

**MINUTES OF THE
SELMA CITY COUNCIL
APRIL 14, 2008
5:00 P.M.**

Call to Order

Invocation: Reverend Dr. Ed Eaton
Pastor, Westwood Baptist Church

Moment of Silence

Pledge of Allegiance

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, April 14, 2008 at 5:00 p.m.

ROLL CALL

The following members were present during roll call: Council President George Evans and Council members Cecil Williamson, Jean Martin, Geraldine Allen, Samuel Randolph, Johnnie M. Leashore, Bennie R. Crenshaw and Jannie M. Venter. Others present were City Clerk Lois Williams, City Attorney Jimmy Nunn, City Treasurer Cynthia Mitchell, and the Mayor's Executive Assistant Darlene Rudolph. Councilman Cain was absent from the Chambers during roll call.

APPROVAL OF AGENDA

President Evans asked for the approval of the agenda items. A motion was made by Councilwoman Martin and seconded by Councilwoman Allen to approve the agenda as written. **The motion carried with a majority (show of hands) vote of the Council members present. Councilman Leashore cast a nay vote.**

APPROVAL OF MINUTES

After approval of the agenda, President Evans also asked for a motion to approve the minutes of the March 17, 2008 Regular meeting. A motion was made by Councilman Leashore and seconded by Councilwoman Venter to approve the minutes of March 17, 2008 as written. **The motion carried with a unanimous (show of hands) vote of the Council members present. Councilman Cain was absent from the Chambers at the time of this vote.**

President Evans asked for a motion to approve the minutes of the March 24, 2008 Regular meeting. Following a brief discussion, a motion was made by Councilwoman Martin and seconded by Councilman Randolph to approve the minutes of March 24, 2008 with corrections. **The motion carried with a unanimous (show of hands) vote of the Council. Councilman Cain arrived in the Chambers and voted on this item.**

CITIZENS' REQUESTS

Mrs. Mallieve Breeding
Re: Save the Butterfly Day - April 16, 2008 (Proclamation read by President Evans)

Mrs. Nancy Sewell
Re: Teen Summit 2008

Councilwoman Jean Martin, Mrs. Sherri James, and Mrs. Patty Sexton
Re: Relay for Life (May 2nd - 6p.m.-Until - Memorial Stadium)
(Survivors' Kickoff Banquet - April 29th - 6p.m. - Carl Morgan Convention Center)

MAYOR'S REPORT

Executive Assistant Darlene Rudolph stated that the Council has been given a package which contains information requested by Councilman Williamson regarding the contract agreement with Glenda Deese; information requested by Councilman Williamson regarding Public Works and Attorney Nunn; information requested regarding the breakdown agreement with the Bond Attorneys; and as per Thursday's request, a copy of the list of occupants at the Dallas Academy Building.

The following items were presented to the Council on behalf of Mayor Perkins, who was absent, from this meeting, by Executive Assistant Darlene Rudolph:

A. Contract - Summer Food Program. Mrs. Rudolph stated that there are no funds associated with this contract. A motion was made by Councilman Leashore and seconded by Councilman Randolph to approve the said contract for the 2008 Summer Food Program. **The motion carried with a unanimous (show of hands) of the Council.**

MAYOR'S REPORT

B. Memorandum of Agreement - Decisions, Inc. - Fire Captains' Exam. A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve the contract with Decisions, Inc. to administer the Fire Captains' Exam in the amount of \$14,000.00 plus reimbursement of expenses not to exceed \$1,500.00, which is already included in the budget. **Following a brief discussion, a roll call vote was taken and the motion passed with a majority vote of the Council. There were eight affirmative votes and one nay vote. Councilman Williamson cast a nay vote.**

C. Resolutions - Police Department, Financial Software, and Public Works. Mrs. Rudolph stated she would like to ask City Treasurer Cynthia Mitchell to come forward to address the Council regarding resolutions R181-07/08, R182-07/08 and R183-07/08. Ms. Mitchell addressed the Council as follows:

Resolution - #R181-07/08 - Increase Selma Police Department Budget. Ms. Cynthia Mitchell read the said resolution in its entirety "to increase its budget through the end of the fiscal year September 30, 2008, to complete necessary training, additional fuel cost, purchase additional equipment, reestablish the drug unit, provide building maintenance and repairs, and upgrade and establish technology," "for said cost of \$742,077.00," "source of funding will be the unrestricted cash from the General Fund account."

Resolution - #R182-07/08 - Upgrade Financial Software and Hardware System. Ms. Cynthia Mitchell read the said resolution in its entirety "to upgrade its financial software and hardware system," "to improve the operational restraints created by the use of obsolete software that limits the ability of rendering practical and reliable financial data and service to other City of Selma management, City Council and to the citizens of Selma;" "for said cost of \$355,850.00," "source of funding will be the unrestricted cash from the General Fund account."

Resoluion - #R183-07/08 - Street Pavement, Gutter, Sidewalk and Curbing Equipment. Ms. Cynthia Mitchell read the said resolution in its entirety "to permit the City Clerk to distribute a bid package for the above said equipment," "State Gasoline Tax Funds (11.4000.4002.41) will be the source of funding for the equipment at an estimated cash amount of \$250,000.00."

Following the reading of these resolutions, Ms. Mitchell stated that the Council is asked to place these resolutions on first reading to be voted on at the April 28th Council meeting. A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to place these resolutions on first reading to be considered at the April 28th meeting. During discussion, Councilman Williamson stated that he would like to suggest that these resolutions be referred to the respective committees for review and bring a recommendation back to the Council. Councilman Leashore stated that this suggestion is "unprecedented", that this is coming from the CEO of the City, and the Council as a whole, rather than submit to a committee, has the authority to vote these expenditures up or down, and he highly suggest that they be placed on first reading to give the Council an opportunity to engage in whatever concerns that they may have from the Mayors Office as it relates to these resolutions and be prepared to vote at the next Council meeting. President Evans stated that he has shared with some of the Council members that these issues would be placed with the respective committees: 1) Public Safety Committee, Councilwoman Allen - Selma Police Department, 2) Public Works/General Services Committee, Councilwoman Venter - Public Works Department and 3) Administrative Committee, Councilman Williamson - Software and Hardware Upgrades; and this is his recommendation based on what is before the Council tonight. President Evans stated that following the vote to place the resolutions on first reading, he will ask that the Council would take a vote to place them in the respective committees mentioned to clarify and bring a report back to the Council. Following discussions, a roll call vote was taken and the motion passed with a majority vote of the Council. **There were seven affirmative votes and two nay votes. Council members Williamson and Randolph both cast a nay vote.** A motion was then made by Councilman Cain and seconded by Councilwoman Martin to place these resolutions in the respective committees aforementioned. **A roll call vote was taken and the motion passed with a majority vote of the Council. There were six affirmative votes and three nay votes. Council members Randolph, Leashore and Crenshaw each cast a nay vote.**

CITY ATTORNEY'S REPORT

A. Relay for Life Commitment. Attorney Nunn stated that Mrs. Patty Sexton would like to address the Council again. Mrs. Sexton stated that she was reminded that she failed to get the specific amount for a commitment from the Council. Mrs. Sexton further stated that she needs an affirmative answer by April 17th in order for the City of Selma name to be on the shirts, but the money does not have to be in until August 30th. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Martin to commit \$2,500.00 for the Relay for Life on behalf of the City of Selma from the Discretionary and General Fund accounts. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

CITY ATTORNEY'S REPORT

B. Elected vs. Appointed School Board Update. Attorney Nunn stated that Senator Sanders and the Legislature have prepared a Bill concerning changing the election of the School Board from an appointed to an elected School Board, and the City Council has voted on this matter with two proposed changes. Attorney Nunn stated that he did speak to Senator Sanders concerning the same and Senator Sanders stated that due to general law, that it could not be changed and it is his recommendation that it remains the same. Attorney Nunn stated that the Bill has, per State law, to run in the newspaper four consecutive times. Attorney Nunn further stated that hopefully we can get an approval on this proposal through the Legislature and we are moving forward with attempting to get approval to have the appointed School Board changed to an elected School Board. Attorney Nunn stated that the Bill will be presented to the Legislature on April 22nd. During discussion, Councilman Leashore stated that he is the one who made the recommendation for the amendments and he feels in is very imperative that they are a part of this Bill, as Attorney stated that according to statutory law, it could not be changed, he does not know if this is factual or not, but he would like to see law that mandates that those recommendations could not be in the Bill "itself". Councilman Leashore further stated that if those recommendations are not in the Bill, then he is not in favor of the electoral process. Attorney Nunn gave clarity on the two amendments per request of President Evans. Following further discussion, a motion was made by Councilwoman Allen and seconded by Councilman Cain to continue to proceed with the original Bill as written. A roll call vote was taken and the motion passed with a majority vote of the Council. There were six affirmative votes and three nay votes. Councilman Leashore, Councilwoman Crenshaw and Councilwoman Venter each cast a nay vote.

C. Political Activity - Dallas Academy Building. Attorney Nunn stated that on Thursday night, it was brought to the City Council that at the Dallas Academy building there were several individuals and/or corporations that were using their positions and/or business promoting or doing political activities, out of their offices. Attorney Nunn further stated that he has been asked to draft a letter to the tenants, and he will be working closely with Kay Jones, Facilities Manager, as it relates to getting a list of the tenants and he will "cc" the Mayor and President Evans on this draft.

D. Personal Property Questions - Joseph Mitchell. Attorney Nunn stated that on Thursday, discussion was addressed regarding Mr. Mitchell, "the Tree Man." Attorney Nunn further stated that he did have the opportunity, along with help from City Treasurer Cynthia Mitchell, to visit 1921 First Avenue, and prior to doing so, he reviewed the citation, and what has happened is that he has actually been cited for an "overgrown" lot at this address, which is not where he lives. Attorney Nunn stated that Mr. Mitchell's residence is on Union Street, and he did not get a citation for his residence.

E. Tri-County Sickle Cell Association Update. Attorney Nunn stated that on Thursday, it was also the recommendation to get an update from the Tri-County Sickle Cell Association as it relates to the status. Attorney Nunn further stated that a copy of an email has been given to the Council as it relates to the same.

F. Resolution - #R184-07/08 - MECS Contract Revision - Removal of Tower at Selma Police Department. Attorney Nunn stated as per reading of the said resolution to rescind Resolution #265-06/07 to contract with MECS for the removal of the existing tower. Attorney Nunn stated that the tower has already been removed and the Council voted \$7,000.00, however, the Mayor explained on Thursday evening why there was an additional amount of \$300.00 for the removal of the tower, and asked the City Council to approve the change to \$7,300.00. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Venter to approve the said resolution with change from \$7,000.00 to \$7,300.00 from account 1.6100.161.0. Councilman Williamson stated that the Mayor explained that "an extra hour had to be paid for the use of the crane due to a city vehicle parked so that the crane could not get where it was supposed to be." Attorney Nunn concurred. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

G. Statement - Alabama Municipal Insurance Corporation Payment. Attorney Nunn stated that this statement was presented to the Council on Thursday as it relates to claimants fees or claims that have been paid out by our insurance. Attorney Nunn stated that this is a reimbursement to them in the amount of \$3,006.35. A motion was made by Councilman Leashore and seconded by Councilwoman Crenshaw to reimburse A.M.I.C. in the amount of \$3,006.35. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

H. Resolution - #R185-07/08 - Replacement of Prosecuting Attorney Alston Keith. Attorney Nunn stated that per request of the Council, research has been done concerning the issue of Reid Cain vs City of Selma as it relates to when the prosecution would come about. Attorney Nunn stated that the presiding Judge has presented a name for the City Prosecutor, whereas Attorney Keith has a conflict in prosecuting this case. Attorney Nunn stated as per said resolution, "Attorney Leston Stallworth, Jr. is a practicing attorney within the State of Alabama whom has agreed to act as a special prosecutor in lieu of Attorney Alston Keith," "That Attorney Leston Stallworth, Jr. is hereby appointed

CITY ATTORNEY'S REPORT

and employed to serve as a special prosecutor during the proceedings in which Alston Keith, esq. has a conflict of interest." A motion was made by Councilwoman Crenshaw and seconded by Councilman Leashore to approve this appointment as stated. During further discussions, Councilman Williamson asked how Attorney Stallworth will be paid. Attorney Nunn stated that there will be a base fee of \$500.00 plus mileage to be paid from the line item Appointed Attorney Fees in the Magistrate's budget. Councilman Williamson asked Attorney Nunn how he would describe Attorney Keith's "conflict of interest" in this matter. Attorney Nunn stated that the "conflict of interest" as described by Attorney Keith, and he has not found anything to differ, is that he is "hired by the City Council and appointed by the Mayor." A roll call vote was taken and the motion passed with a majority vote of the Council. There were seven affirmative votes, one nay vote and one abstention. Councilman Williamson cast a nay vote and Councilman Cain abstained from voting.

I. **Ordinance - #O109-07/08 - Theft of Copper.** Attorney Nunn stated that on Thursday the Council received a copy of the copper ordinance dealing with theft of copper. Following a brief discussion, a motion was made by Councilwoman Martin and seconded by Councilman Leashore to place the said ordinance on first reading. The motion carried with a unanimous vote of the Council.

J. **Request for Contract - Jimmy Nunn Used City Equipment.** During discussion, Attorney Nunn stated that this information was given to the Council on Thursday and the form used for this contract is very simple and has been used for many years. Attorney Nunn stated and read as per said document. Attorney Nunn further stated that "city employees were not working on City time on private property, that the city employees were working on their own time and that they got paid by Jimmy Nunn." Attorney Nunn returned and addressed the Council stating that this does comply with the Code of Ethics under 36-25-5, which he read to the Council.

K. **August Municipal Election.** Councilman Cain stated that for the August Municipal Election, "when is the latest that we can seek to change who is going to run the election?" "As far as the Elections Manager?" Attorney Nunn stated that the next date for Council action is on the 26th of May for redistricting or changing the precincts or changing the ward lines. Attorney Nunn further stated that it would have to be a date after this time and he would have to get his documents from down stairs to clarify further dates. Councilman Williamson stated that he would like to ask that the Justice Department would have federal poll watchers here for the election. Councilman Leashore asked "under what grounds?" Councilman Williamson stated to "ensure that we have an honest election." Attorney Nunn returned and addressed the Council stating that as per Councilman Cain's request for the last date to appoint an Election Manager, that on July 1st, the Mayor gives notice of Election and then on July 15th, that if the Mayor is a candidate, that the Council must appoint a qualified person to perform this duty. Attorney Nunn stated that this would fall somewhere around July 1st through the 15th.

BUSINESS ITEMS:

I. **NOISE ORDINANCE**

During discussion, Councilwoman Venter stated that the noise has not been better and again, it is all over, she further stated that until the people are charged or fined, she does not feel it will get any better. Councilwoman Allen stated that she concurs with Councilwoman Venter and she's not sure if the Council would need to draft a letter requesting that more tickets are issued for loud noise. Councilwoman Allen further stated that she received a call from a constituent stating that someone is now throwing "bullets" in his yard because he continues to call about the loud noise and she is really concerned about this loud noise issue.

II. **MISSING MONEY FROM THE POLICE DEPARTMENT**

President Evans stated this item would be continued.

III. **UNPAID GARBAGE FEES**

City Treasurer Cynthia Mitchell reported on this item in work session and Councilman Williamson stated that there is over \$700,000.00 to be collected.

IV. **UNPAID COURT COST AND FINES**

President Evans stated this item would be continued. After Attorney Nunn returned, he stated that he did receive a letter from the Magistrate's Office that has been forwarded to the Mayor. Attorney Nunn stated that there are two letters, one from the Magistrate's Office and one from JCS and the Mayor stated he would review them and present them both to the Council.

V. PUBLIC SAFETY BUILDING LEAKING

Councilman Williamson asked if Dr. Allen has received a response to her letter? Councilwoman Allen stated that she did not receive a formal letter, however, she read from her minutes in the previous meeting, and she understands that in her absence there was discussion from the Chief. Councilwoman Allen stated that since the prior resolution was placed with the committee, she will add the contents to the building requests, because she believes that is also in the amount of money that is being requested.

VI. REQUEST FOR AUDIT MANAGEMENT LETTER

President Evans stated that the audit management letter was discussed on Thursday, and it was stated that "it would be coming." President Evans stated that the Mayor stated that it is being worked, but he did not say a date when it would be available, so maybe at the next Council meeting it would be ready.

VII. ITEMIZED BILL FROM MAYNARD COOPER & GALE

Following discussion, a motion was made by Councilman Leashore and seconded by Councilwoman Venter to pay the firm Maynard Cooper & Gale in the amount of \$30,000.00 for attorney fees related to the Bond issue. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

VIII. REQUEST FOR CONTRACT/MRS. GLENDA DEESE

Councilman Williamson stated that he asked for a copy of this contract on Thursday night, and he did get a copy and he is delighted to say that it will expire on May 4th.

IX. SELMA CITY SCHOOL BOARD APPOINTEES

President Evans stated that as the Council is aware, we are now at the threshold of having to appoint two board members to the Selma City School Board, and will turn it over to our committee for interviews as we have done in the past. President Evans stated that the two individuals' times have expired and they are no longer eligible to serve; Mr. James Terry and Mrs. Fitts. President Evans stated that based on the tenor rule, Mr. Terry will not be eligible for reappointment. Councilman Leashore stated that after discussing this matter with the Chairman of the committee, it is agreed that the process needs to continue until whatever electoral process becomes law. Councilman Leashore stated, therefore, they would charge Dianna Johnson with the responsibility of moving forward with the advertising to the public for these vacancies and once the resumes' have been collected, the Administrative Committee would set aside a time and date for interviews and bring a recommendation back to the Council. President Evans concurs. Councilwoman Allen asked that the Administrative Committee would continue as they did before to allow all of the Council to be a part of the selection process.

X. PERSONNEL MANUAL

President Evans stated that Ms. Jones has indicated that this manual would be available to the Council on May 26th. President Evans stated that Ms. Jones also indicated that it would be reviewed by the Mayor and the Personnel Board, and even if it was not complete, she would make a draft available to the Council by this date.

XI. ALABAMA LEAGUE OF MUNICIPALITIES CONVENTION VOTING DELEGATES

President Evans stated that the Alabama League of Municipalities Convention is May 17th through May 20th in Birmingham, and the Council needs to appoint delegates. President Evans stated that three delegates would need to be appointed, a Delegate, a 1st Alternate, and a 2nd Alternate. A motion was made by Councilman Cain and seconded by Councilman Randolph to appoint President Evans as Delegate, Councilwoman Martin as 1st Alternate Delegate and Councilman Leashore as 2nd Alternate Delegate. The motion carried with a unanimous (show of hands) vote of the Council.

XII. UPCOMING CITY GOVERNMENT MEETINGS, COMMITTEE MEETINGS AND CONFERENCES

Councilman Leashore stated that he received notice from the National League of Cities that he has met the requirements for the Silver Certification, and therefore, he would be awarded that during the Fall Conference. President Evans stated congratulations to Councilman Leashore. Councilwoman Crenshaw stated she would like the Council to look at funding travel for the Youth-In-Government to Savannah, GA the end of May. President Evans asked if she would submit the amount needed to the Council. Councilman Leashore asked if the Council could give a consensus to fund this travel so that Councilwoman Crenshaw could move forward with the arrangements. It was the consensus of the Council to do so.

STANDING COMMITTEE REPORTS

RECREATION COMMITTEE - Councilman Reid Cain, Chairperson

No Report.

ADMINISTRATIVE COMMITTEE - Councilman Dr. Cecil Williamson, Chairperson

Report Attached.

PUBLIC SAFETY COMMITTEE - Councilwoman Dr. Geraldine Allen, Chairperson

No Report.

COMMUNITY DEVELOPMENT COMMITTEE - Councilwoman Bennie Ruth Crenshaw, Chairperson

No Report.

PUBLIC WORKS COMMITTEE - Councilwoman Jannie Venter, Chairperson

No Report.

DISCRETIONARY FUNDS COMMITTEE - President George Evans, Chairperson

No Report.

CLOSING REMARKS BY EACH COUNCIL MEMBER.

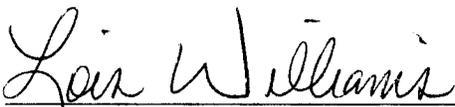
ADJOURNMENT

There being no further business to come before the Council, a motion was made by Councilman Leashore and seconded by Councilwoman Martin, to adjourn, and by unanimous consent of the Council, this meeting adjourned at 7:49 p.m.



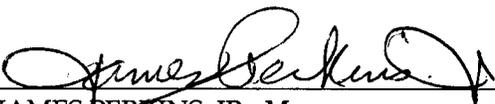
GEORGE P. EVANS, *Council President*

ATTEST:



LOIS WILLIAMS, *City Clerk*

APPROVED:



JAMES PERKINS, JR., *Mayor*