

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

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, December 12, 2005 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, Dr. Geraldine Allen, Samuel Randolph, Johnnie M. Leashore Bennie R. Crenshaw and Jannie M. Venter. Others present were Mayor James Perkins, Jr., City Clerk Lois Williams, City Attorney Jimmy Nunn, City Treasurer Cynthia Mitchell, the Mayor's Administrative Assistant Sherri James and the Mayor's Secretary Darlene Rudolph. Reverend James Spicer gave the invocation.

Pledge of Allegiance

APPROVAL OF AGENDA:

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

Additions: XVII Royal Liquor License Renewal

Deletions: None

Following discussion of the agenda, a motion was made by Councilwoman Martin and seconded by Councilman Randolph 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 November 28, 2005 regular meeting. A motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to approve the minutes of November 28, 2005. The motion carried with a unanimous vote (show of hands) of the Council.

President Evans also asked for a motion to approve the minutes of November 30, 2005 reconvened meeting. A motion was made by Councilwoman Venter and seconded by Councilwoman Martin to approve the minutes of November 30, 2005. The motion carried with a unanimous vote (show of hands) of the Council.

I. MAYOR'S REPORT

A. Water Board Salaries and Compensations. Mayor Perkins stated there is a matter specific to the Water Board and he would be serving a dual role in this process as Superintendent of the Water Board and also as Mayor. Mayor Perkins stated the attorney for the Water Board is present to explain the situation. Attorney Collins Pettaway, Jr. stated he is the attorney for the Water Works and Sewer Board and he is relatively new in service, however, in serving there he noticed that there were a few housekeeping matters that needed to be finished that deals with the Board members compensation. During discussion, Attorney Pettaway stated the law states that the Council makes appointments to this body as a public corporation, but the salaries and compensation of the Board are fixed by the Board and approved and ratified by the Council. Attorney Pettaway further stated several years ago, the Water Board voted to move their salaries to \$800.00 per month with additional compensation for the Secretary/Treasurer and the Chairman. Attorney Pettaway stated the monthly amounts are \$800.00 per month for Directors, an extra \$825.00 per month for the person who serves as Secretary/Treasurer totaling \$1,625.00 per month, an extra \$1,325.00 per month for the person who serves as Chairman totaling \$2,125.00 per month. He stated the current Chairman also receives an insurance benefit of \$300.00 per month for individual coverage paid by the Water Board and \$222.00 paid out of pocket. Attorney Pettaway stated he is asking the Council to consider passing a motion to ratify, affirm and fix those salaries. Following further discussion, a motion was made by Councilman Williamson and seconded by Councilman Cain to refer this matter to the Administrative Committee to hear concerns and make a recommendation at the next meeting. The motion carried with a unanimous vote (show of hands) of the Council not serving on the Water Board. Council members Randolph, Leashore and Crenshaw all serve as members of the Water Board.

B. Grant Agreement - Tree Replacement. Mayor Perkins stated he submits to the Council, for informational purposes, a grant agreement executed by the Mayor. Mayor Perkins stated this agreement requires no financial obligation from the City beyond inkind contributions. He stated this is a tree replacement grant in the amount of \$15,680.00. A motion was made by Councilman Williamson and seconded by Councilwoman Martin to approve the said agreement. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

I. MAYOR'S REPORT

C. Proposed Pay Plan for the City of Selma. Mayor Perkins stated he brings back to the Council for consideration the proposed pay plan for the City of Selma. Mayor Perkins stated he would only like to make one statement of clarification, and two statements of modification, then he would ask the Council to favorably consider the pay plan as proposed by the Mayor. Mayor Perkins stated he asks the Council for an up or down vote on this recommendation. President Evans stated to the Mayor that he must interrupt him at this point because this matter cannot be brought up by the Mayor, the only persons who can bring this matter up are those on the prevailing side of the vote on this matter about the pay plan. During discussion, a motion was made by Councilwoman Martin and seconded by Councilman Leashore to bring the pay plan back for consideration. The motion carried with a unanimous vote (show of hands) of the Council.

Mayor Perkins stated there has been lots of discussion about the amount of pay increase regarding the non-executive and executive employees. Mayor Perkins stated this is not a one step process; this has been a series of steps that started in 2000. Mayor Perkins stated in this proposed pay plan, if approved by Council, it would equate to over \$631,000.00 of pay increases over the period, which represents eighty-seven percent of the total pay increases since 2000 going to non-executive employees. Mayor Perkins further stated finally the modifications that he propose to be made are in the appointed employee salaries for employee number 1056, he recommends this amount should go from \$55,000.00 to \$52,000.00; and employee number 1041, he recommends this amount should go from \$52,000.00 to \$48,000.00. Mayor Perkins stated having made those recommendations, those are compromised terms and he asks the Council to favorably approve this pay plan. President Evans asked that the non-appointed and appointed pay plans be voted on separately. A motion was made by Councilman Williamson and seconded by Councilwoman Martin to approve the pay plan for the non-appointed employees. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

Following discussions of clarification, a motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to approve the pay plan for the appointed employees to include two modifications made by the mayor; the motion was amended by Councilman Williamson and seconded by Councilman Cain to give raises as proposed, but to be phased in over two years, with one half this year and one half to be considered by the Council in the next budget. Mayor Perkins stated he opposes this amendment. A roll call vote was taken and the motion failed for lack of a majority vote. The original motion was then considered to approve the pay plan for the appointed employees to include two modifications made by the Mayor. A roll call vote was taken and the motion passed with a majority vote of the Council. There were five ayes votes and four nay votes. President Evans and Council members Williamson, Cain and Allen all cast nay votes.

D. Police Jurisdiction. Mayor Perkins stated the Council and Mayor have appointed a joint committee to discuss issues specific to the costs associated with servicing the police jurisdiction. Mayor Perkins stated he received a copy of a letter addressed to President Evans indicating that Councilman Williamson was resigning as the Chair of that committee. Mayor Perkins stated he would like to discuss this matter and maybe the Councilman would share why he is choosing to step down on this important service area, and secondly some discussion about an alternative Chairperson so that we can proceed with this work. During discussion, Councilman Williamson stated he does not have anything to say. President Evans stated Councilman Williamson also resigned from the Public Works Committee as well. Mayor Perkins asked if there is a recommendation for a Chairperson of this committee so that we could proceed with this work. President Evans stated Council members Leashore, Crenshaw, Cain and Venter are on this committee. Councilman Leashore stated he would like to recommend Councilman Cain to be the Chairman of this committee and pick up where Councilman Williamson left off and pursue the expenditures that are being spent in the police jurisdiction because this is a very serious financial concern of ours. President Evans asked Councilman Cain if he would like to be the Chairman of this committee. Councilman Cain asked if they could get together behind the scenes and discuss it and he would be interested in doing so, but he would like to talk about it because this all new to him. President Evans stated Councilman Cain has agreed to serve and details will be discussed at a later time.

E. Letter - Selma Times Journal. Mayor Perkins stated a copy of a letter was forwarded to him that was addressed to the Selma Times-Journal referencing believers of items published in the newspaper about the City paying out legal fees to Chestnut, Sanders, Sanders, Pettaway and Campbell law office. Mayor Perkins stated he received a couple of calls about this issue and the letter was written by Senator Sanders to the newspaper explaining the nature of that payment and he reminds the Council because this is another issue that has the potential of painting a cloud over this administration. Mayor Perkins stated the letter states plainly that, in fact, a check

I. MAYOR'S REPORT

for \$4,500.00 was written to that firm, but it was not a payment for legal fees. Mayor Perkins stated this was a settlement of a case that had been pending since March 2000 and hast to print otherwise was an injustice. Mayor Perkins stated he wanted to just make clear for the record because a lot goes on between the two week periods of Council meetings and ninety percent he does not address, but he found it important to address issues of money because of the perceived intent to paint this cloud and he reminds the Council that an executive session was held with the Councilman who was attributed with this information to the press and was a part of that executive session, came out of the session and approved the settlement of this case and then proceeded to represent with the press and public otherwise. Attorney Nunn stated there are a total of about thirteen cases pending against the City of Selma; the insurance company handles about six of them and he handles about seven within his office, but this case is one that was presented before the Council about two to three months ago, which the Council voted to settle that case.

II. CITY ATTORNEY'S REPORT

A. Hearing - Vacation of Street - Resolution #R113-05/06. Attorney Nunn stated a hearing has been scheduled as it relates to the vacation of a street. Attorney Nunn stated the Council has a copy of a petition to assent to vacate a street along with a map, which has been filed by the petitioners. Attorney Gary Thompson also addressed the Council regarding this matter. A motion was made by Councilman Randolph and seconded by Councilman Leashore to adopt the said resolution. The motion carried with a unanimous vote (show of hands) of the Council.

B. Personnel Board Appointments/Resolutions. Attorney Nunn stated there are two vacancies on the Personnel Board. Attorney Nunn stated about one year ago there were five members appointed to the board and two individuals were replaced to fill out the rest of a term on the board. Attorney Nunn stated Dr. I. B. Hopson and Mrs. Tammy Maul filled these terms that expire on December 14, 2005. Attorney Nunn stated per recommendation from Mayor Perkins, both individuals are asked to be reappointed to the Personnel Board by the Council. A motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to reappoint Dr. I. B. Hopson by resolution #R114-05/06 to the Personnel Board for a four-year term. Said term shall expire on December 14, 2009. The motion carried with a unanimous vote (show of hands) of the Council. A motion was made by Councilman Leashore and seconded by Councilwoman Martin to reappoint Mrs. Tammy Maul by resolution #R115-05/06 to the Personnel Board for a four-year term. Said term shall expire on December 14, 2009. The motion carried with a unanimous vote (show of hands) of the Council. Attorney Nunn stated other members on the Personnel Board are Ms. Candice Frazier, Mr. Frank Chestnut and Mr. James Ware.

C. Alcoholic Beverage License Applications. Attorney Nunn stated during the last Council meeting two alcoholic beverage license applications were presented, one of which was placed on first reading; Playland Entertainment, LLC, D/B/A, Playland Bowl located at 3002 Citizens Parkway and he asks the Council consideration. A motion was made by Councilwoman Allen and seconded by Councilman Leashore to approve the said application. A roll call vote was taken and the motion passed with a majority vote of the Council. There were six ayes, two nays and one abstention. Council members Cain and Venter cast a nay vote and Councilman Williamson abstained from voting.

Attorney Nunn stated another alcoholic beverage license application presented was placed on first reading at the last meeting for Major Oil Company, Inc., D/B/A, United Food and Fuel #16 located at 406 Highway 80 East and he asks the Council consideration. A motion was made by Councilman Leashore and seconded by Councilman Randolph to approve the said license. Following discussion, this license was tabled due to statement made by Councilman Cain that a church is located within fifty feet of this location. The motion and second was withdrawn and President Evans stated this item would be tabled until the next Council meeting for clarification of the proximity of churches in this area.

Councilman Leashore stated there is another liquor license on first reading to be approved. During discussion, Councilman Leashore stated the Islander Steak and Seafood Restaurant approval failed for lack of a second to the motion. A motion was made by Councilman Cain and seconded by Councilwoman Martin to approve the said license. A roll call vote was taken and the motion passed with a majority vote of the Council. There were six ayes, two nays and one abstention. Council members Leashore and Venter cast a nay vote and Councilman Williamson abstained from voting.

II. CITY ATTORNEY'S REPORT

D. Statement - Alabama Municipal Insurance Corporation. Attorney Nunn stated the Council has a copy of a statement in the amount of \$10,000.00 from Alabama Municipal Insurance Corporation as it relates to two lawsuits, which our insurance company is handling for the City. Attorney Nunn stated these are of the six lawsuits pending against the City of Selma, which include the Bob Sanders lawsuit, but he would be happy to discuss these issues further in an executive session. Following a brief discussion regarding legal fees and lawsuits, a motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the said statement for payment. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

E. City Marina Update. Attorney Nunn stated during the last Council meeting, the City Marina was discussed and the Council approved a contract with Ms. Gail Hughes as it relates to the Marina. Attorney Nunn stated there was an issue concerning the amount of electrical bills, which the City of Selma is paying at the facility at about \$700.00 to \$800.00. Attorney Nunn stated a copy of a letter from Ms. Hughes discussing the specific duties that are done at this site. Attorney Nunn stated a contract has been approved and he needs to know if the Council wants to proceed with the execution of the contract or some other alternative. Councilwoman Crenshaw stated Ms. Hughes has provided a detailed account of her duties, she brought this issue to the Council and if it is the consensus of the Council, she wants to move forward with the execution of the contract as written. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Venter to continue with the contract. It was the consensus of the Council to do so.

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III. REVISIT CITIZENS' REQUESTS (ORDINANCE REVISION)

President Evans asked Attorney Nunn if he is still working on revision of the ordinance for citizens' request. Attorney Nunn stated that is correct, however, Mayor Perkins stated he wanted to meet with him concerning another issue in the ordinance regarding the department heads. During discussion, a motion was made by Councilman Cain and seconded by Councilwoman Martin to amend ordinance #O102-04/05, Section 6, to move the citizens request prior to the Mayor's Report on the agenda and place the amended ordinance on first reading. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

IV. DRUG TASK FORCE

President Evans stated the Council has a copy of a letter from the District Attorney's Office and staff members. The District Attorney's Office has come before the Council and they are asking for funds in the amount of \$15,000.00. President Evans stated the Council would need to appropriate these funds in order to assure that their new plan can be carried out. During discussion, Attorney Arrington addressed the Council stating the grant has been approved, however, they must match the grant amount and must come up with \$143,000.00 by the end of the week and what they are looking for is a commitment from the Council that this amount of \$15,000.00 will be paid by the Council. Attorney Arrington stated other agencies and counties are contributing, but District Attorney Michael Jackson is paying the majority of the funds. A motion was made by Councilman Williamson and seconded by Councilwoman Martin to give the District Attorney's Office the assurance that the Council would give \$15,000.00 and that these funds are taken from the unappropriated surplus. City Treasurer Cynthia Mitchell concurred. Councilwoman Crenshaw stated she would like to amend the motion to include the time line for usage of these funds, however, after further discussion, she withdrew her motion with the understanding that an update would be given to the Council. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

V. ENVIRONMENTAL COURT

Councilman Williamson stated he placed this on the agenda so that the Council will not lose sight of it and when things are settled, we still want to establish an environmental court.

VI. NEW YEAR'S HOLIDAY

President Evans stated this holiday has already been approved, however, Friday, December 30, 2005 was discussed as being a tough time for Public Works in terms of having to go back and pick up the trash those two days to catch up; and for citizens to pay their taxes.

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Councilman Leashore with this in mind, he would like the Council to withdraw the passage of Friday, December 30, 2005 as a holiday. Personnel Director Valeria Jones stated it was her understanding from Mayor Perkins that this holiday has been approved and with that in mind, she has already submitted notice to all city departments that they will be off on this day. Following discussion, Mayor Perkins stated the Council had already voted on the holiday schedule and in the last meeting the Council asked if he wanted to request that the Council rescind that vote and his response was if the Council votes down the pay plan he would not request to rescind the vote, and when this did not happen he did not bring the issue back up and he asked Personnel to move forward and implement what was voted on, which was to give the employees the two day. President Evans stated this holiday will remain as the Council approved and citizens would be notified that January 3, 2005 will be the taxes due date for the City of Selma.

VII. READING IS FUNDAMENTALAL (RIF)

During discussion, a motion was made by Councilwoman Crenshaw and seconded by Councilwoman Martin to fund this program with funds from the Special Projects Fund in the amount of \$1,000.00. Councilwoman Martin stated she would like to add that anyone with discretionary funds would add to this amount. Councilman Randolph stated this is a great program and \$2,000.00 is needed to fund this program and he would like to amend the motion to have the Council give discretionary funds to make up the difference. Councilwoman Martin stated she has already given \$500.00 and she feels enough will be received. Councilman Randolph then withdrew his amendment to the motion. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

VIII. COPYING FEES

A motion was made by Councilman Williamson and seconded by Councilman Cain that the City's copying fees be reduced to twenty-five cents (\$.25) per copy. Councilman Leashore asked what are the current fees. City Clerk Lois Williams stated the current fees are \$1.25 per copy up to twenty-five pages and \$1.75 thereafter. Councilman Cain stated he would like to amend the motion that the copies received from the City Clerk's Office are available in three business days as other City's do. Councilman Williamson stated this is amendment is not a problem because before he was on the Council and for the last four years, he visited the Clerk's Office quite a few times to get copies and he actually got them while he was there, so he does not feel the three days would make any difference. Councilman Cain withdrew his amendment. During discussion, Councilman Williamson stated that the more paper purchased the lower the cost. Councilwoman Crenshaw concurred that since the cost to purchase decreases then the cost per copy should decrease as well. Councilman Williamson amended his motion and seconded by Councilwoman Crenshaw to reduce the fees to twenty-five cents (\$.25) per copy for the first twenty-five pages and ten cents (\$.10) per copy thereafter. A roll call vote was taken and the motion passed with a unanimous vote of the Council. Councilman Leashore stated his aye vote is contingent upon revisiting this issue in about thirty-sixty days. President Evans concurred. Mayor Perkins stated he would like to indicate to the Council that that was a \$20,000.00 line item of the budget. Mayor Perkins stated he is not sure what the budget impact would be, but the Council just created a reduction in the revenue.

IX. BUILDING FEES

Councilman Williamson stated that a couple of contractor have told him that the City has now added a \$50.00 fee in our Building Inspector's Office to get plans approved, which the City did not previously have. Councilman Williamson stated these plans now have to be approved by Khafra Engineering and asked if we could find out if this is correct. Mayor Perkins stated this sounds awfully wrong and he does not believe it, but he will look into the matter. Mayor Perkins stated he doubts there is a fee being charged that was not approved by the Council.

X. GOOD SAMARITAN UPDATE

Councilman Cain stated he still has not received June expenses for the Good Samaritan. Councilman Cain he has been asking for this information for over two months. Councilman Cain stated a year ago it was stated that grant dollars would be utilized for this project and he asked where are we with the grant funds and if he could also receive information on this issue. During discussion, Mayor Perkins stated every financial report provided on the Good Samaritan project is

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accurate and includes all of the information requested, but he will be glad to give it to him again. President Evans stated the question is regarding June report and the actual amount spent. Councilman Cain stated this report shows the revenue, but does not show expenses. Mayor Perkins stated he has confidence in the staff that prepared the reports and the reports show zero expenses and Councilman Cain received a zero report and if he wants another zero report he would give him one, but the reports speaks for itself. President Evans stated it is fair for the Council to be informed.

XI. CHECK REGISTER

Councilman Cain stated he has received this information.

XII. 2005 FINAL REPORT

Councilman Cain stated he received the preliminary report for September 2005 and he wants to know when the final report would be given. City Treasurer Cynthia Mitchell stated the final report information is pending the audit.

XIII. DATE OF NEXT MEETING

President Evans stated the Council sometimes did not meet in December for the second meeting. President Evans stated the question is does the Council meet again or would we move to January 2006 for our next meeting. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to cancel the December 26, 2005 meeting until the next regular scheduled meeting on January 9, 2005. The motion carried with a unanimous vote (show of hands) of the Council.

XV. RENEWAL OF ROYAL LIQUOR LICENSE APPLICATION

Reverend Derrick Stevens addressed the Council regarding the renewal of the Royal liquor license and he also stated there were some building codes specific to plumbing that were not met when this license was approved. President Evans stated when this group appealed to the Council previously, a letter was written to the ABC Board asking them not to approve the license, and the Council feels bad about this matter, but we did what we thought was right at the time because no one told them that there was anything wrong, and all specification were met. During further discussion, Councilwoman Crenshaw stated she is willing to meet to listen to the concerns and asked for a meeting to be scheduled with Mr. Rodgers. President Evans stated a committee to include Council members Crenshaw, Leashore, Venter and himself will be scheduled for Thursday, December 22, 2005 at 5:00 p.m. Councilman Leashore stated prior to this meeting because there are some implications coming from the Elder that the application was fraudulent and he respectfully request that this application is pulled and have the inspectors from each department sign off to revisit and make sure that what was received is in fact the correct information. Councilman Leashore stated he wanted the record to be clear because of the implications brought forth. Mayor Perkins stated after confirmed, the City in the police jurisdiction has limited building inspection authority for electrical and HVAC. Mayor Perkins further stated there is no jurisdiction on plumbing.

CITIZEN REQUEST

Mr. Derrick Stevenson
Re: Beloved Apostolic Church of God

Mrs. Carolyn Bates
Re: Selma Disability Advocacy Program

STANDING COMMITTEE REPORTS

RECREATION COMMITTEE - Councilman Samuel Randolph, Chairperson

Councilman Randolph stated this committee would meet on Wednesday at 5:00 p.m. in the Mayor's conference room.

STANDING COMMITTEE REPORTS

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, however, a meeting is scheduled for Thursday, December 16, 2005 at 5:00 p.m.

COMMUNITY DEVELOPMENT COMMITTEE - Councilwoman Jean Martin, Chairperson

There is no report for the Community Development Committee.

PUBLIC WORKS COMMITTEE - Councilman Leashore, Chairperson

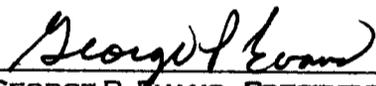
There is no report for the Public Works Committee.

DISCRETIONARY FUNDS COMMITTEE - Councilwoman Crenshaw, Chairperson

Councilwoman Crenshaw stated the Council has given a total of \$1,100.00 from discretionary funds.

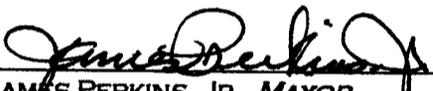
ADJOURNMENT

There being no further business to come before the Council, the Council voted by unanimous consent to adjourn the meeting at 9:01 p.m.



GEORGE P. EVANS, *PRESIDENT*

APPROVED:



JAMES PERKINS, JR., *MAYOR*

ATTEST:



LOIS WILLIAMS, *CITY CLERK*