

MINUTES OF THE
SELMA CITY COUNCIL
FEBRUARY 14, 2005
5:00 P.M.

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, February 14, 2005 at 5:00 p.m. with the following members present: Council President George Evans and Council members Cecil Williamson, Reid Cain, Jean T. Martin, Geraldine Allen, Samuel L. Randolph, Johnnie M. Leashore, Bennie R. Crenshaw, and Jannie M. Venter. Others present were Mayor James Perkins, Jr., City Clerk Lois Williams, City Treasurer Cynthia Mitchell, City Attorney Jimmy Nunn and the Mayor's Administrative Assistant Sherri James. Reverend Daniel Martin gave the invocation.

SPECIAL PRESENTATION to Mayor Perkins and Staff, and the City Council by Leola Stewart: A Spoonful of Kisses for Valentine's Day.

SPECIAL PRESENTATION to Sgt. David Hopkins, Officers Harry Tubbs, Brian Dixon, Reginald Fitts and Billy Wright presented by Interim Police Chief Jimmy Martin and Mayor Perkins for recognition of their outstanding life saving efforts during a fire on January 16, 2005.

SPECIAL PRESENTATION RESOLUTION to Mrs. Sherri James by Mayor Perkins and the City Council for recognition of her hard work and dedication for cancer awareness.

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. Add agenda item: Resolution to approve the adopted 2004-2005 Budget. A motion was made by Councilwoman Martin and seconded by Councilwoman Allen to approve the agenda with the noted amendment. **The motion carried with a unanimous vote of the Council.**

After approval of the amended agenda, President Evans asked for a motion to approve the minutes of the last regular meeting on January 24, 2005. A motion was made by Councilman Leashore and seconded by Councilman Randolph to approve the adoption of the minutes of January 24, 2005. **The motion carried with a unanimous vote of the Council.**

I. MAYOR'S REPORT

A. Storm Damage to Elmwood Cemetery. Mayor Perkins stated the storm of Hurricane Ivan created some damages to some of the graves at Elmwood Cemetery. Mayor Perkins stated the cost to repair this damage is \$2,000.00, however, it has been noted that this is not a reimbursable item from FEMA. A motion was made by Councilwoman Martin and seconded by Councilman Randolph to approve the payment for damages to graves at Elmwood Cemetery in the amount of \$2,000.00. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

B. Salary Increase – Interim Police Chief. Mayor Perkins stated he requests that Assistant Chief Jimmy Martin, who has been appointed as Interim Chief of Police, receives an increase in salary from \$40,000.00 to \$43,000.00 while he serves in this capacity and asks the Council favorable consideration. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve the increase of Interim Chief Martin's salary to \$43,000.00. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

C. Retirement – Alfred Larson. Mayor Perkins stated while continuing the effort to reduce the number of employees for the City of Selma, there has been a recent retirement resignation from Mr. Alfred Larson for March 1, 2005. Mayor Perkins stated the position involves security for the Recreation Department and Coach Reece has made a recommendation not to replace this position, but to divide the responsibilities and salary of \$8,074.56 between two trustworthy assistants, which would require some additional time on site. This will not affect the 2004-2005 budget. Mayor Perkins stated he asks the Council favorable consideration for this recommendation. A motion was made Councilman Leashore and seconded by Councilwoman Martin to approve this recommendation by Coach Reece. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

D. Retail Liquor License Request – Blue Notes. Mayor Perkins stated the Council has a copy of a request for a lounge retail liquor license from Mr. Reginald Lyons for Blue Note located at 2524 Lewis Street. Mayor Perkins stated he believes the Council procedure is to place this license on first reading. A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve placing this license on first reading. **The motion carried with a unanimous vote of the Council.**

E. Change in Job Classification & Titles. Mayor Perkins stated the Council has a copy of a memo from Ms. Cynthia Mitchell and Ms. Valeria Jones requesting the change in the Tax & License office

I. MAYOR'S REPORT

from Account Clerk/Computer Operator to License Inspector and in the Personnel Office from Insurance Analyst to Personnel Specialist. Mayor Perkins stated this change would not change the amount of the budget or the amount of the department's budget, just the job titles. Mayor Perkins stated this creates a position as well as eliminates a position for the purpose of streamlining and expanding the responsibilities of these positions. Mayor Perkins stated he does not feel this requires a Council action, but asked if the Council feels this situation would warrant a Council approval. Following discussion by Ms. Jones, Councilman Leashore stated this is an administrative function with no funds involved, and Mayor Perkins can justly move forward with this process without a Council approval.

F. Board of Director Appointment – Cahaba Center. Mayor Perkins stated the Cahaba Center has a Board of Director change and the Council has a copy of a letter written by the nominating committee chairperson, Ms. Kathy McVay. Mayor Perkins stated the recommendation is that Mr. Lewis Fincher be appointed to replace Ms. Angie Wheat and he concurs with this recommendation and asks the Council favorable consideration. A motion was made by Councilwoman Martin and seconded by Councilman Cain to approve the said appointment to the Board of Directors. **The motion carried with a unanimous vote of the Council.**

G. Resolution - #140-04/05 Underwater Resources. Mayor Perkins stated Mrs. Elizabeth Driggers has forwarded a resolution to him regarding the underwater resources in the Alabama River and he asks the Council favorable approval. A motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to approve the said resolution. **The motion carried with a unanimous vote of the Council.**

H. Resolution – #R134-04/05 – Three Wheel Athletic Field Cleaner. Mayor Perkins stated bids were taken for the Recreation Department and a resolution has been prepared for a 3-Wheel Athletic Field Conditioner awarded to Tieco, Incorporated in the amount of \$8,672.00. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve the said resolution. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

I. Resolution - #R135-04/05 – Front Loader Refuse Truck. Mayor Perkins stated bids were taken for the General Service Department and a resolution has been prepared for a Front Loader Refuse Collection Truck awarded to Truck Equipment Sales, Incorporated in the amount of \$150,186.00 with payments in arrears after one year. A motion was made by Councilman Leashore and seconded by Councilwoman Martin to approve the said resolution. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

J. Resolution - #R136-04/05 – Two Automated Side Loaders. Mayor Perkins stated bids were taken for the General Service Department and a resolution has been prepared for two Automated Side Loaders awarded to Truck Equipment Sales, Incorporated in the amount of \$145,511.24 each with payments in arrears after one year. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to approve the said resolution. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

K. Resolution - #R137-04/05 – Workers Compensation Insurance. Mayor Perkins stated bids were taken for General Government and a resolution has been prepared for Workers Compensation Insurance awarded to The Morris Agency for the Municipal Workers Compensation Fund, Incorporated in the amount of \$216,955.00 with a \$1,115.00 commission. A motion was made by Councilman Williamson and seconded by Councilwoman Cain to approve the said resolution based on the three percent variance. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

L. Resolution - #R138-04/05 – Roll Out Carts. Mayor Perkins stated bids were taken for the General Service Department and a resolution has been prepared for 300 Front Loading Dumpsters awarded to AmeriKart Corporation in the amount of \$243,000.00 with annual payments in arrears after one year. A motion was made by Councilman Leashore and seconded by Councilwoman Martin to approve the said resolution. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

M. Resolution - #R139-04/05 – Cubic Yard Dumpsters. Mayor Perkins stated bids were taken for the General Service Department and a resolution has been prepared for 5000 Roll-Out Carts awarded to AmeriKart Corporation in the amount of \$198,000.00 with annual payments in arrears after one year. A motion was made by Councilman Leashore and seconded by Councilwoman Martin to approve the

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

N. Transportation Campaign Committee. Mayor Perkins stated he would like to ask Ms. Tina Price to come forward to address the Council regarding the Transportation Campaign Committee. Ms. Price stated that many know that transportation is needed in Selma and Dallas County. Ms. Price stated Selma is a growing city that has businesses and industries that are interested in Selma and the one thing that they see is that we don't have transportation. Ms. Price stated Senator Shelby sits on the appropriation committee and he is the Chairperson for transportation in Washington and we now have an opportunity to move forward with the transportation campaign for Selma. Ms. Price stated she would like to ask the Council to campaign for petitions from the citizens in their wards to be signed to let Senator Shelby know that we really need this transportation system. Following further discussion, President Evans stated he would like the Council to go on record in support of this campaign. The Council concurs.

II. CITY ATTORNEY REPORT

A. Ordinance #O109-04/05- Garbage and Trash Review. Attorney Nunn stated the Council has a copy of an ordinance that has been prepared as it relates to the dumpsters and carts for curbside garbage and trash pick up. Attorney Nunn stated this is a draft for the Council to review.

B. Contract - Charles Grant. Attorney Nunn stated the Council has a copy of a contract between the City of Selma and Charles Grant who will replace light fixtures in the Recreation Department. A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the said contract. A roll call vote was taken and the motion carried with a unanimous vote of the Council.

C. Ordinance #O107-04/05 - Amending the Lodging Tax Ordinance #03-9293. Attorney Nunn stated the Council placed this ordinance #O107-04/05 on first reading at the last Council meeting. Attorney Nunn stated the language in section eight should now read that the proceeds of the tax levied hereby shall be placed in a restricted account to be known as the Economic Development/Tourism Promotional Fund. A motion was made by Councilman Leashore and seconded by Councilman Randolph to approve the said amendment. A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight affirmative votes and one negative vote. Councilman Williamson opposed.

D. Ordinance #O108-04/05 - Repeal the Tourism Advisory Board Ordinance #14-9394. Attorney Nunn stated during the last Council meeting this ordinance #O108-04/05 was placed on first reading to repeal ordinance #14-9394 which establishes a Tourism Advisory Board. Attorney Nunn stated he asks the Council to rescind this ordinance from first reading and table at this time. A motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to approve the rescinding this ordinance. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

E. Alabama Municipal Insurance Corporation - Statement. Attorney Nunn stated the Council has a copy of a statement from the Alabama Municipal Insurance Corporation in the amount of \$7,605.70 dealing with four claimants and he asks approval of the Council on the reimbursement of the deductible amount. A motion was made by Councilman Randolph and seconded by Councilman Leashore to approve the reimbursement of the said statement. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

F. Condemned Houses - Letter from Code Enforcement. Attorney Nunn stated the Council has a copy of a letter from the Code Enforcement Officer references property that has been identified for condemnation by the City of Selma. Attorney Nunn stated he asks the Council approval for a resolution to notify the property owners of the intent to condemn the said properties. A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the said resolution. The motion carried with a unanimous vote of the Council.

G. Public Buildings Single Event Facilities Application. Attorney Nunn stated during the last Council meeting the Council was given a copy of the Public Buildings Single Event Facility Application for review. Attorney Nunn stated Mrs. Kay Jones has addressed the Council concerning the

II. CITY ATTORNEY REPORT

process of this application procedure. Following discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilwoman Martin to approve the said application. **The motion carried with a majority vote of the Council. There were eight affirmative votes and one negative vote. Councilman Leashore opposed.**

H. Alcoholic Beverage License Proposed Application Procedure. Attorney Nunn stated during the last Council meeting the Council was given a copy of the Alcoholic Beverage License Application procedure for review. Attorney Nunn stated this application procedure is established to enhance the application process and he asks for the Council approval at this time. A motion was made by Councilman Cain and seconded by Councilwoman Allen to approve the said procedure. **The motion carried with a majority vote of the Council. There were seven affirmative votes and two negative votes. Councilwoman Crenshaw opposed and Councilwoman Venter abstained.**

I. Resolution Request for Vote of Confidence for Department Heads. Councilwoman Crenshaw stated she needs to get a consensus of the Council regarding questions that have been asked of department heads by a Council member. Councilwoman Crenshaw stated after polling the Council, the rest of the Council was not aware of the questions being asked. Councilwoman Crenshaw stated she feels one Council member should not ask questions of the department heads as if they are representing the entire Council. Councilwoman Crenshaw stated she would like to go on record for the department heads so they would not have to be subjected to such questioning, and request Attorney Nunn to prepare a resolution from this Council that no department head would be asked for information unless it is the request of the entire Council. President Evans stated this request from Councilwoman Crenshaw is out of order at this time because it is not an agenda item. Councilwoman Crenshaw stated she did not add this as an agenda item because she wants this request to be a part of Attorney Nunn's report. Following further discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to overrule President Evans' ruling of motion out of order. **A roll call vote was taken and the motion passed with a majority vote of the Council. There were five affirmative votes and four negative votes. President Evans, Councilman Williamson, Councilman Cain, and Councilwoman Martin each cast negative votes.** A motion was then made by Councilwoman Crenshaw and seconded by Councilman Leashore to request Attorney Nunn to prepare a resolution stating any questions directed to department heads must first be presented to the Council and must be approved by the Council before being forwarded to the mayor to forward to the department head, with a friendly amendment by Councilman Leashore to also state the purpose of the questions. **A roll call vote was taken and the motion passed with a majority vote of the Council. There were five affirmative votes and four negative votes. President Evans, Councilman Williamson, Councilman Cain, and Councilwoman Martin each cast negative votes.**

BUSINESS ITEMS:

III. MUNICIPAL JUDGES APPOINTMENTS

Councilman Cain stated there were eight candidates for the Municipal Judge position in the rescheduled primary interview process on January 8, 2005. Councilman Cain stated a series of interviews were conducted and the eight candidates are Ed Greene, Valerie Chittom, Christmas Green, Prince Chestnut, Angela Starr, April England Albright, Vaughan Russell and Alston Keith. Councilman Cain stated a second interview process with the same candidates was conducted on February 10, 2005, which followed the same format. Councilman Cain stated the committee met on today, February 14, 2005 to discuss the candidates and basically the first three candidates expressed interests in serving as presiding judge and the last five were interested in serving as associate judge. Councilman Cain stated he received ballots from Council members Randolph, Leashore and Venter indicating four candidates they recommended for this appointment.

During discussion, Councilman Cain stated the committee's decision is to recommend Ed Greene and Valerie Chittom for presiding primarily for their experience and Prince Chestnut and Angela Starr, who also come with interesting experience. Councilwoman Allen stated there were several of these individuals who expressed an interest in both positions, therefore, she does not understand this ballot as presented by Councilman Cain. Councilman Leashore stated he did, in fact, submit candidate names, however, the Council was under the impression that the same concept would be taken relative to the school board appointments as well as for the Municipal Judge.

BUSINESS ITEMS:

President Evans stated a list of the candidates have been given to the Council for a vote and each Council member is asked to vote for one presiding judge and one associate judge with consideration to the recommendation from the committee. After further discussion from Councilman Cain and further clarity on the appointment of a presiding judge, a roll call vote was taken to appoint two municipal judges with Valerie Chittom appointed with a unanimous vote of the Council, and Christmas Green appointed with a majority vote of the Council. There were five affirmative votes and four votes cast for other candidates.

IV. SEMI-ANNUAL CITY COUNCIL FORUM

President Evans stated the semi-annual City Council forum would be held on Tuesday, February 15, 2005 at 6:00 p.m. at the Performing Arts Center.

V. RESOLUTION – 2004-2005 BUDGET

President Evans stated the Council would like to vote on a resolution for the 2004-2005 budget to make sure it is official. President Evans stated the Council voted to approve the budget, however, during that time a resolution was not a part of the budget and over previous years the Council has voted without a resolution as part of the budget as well, but want to make sure that it is approved properly. Mayor Perkins stated when the Council voted to approve the budget; it was approved in its entirety. Councilman Williamson stated he voted against the budget, but the resolution makes it appear that all names listed voted for the budget. Mayor Perkins stated it is his interpretation that when the Council voted on the budget, the Council as a body adopted the budget regardless of the vote, however he would recommend reviewing the minutes to determine the voting on the budget. Councilman Williamson questioned that the names mean the Council merely attested to the fact that the majority of the Council adopted the budget rather than individual votes. Mayor Perkins responded that is his understanding of the resolution. Councilwoman Allen stated she concurred with Mayor Perkins. President Evans stated based on this information this resolution as it relates to the budget will remain as is.

VI. REVEREND JAMES REEB MONUMENT (HISTORIC COMMISSION RULING)

Councilwoman Crenshaw stated the Historic Commission has approved the erection of the monument for Reverend James Reeb.

CITIZENS REQUEST

Dr. Park Chittom
Re: Sweep Selma Clean Campaign (One Selma)

Mr. Robert Walker
Re: Gateway Baptist Church Annual Easter Walk: A motion was made by Councilman Leashore and seconded by Councilwoman Allen to approve the Gateway Baptist Church to pray on the steps of City Hall for the trial of Jesus Christ on March 24, 2005. **The motion carried with a unanimous vote of the Council members present.** Councilwoman Crenshaw was absent from the Chambers when this vote was taken.

Mr. Karl Lewis
Re: Neighborhood Concerns

Mr. Eric L. Rose
Re: Local Hospital Concerns

STANDING COMMITTEE REPORTS

RECREATION COMMITTEE

There is no report for the Recreation Committee.

STANDING COMMITTEE REPORTS

ADMINISTRATIVE COMMITTEE

There is no report for the Administrative Committee.

PUBLIC SAFETY COMMITTEE

There is no report for the Public Safety Committee.

COMMUNITY DEVELOPMENT COMMITTEE

There is no report for the Community Development Committee.

PUBLIC WORKS/GENERAL SERVICES COMMITTEE

There is no report for the Public Works/General Services Committee.

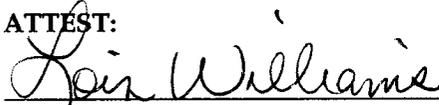
DISCRETIONARY FUNDS COMMITTEE

There is no report for the Discretionary Funds Committee.

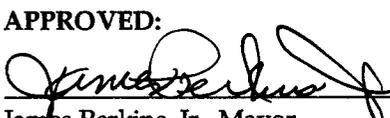
There being no further business to come before the Council, on motion made by Councilwoman Allen and seconded by Councilwoman Venter, the Council voted by unanimous consent to adjourn this meeting at 8:37 p.m.



George P. Evans, President

ATTEST:


Lois Williams, City Clerk

APPROVED:


James Perkins, Jr., Mayor