typically done through an administrative process so the department head would have some latitude, this is how it has been done traditionally, when it does not increase the total budget amount for the department. Mayor Perkins further stated if a budget transfer is needed across departments, in an instance where it would be one department to another department that exceeds the discretion spending authority of the Mayor, then it would require Council approval, because in that instance you are increasing the amount of a departments budget by moving monies from one department's budget to another. Mayor Perkins stated he wanted to go on record to reaffirm this process as being the standard operating procedure within city government. President Evans stated he does recall two occasions, which this was the ruling of the Council at that time, as long as it did not increase the expenditure within a particular department.

**I. Documentation Associated with Check #'s 46836, 46779, and 46893.** Mayor Perkins stated there was an inquiry on the agenda regarding the expenditure of three checks. Mayor Perkins gave copies of documentation of the checks in question to Council President Evans. During a lengthy discussion, President Evans stated he feels he and Councilman Cain were left out in that he wished he had known that he could have received money to go on these trips. Councilman Leashore stated he went to the Mayor seeking assistance and he does not believe the Mayor, just because he assisted me and perhaps one or two others, would make these funds available to everyone.

Councilman Leashore further stated that he would venture to say however, that had President Evans or Councilman Cain gone to the Mayor seeking assistance; he may have obliged you as well, and this issue needs to be done with. Councilwoman Crenshaw stated this may not be the last time this is done and if any other Council member runs out of funds, she would like for them to know that they can come to her and have funds to go and do what needs to be done and we just need to move on.

President Evans stated as far as he is concerned, it is just not that simple, because he believes if he had asked for assistance and received it and you all found out about it later, it would not have been taken so lightly. President Evans stated he paid his way as he thought the Council had agreed that no City funds would be used for future trips for Council members because all funds had been spent, and certainly if he had known that this option was available, he would have asked the Mayor to sponsor us through his funds. Councilman Leashore stated he differs with President Evans' opinion, however, he is correct in that no City funds would be made available, through line item adjustments, but there is nothing that would prohibit the Mayor from using his travel funds to assist any Council person as he decided, and again, we need to move on. President Evans stated he couldn't move on because the perception is not good even though it may be legal and fair. A motion was made by Councilman Williamson that the Council should go on record asking Council members Leashore, Crenshaw and Venter to repay the Mayor's travel account. There was no second to this motion.

Councilman Cain stated for clarity purposes to the public, on March 28, 2005, the Council passed a policy which stated that they would be responsible for self pay of additional travel and that means no public funds would be used, and after speaking with the Alabama League of Municipalities, they concurred that no public funds should be used based upon this policy, as well as the Alabama Ethics Commission. Councilman Cain further questioned why the Council members spent over one thousand dollars in public funds when he only spent less than two hundred dollars. Councilman Leashore stated he could answer that question and it should be known that the check shows one amount and the amount that was spent is another, and there were funds returned.

President Evans stated he just wanted this issue to become a matter of record because he felt left out on this deal and in as much as he and all Council members are elected officials and spending tax payers money; everyone should have been given the opportunity to go, if this was the criterion, and the question is why the three of you and not the two of us.

**I. MAYOR'S REPORT**

Councilman Leashore stated nothing has been done illegal or even considered illegal, so the Council should just move on. Councilman Williamson stated if the money is not paid back by the end of the fiscal year he will find out whether this transaction is legal through the Ethics Commission and through the courts and then we will know whether Councilwoman Crenshaw can continue to do this and he agrees nothing else needs to be said at this point.

J. **Disaster Plan (Selma/Dallas County)**. Councilman Williamson asked Mayor Perkins if the City has an evacuation plan. Mayor Perkins stated the responsibility for the development of an evacuation plan for Dallas County rests with the Emergency Management Agency (EMA). Mayor Perkins stated some years ago the Selma City School System developed evacuation and disaster procedures for the school system in conjunction with all of the emergency response units, but he does not know if there is one in place at present. Councilman Williamson stated he believes the mayor is the only person or the first person that can order an evacuation of this city and if the EMA has a plan, then it needs to be reviewed, adopted and made public. Mayor Perkins stated he concurs. During discussion, President Evans stated during a meeting, Reverend Bevel entertained the questions regarding Selma/Dallas County disaster plan and at that meeting it was said that he, as well as, the Council would be a part of a committee to try to do a study, and since that time, he stated he went by the EMA office and retrieved a copy of what is suppose to be a plan the EMA has for Selma/Dallas County. President Evans stated copies have been made for Council members and Mayor Perkins of the plan to review and determine if this meets the needs of all the citizens of Selma/Dallas County so that the committee can make suggestions or recommendations.

K. **Presentation of City of New Orleans Evacuee Mr. Anderson Matthews**. Mayor Perkins stated he would like to present to the Council and the citizens of Selma, Mr. Anderson Matthews, who is a citizen of the City of New Orleans, he is an evacuee who has come to our community to seek refuge. Mayor Perkins stated he would like to officially welcome he and his family and ask them to be encouraged.

**II. CITY ATTORNEY'S REPORT**

A. **Resolution #189-04/05 - Contract with AlaTax - Collection of Taxes & Cross Reference**. Attorney Nunn stated the contract for the AlaTax yearly renewal expires at the end of September. Attorney Nunn stated AlaTax is also offering Cross Reference of business licenses with other city's sales and business licenses to determine if the City of Selma is missing any monies to be collected for the City of Selma. Attorney Nunn stated there are two contracts; (1) Collection of Sales Taxes and (2) Cross References. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve the said resolution. The motion passed with a unanimous vote (show of hands) of the Council members present.

B. **Ordinance - "The Garbage Ordinance"**. Attorney Nunn stated when the garbage ordinance was revised for curbside garbage collection, on the second page, Section 13 b, this state law only allows up to \$200.00 and the city must be in compliance. Attorney Nunn stated this revision is to repeal this section of the ordinance and he asks the Council to suspend the rule to approve tonight or place on first reading. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to suspend the rules to vote on the said ordinance revision. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve the said ordinance. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.

C. **Approval of Four Claims**. Attorney Nunn stated there are four claims with summaries attached which have been given to the Council that have been paid by A.M.I.C.; and he asks the Council to approve reimbursement of these claims in the amount of \$4,549.25. A motion was made by Councilman Cain and seconded by Councilwoman Crenshaw to approve the reimbursement of these claims. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.

D. **Ten Step Procedure for Vacation of Streets or Alleys**. Attorney Nunn stated the Council has been given copies of the procedures as it relates to the vacation of streets or alleys under a new law that was established as of July 1, 2004. Attorney Nunn stated his office has

II. CITY ATTORNEY'S REPORT

developed a ten-step procedure and the declaration has been deleted from the law and only the petition has to be filed. Attorney Nunn stated this is for information purposes to the Council.

E. Liquor License - Mr. Albert Crum. Attorney Nunn stated during the last Council meeting a liquor license for Mr. Albert Crum for the establishment located at 1624 Marie Foster was placed on first reading at the last Council meeting and asks the Council pleasure at this time. A motion was made by Councilman Leashore, however the motion failed for lack of a second to the motion. This license approval failed for lack of a second to the motion.

F. Liquor License - Grumble's Alley. Attorney Nunn stated the Council has a copy of a liquor license for Ms. Diane Smitherman for the establishment located at Grumble's Alley. Attorney Nunn stated this license has not been placed on first reading. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve the said liquor license. A roll call vote was taken and the motion passed with a majority vote of the Council members present. There were five affirmative votes, one negative vote and one abstention. Councilman Williamson cast a negative vote and Councilwoman Venter abstained from voting.

G. Liquor License - Graystone Restaurant. Attorney Nunn stated the Council has a copy of a liquor license for Ms. Monica Garcia for the establishment located at 1206 West Highland Avenue. Attorney Nunn stated this license has not been placed on first reading. A motion was made by Councilman Leashore and seconded by Councilman Cain to suspend the rules to vote on the said liquor license. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present. A motion was made by Councilman Cain and seconded by Councilman Leashore to approve the said liquor license. A roll call vote was taken and the motion passed with a majority vote of the Council members present. There were six affirmative votes and one abstention. Councilwoman Venter abstained from voting.

H. Liquor License - Rogers Lounge. Attorney Nunn stated the Council also has a copy of a liquor license for Mr. And Mrs. Rogers for the establishment located at 2306 U.S Hwy 80 East. Attorney Nunn stated this license has not been placed on first reading. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to place this liquor license on first reading to be acted upon at the next Council meeting. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.

I. Resolutions - Yearly Bids. Attorney Nunn stated the following are resolutions for bids that have been taken in the City Clerk's Office for yearly bids:

1. R182-04/05 - Gas and Fuel. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve the resolution to award the gas and fuel contract to Cougar Oil Company in the total amount of 1.9517 per gallon for Regular Unleaded Gasoline, 2.1317 per gallon for Unleaded Midgrade Gasoline, and 1.9584 per gallon for Diesel Fuel for one year. The motion carried with a unanimous vote (show of hands) of the Council members present.
2. R183-04/05 - Pest Control. A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the resolution to award the pest control services contract to Marion Pest Control in the total amount of Three Thousand and No/100 Dollars (\$3,000.00) for one year. The motion carried with a unanimous vote (show of hands) of the Council members present.
3. R184-04/05 - Ready Mix Concrete. A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the resolution to award the ready mix concrete contract to Holbrook Ready Mix for one year. The motion carried with a unanimous vote (show of hands) of the Council members present.
4. R185-04/05 - Plant Mix. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Venter to approve the resolution to award the plant mix contract to Asphalt Contractors, Incorporated for one year. The motion carried with a majority vote (show of hands) of the Council members present.

**II. CITY ATTORNEY'S REPORT**

5. **R186-04/05 - Concrete Pipe.** A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the resolution to award the concrete pipe contract to Hanson Pipe and Products, Incorporated for one year. The motion carried with a majority vote (show of hands) of the Council members present. There were six affirmative votes and one negative vote. Councilman Williamson cast a negative vote.
6. **R187-04/05 - Corrugated Metal Pipe.** A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Venter to approve the resolution to award the corrugated metal pipe contract to Hanson Pipe and Products, Incorporated for one year. The motion carried with a majority vote (show of hands) of the Council members present. There were six affirmative votes and one negative vote. Councilman Williamson cast a negative vote.
7. **R188-04/05 - Condemned Houses.** A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Allen to approve the resolution to award the condemned houses contract to Tyus Trucking and Construction Company in the total amount of Twelve Thousand Four Hundred Fifty and No/100 Dollars (\$12,450.00) for one year. The motion carried with a unanimous vote (show of hands) of the Council members present. There were six affirmative votes and one negative vote. Councilman Williamson cast a negative vote.

J. **Consent Decree.** Attorney Nunn stated this item would be continued at this time.

K. **St. James Hotel Update.** Attorney Nunn stated he has been in communication with Mr. Striplin and he is still accepting investors if the Council knows of any to refer. During discussion, Attorney Nunn stated Mr. Bonner's proposal did not come through, so several other investors are being looked at and a new manager will be hired.

**BUSINESS ITEMS:**

**III. GOOD SAMARITAN UPDATE**

Councilman Williamson asked what would be the procedure to get information on the lease and contracts concerning the Good Samaritan Hospital. President Evans stated Attorney Nunn has this information in his office and procedurally it can be obtained from him. Attorney Nunn stated he does have copies in his office, but Councilman Williamson is welcomed to contact the Mayor's Office.

**IV. NOISE ORDINANCE**

Councilman Williamson stated an incident happened during the Labor Day Holiday regarding loud noise, where a resident called the police department on four different occasions and was told that an officers will be sent if they get a chance and nothing was done. Councilman Williamson stated this should not be standard operating procedure for the police department and he will be giving the name of this officer to Mayor Perkins.

**VI. BUDGET WORK SESSIONS**

President Evans stated a budget work session would be held in the Council Chambers on Thursday, September 15, 2005 and September 22, 2005 from 5:00 p.m. to 6:30 p.m. to complete the budget process.

**CITIZENS' REQUEST REPORT**

Mr. William Bowman  
Re: V.I.P. Organization, Inc.

Mrs. Carolyn Bates  
Re: Selma Disabilities Advocacy Center

Mr. J. L. Chestnut & Mr. Pete Thomas  
Re: About Face

**CITIZENS' REQUEST REPORT**

Reverend Ralph Edwards & Mrs. Dorothy Hawkins  
Re: Adopt-A-Senior Day

Mr. Andrew Arrington  
Re: Fourth Judicial Circuit Drug Task Force

Mrs. Jean Sullivan  
Re: Selma Housing Authority

**STANDING COMMITTEE REPORTS**

**RECREATION COMMITTEE - Councilman Samuel Randolph, Chairperson**

There is no report for the Recreation Committee.

**ADMINISTRATIVE COMMITTEE - Councilwoman Dr. Geraldine Allen, Chairperson**

There is no report for the Administrative Committee.

**PUBLIC SAFETY COMMITTEE - Councilman Reid Cain, Chairperson**

There is no report for the Public Safety Committee.

**COMMUNITY DEVELOPMENT COMMITTEE - Councilwoman Jean Martin, Chairperson**

There is no report for the Community Development Committee.

**PUBLIC WORKS COMMITTEE - Councilman Leashore, Chairperson**

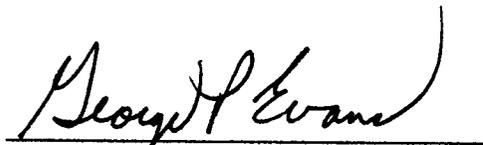
There is no report for the Public Works Committee.

**DISCRETIONARY FUNDS COMMITTEE - Councilwoman Crenshaw, Chairperson**

There is no report for the Discretionary Funds Committee.

**ADJOURNMENT**

There being no further business to come before the Council, on motion made by Councilwoman Venter and seconded by Councilwoman Crenshaw, the Council voted by unanimous consent to adjourn this meeting at 8:03 p.m.

  
George P. Evans, *President*

**ATTEST:**

**APPROVED:**

  
Lois Williams, *City Clerk*

  
James Perkins, Jr., *Mayor*