

MINUTES OF THE SELMA CITY COUNCIL
APRIL 30, 2007
5:00 P.M.

Call to Order

Invocation: Reverend L. L. Ruffin
Mt. Ararat Baptist Church

Pledge of Allegiance

Roll Call

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, April 30, 2007 at 5:00 p.m. with the following members present during roll call: Council President George Evans and Council members Cecil Williamson, Reid Cain, Jean T. Martin, Geraldine Allen, Samuel L. Randolph, Johnnie M. Leashore, Jannie M. Venter and Bennie R. Crenshaw. Others present were Mayor James Perkins, Jr., City Clerk Lois Williams, City Attorney Jimmy Nunn, Mayor's Executive Assistant Darlene Rudolph, City Treasurer Cynthia Mitchell and the Assistant City Clerk Ivy S. Harrison. Councilman Randolph was absent during roll call. Councilman Randolph arrived at 5:20 p.m.

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES:

After approval of the agenda, President Evans asked for a motion to approve the minutes of the March 19, 2007 regular meeting. A motion was made by Councilwoman Martin and seconded by Councilman Leashore to approve the minutes as written. **The motion carried with a unanimous (show of hands) vote of the Council members present.**

President Evans also asked for a motion to approve the minutes of the April 9, 2007 regular meeting. A motion was made by Councilwoman Martin and seconded by Councilwoman Venter to approve the minutes as written. **The motion carried with a majority (show of hands) vote of the Council members present.**

CITIZENS' REQUESTS

Ms. Sharon Hunter, Ms. Bernestine Gordon, Mr. Walter Hollman and Mrs. Ruth Hollman
Re: Conduct of Police Officers

A motion was made by Councilman Leashore and seconded by Councilman Cain to allow these citizens more time to present their concerns to the Council. **The motion carried with a unanimous vote (show of hands) of the Council.**

Attorney Faya Rose Toure
Re: Selma Police Department and Municipal Court

Mr. Leonard King, Dr. Brenda Tyus, Pastor Eleanor Smith and Minister Debbie King
Re: Summer Youth Camp (June 4, 2007 - July 6, 2007)

Mrs. Carolyn Bates
Re: Selma Disability Advocacy Program

Mrs. Patty Sexton
Re: Relay for Life (May 18, 2007)

MAYOR'S REPORT

A. Resolution #R191-06/07 - Police Study. Mayor Perkins stated this resolution calls for the transfer of funds for the purpose of initiating the study of the Police Department to be done by Dr. Ralph Ioimo, Public Safety Consultants, Incorporated. Mayor Perkins asks Council favorable consideration of Resolution #R191-06/07 in the amount of \$48,480.00. A motion was made by Councilman Leashore, and seconded by Councilman Randolph, to approve said Resolution. During discussion, Councilman Cain made an amended motion, seconded by Councilman Williamson, to amend the agreement as far as the notices are concerned, that they also go to the attention of Mayor James Perkins, Jr., as well as, Council President George Evans. A roll call vote was taken and the amended motion passed with a majority vote of the Council. There were five ayes and four nay votes. Councilwoman Crenshaw, Councilman Leashore, Councilman Randolph, and Councilwoman Venter all cast nay votes. As a matter of record, Councilwoman Crenshaw, Councilman Leashore, Councilman Randolph, and Councilwoman Venter did not vote against Resolution #R191-06/07 for the Police Study Contract, but against the Amendment; each Council Member that voted against the Amendment is in favor of the Contract.

B. Recognition of City Employees. Mayor Perkins stated he would like to present a Certificate of Service Award and recognize *Selma Police Officer Carlos Jones*; Five Years of Dedicated Service to the City of Selma. Officer Jones was also presented with a Longevity Pin.

C. Veto of Council Secretary's Salary. Mayor Perkins read in its entirety his veto of the section of the Minutes of April 9, 2007 as it relates to the discussion and action of the Council Secretary's Salary. Mayor Perkins asked Council to support this veto and reverse its decision. A motion was made by Councilman Leashore, and seconded by Councilwoman Crenshaw, to sustain the veto power of the Mayor, and support the veto. During discussion, Attorney Nunn stated his understanding was that the Council had voted on that raise during the last Council meeting and had asked him to prepare a resolution to the actions that were taken that night. Attorney Nunn further stated he prepared that resolution in the form of Resolution #R167-06/07 to be signed. On a motion made by Councilman Williamson, and seconded by Councilman Cain, President Evans asked for roll call on Resolution #R167-06/07, to allow for the Council Secretary to receive the raise as stipulated in said Resolution. A roll call vote was taken and the Resolution passed with a majority vote of the Council. There were six ayes and three nay votes. Councilwoman Crenshaw, Councilman Leashore, and Councilwoman Venter all cast a nay vote. President Evans stated Mayor Perkins has the authority to come back to the Council with a veto if he chooses to. As a matter of record, Mayor Perkins stated he will be re-filing the veto of the resolution with the understanding that the Council has the vote to over-ride it, if chosen.

D. Contract - Sensitivity Training for Selma Police Department. Mayor Perkins asked Ms. Valeria Jones, City Personnel Director, to come forward and address the Council. Ms. Jones stated this Contract represents professional development training for the Selma Police Department in the form of a 2-Day Sensitivity Training Workshop for Selma Sworn Police Officers. Ms. Jones further stated this workshop will be conducted by Mr. Ted Quant, Director of Twomey Center, at Loyola University in New Orleans, LA. Ms. Jones asks Council favorable consideration of the Contract in the amount of \$2,427.88. A motion was made by Councilman Leashore, and seconded by Councilwoman Crenshaw, to approve said Contract. During discussion, Councilman Cain amended the motion, seconded by Councilman Williamson, to strike the part of the language from the resolution on page 2, paragraph 4, which he further states could be construed as the City of Selma, as it relates to "Bloody Sunday" during the Civil Rights Movement. Councilman Leashore stated, for the record, that the police officers were involved and, further stated, the Selma Police Department on record may have not been involved but in spirit and reality they were. A roll call vote was taken and the amendment failed. There were three ayes and six nay votes. Councilwoman Allen, Councilwoman Crenshaw, Councilman Leashore, Councilwoman Martin, Councilman Randolph, and Councilwoman Venter each cast a nay vote. A roll call vote was taken on the original motion and the motion passed with a majority vote. There were seven ayes and two nay votes. Councilman Cain and Councilman Williamson each cast a nay vote.

E. Resolution - #R185-06/07 Fire Grant - Homeland Security -Vehicle Acquisition. Mayor Perkins asked Ms. Charlotte Griffeth to come forward to present several resolutions. Ms. Griffeth read this resolution and the following resolutions in their entirety. Ms. Griffeth asks Council favorable consideration of Resolution #R185-06/07. A motion was made by Councilman Leashore, and seconded by Councilwoman Martin, to approve said resolution in the amount of \$399,850.00 with a maximum grant amount of \$359,865.00, the City of Selma pledging a 10% match in the amount of \$39,985.00, to be appropriated in the FY 2007-2008 budget, line item grant matching funds. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

Resolution - #R171-06/07USDA/Rural Development Mutual Self-Help Housing Pre-Application. Ms. Charlotte Griffeth read this resolution in its entirety. Ms. Griffeth asks Council favorable consideration of Resolution #R171-06/07. A motion was made by Councilman Leashore, and seconded by Councilwoman Martin, to approve said resolution for the City of Selma to apply for a pre-application grant in the amount of \$10,000.00, and for the City of Selma to submit application to provide Technical Assistance for the Mutual Self-Help Housing Program and Project Oversight for \$165,000.00, to build 10 housing units over a two-year period, with no matching funds required. The motion carried with a unanimous (show of hands) vote of the Council.

Resolution - #R169-06/07 Fire Grant - Homeland Security. Ms. Griffeth stated this Resolution represents the City of Selma's application to apply to the Homeland Security for a FY 2007 grant to assist the City with the current need for equipment and employee training for our City's Firefighters. Ms. Griffeth further stated the total cost for this project is \$260,965.00 and the maximum grant amount is \$234,869.00, the City of Selma pledging a 10% match in the amount of \$26,096.00, to be included in the FY 2007-2008 budget via line item Grant Matching Funds. Ms. Griffeth asks Council favorable consideration of Resolution #R169-06/07. A motion was made by Councilman Leashore, and seconded by Councilwoman Martin, to approve said resolution. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

Berry Productions, Incorporated - Contract Services. Ms. Griffeth stated this contract is for the City of Selma's 4th of July Celebration. Ms. Griffeth further stated Berry Productions provides the stage for the event at Bloch Park each year, and the total amount for this year is \$2,580.00. Ms. Griffeth asks Council favorable consideration of said contract, which is already included in the Planning & Development's Special Projects line item for the FY 2006-2007. A motion was made by Councilman Cain, and seconded by Councilwoman Martin, to approve said contract in the amount of \$2,580.00. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

Resolution - #R168-06/07 - Resurfacing of Doherty Street, Mabry Street and Stiles Road. Mayor Perkins asked Mr. Henry Hicks and Ms. Cynthia Mitchell to come forward and present Resolution #R168-06/07, as it relates to resurfacing Doherty Street, Mabry Street, and Stiles Road. Ms. Mitchell read Resolution #R168-06/07 in its entirety, and asks Council favorable consideration of said resolution, to use the State Excise Gas Tax Revenue account fund for the resurfacing of the above-named streets. A motion was made by Councilwoman Martin, and seconded by Councilwoman Venter, to approve said resolution in the amount of \$31,425.00. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

Resolution - #R186-06/07 - Dallas County, Alabama - Natural Hazards Mitigation Plan. Mayor Perkins, for the record, read Resolution #R186-06/07 in its entirety. Mayor Perkins stated Resolution #R186-06/07 represents the signing and execution thereby including the City of Selma and Dallas County Mitigation Plan. Mayor Perkins further stated, for the record, Ms. Pam Cook, and EMA, has been a joy to work with, in getting this matter taken care of. Mayor Perkins asks Council favorable consideration of the resolution. A motion was made by Councilman Leashore, and seconded by Councilwoman Crenshaw, to approve said resolution. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

Resolution - #R170-06/07 - ALDOT Maintenance Agreement - Lawrence Street. Mayor Perkins stated Resolution #R170-06/07 relates to providing the City of Selma with assistance from the Alabama Department of Transportation for the installation of two (2) mast mounted signals with gates, and two (2) bells at railroad crossings on the corner of Lawrence Street and Jeff Davis Avenue. Mayor Perkins asks Council favorable consideration in assuming maintenance responsibilities after the installation is complete, in the form of Resolution #R170-06/07. A motion was made by Councilman Randolph, and seconded by Councilman Leashore, to approve said Resolution. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

Resolution - #R172-06/07 - ALDOT Maintenance Agreement - Hamilton Street. Mayor Perkins stated Resolution #R172-06/07 is similar in nature to the above-mentioned Resolution, with the exception of the location. Mayor Perkins further stated the mounted signals and bells will be located at Hamilton Street. Mayor Perkins asks Council favorable consideration of Resolution #R172-06/07. A motion was made by Councilman Leashore, and seconded by Councilwoman Venter, to approve said Resolution. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

Resolution - #R173-06/07 - ALDOT Maintenance Agreement - Hamilton Street. Mayor Perkins stated Resolution #R173-06/07 again is similar in nature to the above-mentioned Resolutions, again with the exception of the location. Mayor Perkins further stated in this Resolution, the mounted signals and bells will be located at Hamilton Street, facing Jeff Davis Avenue. Mayor Perkins asks Council favorable consideration of Resolution #R173-06/07. A motion was made by Councilman Leashore, and seconded by Councilwoman Venter, to approve said Resolution. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

F. Khafra Engineers, Architects and Construction Managers, Incorporated - Contract for Services - Inspection of Bridges. Mayor Perkins stated each year the Alabama Department of Transportation requires the City to do bridge inspections, which has been provided by Khafra for the past two years. Mayor Perkins further stated the funds for this is already in the budget, and he asks Council favorable consideration for approval of the agreement in the amount of \$2,500.00 (\$500.00 per bridge). A motion was made by Councilwoman Martin, and seconded by Councilman Leashore, to approve said agreement in the amount of \$2,500.00. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

G. Capital Improvement Purchases - Change for Public Works Department. Mayor Perkins stated if Council recalls, he mentioned on Thursday that there was a change that would be made to the budget document on the description of the specific line items that were going to be purchased with the capital money, which will not change the amount upward for the acquisition. Mayor Perkins stated Resolution #R183-06/07, which is forthcoming, is the resolution that deals with the language amendments to the budget, which will not affect the budget amount.

A. **Resolution - #R156-06/07 Fire Department - Four (4) Vehicles.** Attorney Nunn stated this Resolution is being presented to the Council concerning the bid proposal on Four (4) vehicles for the Fire Department. Attorney Nunn further stated Reliable Oldsmobile Cadillac Pontiac GMC was the lowest responsible bidder, in the amount of \$67,928.00, to be purchased through the lease agreement with Regions Equipment Finance Corporation. A motion was made by Councilman Leashore, and seconded by Councilman Randolph, to approve said resolution. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

B. **Resolution - #R174-06/07 Public Works Department - Truck.** Attorney Nunn stated this Resolution is being presented to the Council concerning the bid proposal on One (1) truck for the Public Works Department. Attorney Nunn further stated Moore Stewart-Ford Company was the lowest responsible bidder, in the amount of \$15,783.65, to be purchased through the lease agreement with Regions Equipment Finance Corporation. A motion was made by Councilwoman Venter, and seconded by Councilwoman Martin, to approve said resolution. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

C. **Resolution - #R175-06/07 Building Inspector's Office - Truck.** Attorney Nunn stated this Resolution is being presented to the Council concerning the bid proposal on One (1) truck for the Building Inspector's Office. Attorney Nunn further stated Moore Stewart-Ford Company was the lowest responsible bidder, in the amount of \$14,199.00, to be purchased through the lease agreement with Regions Equipment Finance Corporation. A motion was made by Councilman Randolph, and seconded by Councilman Leashore, to approve said resolution. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

D. **Resolution - #R176-06/07 Recreation Department - Truck.** Attorney Nunn stated this Resolution is being presented to the Council concerning the bid proposal on One (1) truck for the Recreation Department. Attorney Nunn further stated Moore Stewart-Ford Company was the lowest responsible bidder, in the amount of \$11,747.50, to be purchased through the lease agreement with Regions Equipment Finance Corporation. A motion was made by Councilman Leashore, and seconded by Councilwoman Martin, to approve said resolution. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

E. **Resolution - #R177-06/07 Cemetery Department - Two (2) Trucks.** Attorney Nunn stated this Resolution is being presented to the Council concerning the bid proposal on Two (2) trucks for the Cemetery Department. Attorney Nunn further stated Turner Chevrolet-Buick Company was the lowest responsible bidder, in the amount of \$28,956.00, to be purchased through the lease agreement with Regions Equipment Finance Corporation. A motion was made by Councilman Leashore, and seconded by Councilman Randolph, to approve said resolution. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

F. **Resolution - #R178-06/07 Public Works Department - Infield Machine.** Attorney Nunn stated this Resolution is being presented to the Council concerning the bid proposal on One (1) infield machine for the Public Works Department. Attorney Nunn further stated Kilpatrick Turf & Commercial Equipment Company was the only responsible bidder, in the amount of \$10,998.37, to be purchased through the lease agreement with Regions Equipment Finance Corporation. A motion was made by Councilwoman Martin, and seconded by Councilman Leashore, to approve said resolution. During discussion, an amended motion was made by Councilman Williamson, and seconded by Councilman Cain, to reject this bid, and negotiate with Kilpatrick for a lower price. The Council asked Mayor Perkins to inquire as to whether or not this price can be negotiated; if not, it is the consensus of the Council to move forward with Kilpatrick. A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight ayes and one abstention. Councilman Leashore abstained.

G. **Resolution - #R179-06/07 Public Works Department - Trash Trailer.** Attorney Nunn stated this Resolution is being presented to the Council concerning the bid proposal on One (1) trash trailer for the Public Works Department. Attorney Nunn further stated Ramer Manufacturing Company was the only responsible bidder, in the amount of \$15,210.00, to be purchased through the lease agreement with Regions Equipment Finance Corporation. A motion was made by Councilman Williamson, and seconded by Councilman Cain, to again reject this bid, in an attempt for Mayor Perkins to negotiate a lower price with Ramer, with the consensus of the Council to move forward, if negotiation can not be made possible. A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight ayes and one abstention. Councilman Leashore abstained.

H. **Resolution - #R180-06/07 Public Works Department - Portable Air Compressor.** Attorney Nunn stated this Resolution is being presented to the Council concerning the bid

proposal on One (1) portable air compressor for the Public Works Department. Attorney Nunn further stated United Rentals was the lowest responsible bidder, in the amount of \$11,491.65, to be purchased through the lease agreement with Regions Equipment Finance Corporation. A motion was made by Councilman Leashore, and seconded by Councilman Randolph, to approve said resolution. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

I. **Resolution - #R181-06/07 Public Works Department - Chipper.** Attorney Nunn stated this Resolution is being presented to the Council concerning the bid proposal on One (1) chipper for the Public Works Department. Attorney Nunn further stated Vermeer Alabama, Incorporated was the only responsible bidder, in the amount of \$26,252.00, to be purchased through the lease agreement with Regions Equipment Finance Corporation. During discussion, a motion was made by Councilman Leashore, and seconded by Councilman Randolph, to approve said resolution, with the understanding that individual Council members can go down to the office of the City Clerk, and review the bid documents, and get the information that they need. A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight ayes and one nay vote. Councilman Williamson cast a nay vote.

J. **Resolution - #R182-06/07 Public Works Department - Bucket Truck.** Attorney Nunn stated this Resolution is being presented to the Council concerning the bid proposal on One (1) bucket truck for the Public Works Department. Attorney Nunn further stated Terex Utilities, Incorporated was the lowest responsible bidder, in the amount of \$74,880.00, to be purchased through the lease agreement with Regions Equipment Finance Corporation. During discussion, a motion was made by Councilman Leashore, and seconded by Councilwoman Martin, to approve said resolution. Councilman Cain made a statement, for the record, that Mr. Henry Hicks did come up and state for the record that hydraulics was part of the specifications for the bid process, and that the most responsible bidder was the highest bidder that the Council is approving tonight. Councilman Williamson made an additional statement for the record, that Mr. Henry Hicks said the other three bids that were lower did not meet the specifications. A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight ayes and one nay vote. Councilman Williamson cast a nay vote.

K. **Resolution - #R183-06/07 Public Works Department - Zero Turn Mowers.** Attorney Nunn stated this Resolution is being presented to the Council concerning the bid proposal on Two (2) zero turn mowers for the Public Works Department. Attorney Nunn further stated Blue Ox Equipment was the lowest responsible bidder, in the amount of \$12,707.78, to be purchased through the lease agreement with Regions Equipment Finance Corporation. A motion was made by Councilwoman Martin, and seconded by Councilman Leashore, to approve said resolution. During discussion, Councilman Williamson stated he would like to ask a question, and asked "Mr. Hicks, tell me that these specs did not specify a Briggs and Stratton Zero Turn Mowers?" Councilman Williamson further stated, "I'm not saying it did, Mr. President, I'm just asking if it did?" Attorney Nunn stated, he couldn't answer . . . "Mr. Hicks, maybe." Councilman Cain asked, "How about Ms. Williams since she signed on it?" President Evans asked Councilman Williamson, "What was your question again Mr. Williamson?" Councilman Williamson answered and stated, "He was just asking if this bid that was sent out to these people specified a Briggs & Stratton Zero Turn Mowers." Councilwoman Crenshaw stated, "That's what these work sessions could help us with, if people would attend." President Evans stated, "I agree with that Ms. Crenshaw, the work sessions would be helpful if everyone came". Mayor Perkins, in response to Councilman Williamson's question, read the specs to the Council. President Evans asked Councilman Williamson if that answered his questions? Councilman Williamson answered and stated, "Yes sir, a yes or no would've answered it". President Evans called for a vote on the motion to approve Resolution #R183-06/07. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

L. **Resolution - #R184-06/07 Public Buildings Department - Roofing at the Vaughan Smitherman Building.** Attorney Nunn stated this Resolution is being presented to the Council concerning the bid proposal to replace the roofing at the Vaughan Smitherman Building. Attorney Nunn further stated Fancher Fabrications Company was the lowest responsible bidder, in the amount of \$19,755.00. A motion was made by Councilwoman Martin, and seconded by Councilman Leashore, to approve said resolution. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

M. **Resolution - #R190-06/07 Attorney Alston Keith - Special Prosecutor.** Attorney Nunn stated this Resolution is being presented to the Council concerning Attorney Alston Keith serving in the capacity as City Prosecutor for the Municipal Court. Attorney Nunn further stated there is a conflict of interest on his behalf, coming from the Municipal Court, in which he may be

CITY ATTORNEY'S REPORT

required to testify as a witness. Attorney Nunn stated Attorney Herbie Brewer, a practicing attorney within the State of Alabama, has agreed to act as Special Prosecutor in lieu of Attorney Keith during the proceedings in which Attorney Alston Keith has a conflict of interest. Attorney Nunn asks Council favorable consideration and approval to appoint and employ Attorney Herbie Brewer to serve as Special Prosecutor during these proceedings, in the form of Resolution #R190-06/07. A motion was made by Councilwoman Martin, and seconded by Councilman Randolph, to approve said resolution. A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight ayes and one abstention. Councilman Leashore abstained.

N. **Resolution - #R188-06/07 Speedbreakers.** Attorney Nunn stated this resolution amends R182-05/06, which the Council voted and approved; instead of the Petitioner coming before the Council, it can be the Petitioner or the Council member can present the petition to the City Council. Attorney Nunn stated the language was changed to reflect this amendment on Page 1, "Step 1" Paragraph, and Page 2, "Step 2" Paragraph. Attorney Nunn stated this Resolution is before the Council if they are in agreement to adopt tonight, in the form of Resolution #R188-06/07. A motion was made by Councilman Cain, and seconded by Councilman Randolph, to approve said resolution. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

O. **Resolution - #R189-06/07 Farmers Market Authority - Conveyance.** Attorney Nunn read Resolution #R189-06/07 in its entirety. Attorney Nunn stated the Farmers Market Authority of the State of Alabama upon the receipt of \$1.00 from the City of Selma will deliver a warranty deed conveying the marketing facility located in Block Park to the City of Selma. Attorney Nunn further stated Dallas County has opted to waive any rights and interests relevant to the property, thereby granting the City of Selma as the sole beneficiary of the conveyance. A motion was made by Councilwoman Martin, and seconded by Councilman Leashore, to approve said resolution. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

P. **Best Education Support Team, et al. v. City of Selma, Alabama, et al.** Attorney Nunn stated to Council they should have before them a *Joint Motion of Parties for Entry of Order Dissolving Accord and Agreement*, and an *Order Dissolving Accord and Agreement* attached, which were both prepared by the law firm of Hobbs and Hain. Attorney Nunn stated to Council if they recall the City of Selma passed a resolution, and the City School Board passed a resolution to dissolve the accord. Attorney Nunn stated the documents have been prepared and will be forwarded to the Judge for his approval and signature. Attorney Nunn further stated once the documents are signed by the Judge, we can proceed with nominating and appointing the School Board Members. President Evans stated, for the record, that he wanted to acknowledge the fact that the Decree has been received by the Council.

Q. **Andrew Walker v. City of Selma, Alabama, et al. - Lawsuit.** Attorney Nunn stated this case was dismissed on behalf of the City of Selma.

R. **Fred Vaughan, et al. v. Miss Emma's Day Care, et al. - Lawsuit.** Attorney Nunn stated to Council they should have before them settlement in the amount of \$6,000.00, to settle the above-referenced litigation. A motion was made by Councilman Leashore, and seconded by Councilwoman Martin, to approve said settlement. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

BUSINESS ITEMS:

I. **DIVERSITY WORKSHOP**

A motion was made by Councilman Williamson, and seconded by Councilman Cain, to thank Mr. Bumbrey for giving his time and knowledge to conduct the Diversity Workshop. The motion carried with a unanimous (show of hands) vote of the Council members present. Councilwoman Venter was absent when the vote was taken.

II. **CITY'S AUDIT**

Following a lengthy discussion, Councilman Cain made a statement that his questions be made a part of the record, that he would like to get answers to: (1) Requesting the Resolutions and Ordinances that increased our budget of \$909,358.00, which is what the draft audit shows; (2) Accounts Payable Aging Report from the Treasurer's Office - September 30, 2006 auditor's report shows accounts payable as \$867,778.00, and he wants to know how did we increase over \$600,000.00 from August to September 30th in our Accounts Payable. President Evans stated, for the record, he wanted the record to stipulate that Councilman Cain put this in writing to Ms.

Cynthia Mitchell, and a copy forwarded to Mayor Perkins. President Evans further stated, for the record, that any questions Council has about the budget as it relates to the audit, to bring them in writing and bring to the next Council's Work Session, and have copies made to be addressed and dealt with at that time. Councilman Leashore asked President Evans if the Council can have a session where they can ask questions about the draft of the audit, and have any concerns that the Council persons have about the budget in that Work Session, so that the budget issue can be put to rest? President Evans stated to Councilman Leashore and the Council that they can make that a part of the record, that again, any questions about the budget to bring to the next Council meeting, to hand out for them to address and deal with. Mayor Perkins then stated he is closing the books on the audit, and ask the Auditors to come back with a final report. President Evans asked Mayor Perkins if he knew when the final report would be ready? Mayor Perkins stated they are waiting on him to close it out. President Evans asked Mayor Perkins once it is closed out and they still have questions what do they do then? Mayor Perkins responded that they could ask him at that time. President Evans then asked would it be appropriate if in fact these questions that they have are submitted to him, prior to that time - he would like to see them put this matter to rest, and move on. President Evans stated to Mayor Perkins that whatever questions that are being asked, to "let's find a way to respond to them, in a way to shut down the dialogue". President Evans further stated they may not be satisfied with the answer, but "here's the answer". Mayor Perkins stated to President Evans that he has given up on trying to satisfy these gentlemen, and he's just being sincere. Mayor Perkins further stated he's not trying to be disrespectful, but it is just so consistent and so disrespectful that he has just given up on trying to satisfy them. Mayor Perkins stated Councilman Williamson has said time and time again, that when he asks for something in writing, that he goes ahead and responds to it. Mayor Perkins further stated, "these little sneak attacks... it's wrong", and he's just not interested in trying to satisfy him now. Mayor Perkins asks, "you understand what I'm saying, and then stated he is going to go ahead and close the audit out because "if I don't then you'll be complaining that we've stretched it along and it cost us more money". Mayor Perkins further stated we will close the audit out, and he will ask the Auditors to come back, and present the final audit, and move forward. Councilman Williamson asked if they could get a copy of the final draft before the Auditors come to make their final audit? President Evans asked Mayor Perkins if he thought it would be feasible to bring a copy of the final draft first, and then allow them to come after they have had a chance to review it? Mayor Perkins responded by stating, "they don't want it to rest, and quite frankly, I don't think they'll understand it when it is explained". President Evans stated, "they will try to work through that".

III. 2007 OIL LEASE APPROPRIATION

A motion was made by Councilwoman Martin, and seconded by Councilman Williamson, that the funds be divided as they have customarily done, equally among Mayor Perkins and the Council, for the purpose of improving our community as requested. An amended motion was made by Councilman Leashore, and seconded by Councilwoman Venter, to use the oil lease money for the sidewalk project. During discussion, Councilman Leashore withdrew his amended motion. **A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight ayes and one nay vote. Councilman Leashore cast a nay vote.** Mayor Perkins made the following statements, for the record: that he had approached the Council on Thursday during the Work Session, about utilizing the oil lease money for the purpose of a comprehensive sidewalk initiative for the City, especially in our commercial districts that are growing on Franklin Street, leading up to Highland Avenue, and Citizens Parkway. Mayor Perkins further stated he wants citizens to know that he is still trying to get sidewalks done in our City.

IV. CHANGE COUNCIL SECRETARY'S TITLE

During discussion, Councilman Leashore stated, for the record, that unless it can be defined and shown where Ms. Diana Johnson's duties have drastically changed there can be no change of her title; if her duties have drastically changed from what she has been doing since she has been a secretary then he will be receptive to entertain a change. President Evans stated this item will be tabled and continued until the next Council meeting.

V. SPEED BREAKERS

President Evans stated, for the record, the request to place speed breakers on Hardie Avenue has been approved by the Council to be done, and needs to move forward with that request.

VI. REGIONS BANK LEASE AGREEMENT

A motion was made by Councilman Cain, and seconded by Councilman Williamson, to authorize President Evans to go to Regions Bank to get all of the loan documents, statements and

agreements, so that the Council will have this information, and bring back to the next Work Session. An amended motion was made by Councilman Leashore, and seconded by Councilwoman Crenshaw, to table this matter for thirty days. A roll call vote was taken and the amended motion failed for lack of a majority vote. There were four ayes and five nay votes. President Evans, Councilwoman Allen, Councilman Cain, Councilwoman Martin, and Councilman Williamson. A roll call vote was taken on the original motion and the motion failed for lack of a majority vote of the Council. There were three ayes and six nay votes. Councilwoman Martin, Councilwoman Allen, Councilman Randolph, Councilman Leashore, Councilwoman Crenshaw, and Councilwoman Venter cast a nay vote.

VII. OCTOBER 2004 APPOINTMENT PROCEDURES

Councilwoman Crenshaw and Councilwoman Martin stated they both have statements as it relates to the October 4, 2004 Meeting, and their request to have the minutes corrected. President Evans stated he would take the statements one at a time. Councilwoman Crenshaw stated she wanted to read openly for the Council her statement to correct the October 4, 2004 Minutes, and stated to Councilwoman Martin that she could go forward and read her statement first. The statement was read by Councilwoman Martin in its entirety to correct the October 4, 2004 Minutes as it relates to Councilwoman Martin's vote for Pro Tem. President Evans stated he wanted to interject here, and state, for the record, that he went downstairs (Clerk's Office) today and listened to the tape three times to see what it said, and it did not say a unanimous vote, and he is just saying that for the record, because he questions the validity of the videotape that was shown at Thursday's Work Session. Councilwoman Venter asked President Evans if he was taking the statements one at a time, and he replied, yes. Councilman Venter stated if he is taking them one at a time then she just moves that they accept the October 4, 2004 corrections, and let it be corrected in the minutes for all; Councilman Leashore, Councilman Crenshaw, and Councilwoman Martin. President Evans ruled the motion out of order because they are different. Councilwoman Crenshaw stated she appeals to the Council. President Evans stated to Council that he again is asking the Council to do them individually, and Councilwoman Venter's motion has been overruled. President Evans stated that Councilwoman Venter's motion, was seconded by Councilman Randolph; therefore, President Evans acknowledged that the "Chair" has been overruled by the Council. Councilwoman Allen asked President Evans if she could make a statement, and requested that her statement be made a part of the record: Due to her ethical and procedural concerns, she decided to review Robert's Rules of Order as it relates to correction of approved minutes. According to the 2nd Edition, Copyright 2001, Page 160, Webster's New World Robert's Rules of Order simplified and applied, and she quotes "Minutes may be corrected whenever an error is found regardless of the time that has elapsed; to correct the minutes after they have been approved, requires a 2/3 vote; nothing is ever erased from the minutes." Councilwoman Allen further stated, "I do feel also that the video has to be validated that was shown to us prior to the vote, and all audio and visual essence of evidence must be clearly identifiable. I feel that waiting 2½ years to change these minutes do create some procedural concerns. The question I raise is why now? I do expect us, though, Mr. President to follow Robert's Rules of Order and require a 2/3rd vote on any changes to the October 4, 2004 approved minutes." Councilwoman Crenshaw asked Attorney Nunn if he would research Robert's Rules of Order and verify what was just stated by Councilwoman Allen, as it relates to the 2/3rd vote and everything, and bring back to the Council, so that they can move forward. Councilman Williamson made a motion, seconded by Councilwoman Allen, to table this item, and allow Attorney Nunn to go forward to research Robert's Rules of Order on the minutes as well as the 2/3rd vote. A roll call vote was taken and the motion failed for lack of a majority vote of the Council. There were three ayes, five nay votes, and one abstention. Councilman Cain, Councilwoman Crenshaw, Councilman Leashore, Councilman Randolph, and Councilwoman Venter cast a nay vote. Councilwoman Martin abstained. Councilwoman Crenshaw stated, for the record, for Attorney Nunn to research and bring back to Council, the 2/3rd vote and everything, and they can move forward. Councilwoman Crenshaw asked if she could say something, and commented "that she just wants to say that she is not worried about this; either way, President Evans has already admitted that her vote was 6-2, and she just wants them to do the right thing for everyone that is involved in this". Councilwoman Crenshaw further stated that is all that she wants; it can be settled right now in a court of law, and "as a matter of fact the person that went on the TV knows what the issue is and "thank you all very much". Councilman Leashore made a statement, for the record, that "when it comes to correcting the minutes that, as a Councilperson, he has the authority to vote on the correcting of the minutes; there's no indication that he's voting for any monies for himself - what is being done is to correct an error that was made in the recording of the minutes and it was very clear that when you (President Evans) called for the unanimous vote on Councilwoman Martin, it was very clear and obvious that Councilwoman Martin did not vote for herself but the implication was there that she did; also, when you declared 7-2 for me, there was no indication, none whatsoever, that I voted for myself". Councilman Leashore further stated, "I think you were so caught up in the moment just because

these two gentlemen over here were "foaming at the mouth vehemently, trying to keep myself and Councilwoman Crenshaw off the Water Board, that you just focused on them not voting, than everybody else voting. Therefore, you, yourself, said the term, 7-2; that doesn't imply or indicate that that was the way the vote was recorded, and this is what we're trying to clear up". President Evans stated, for the record, as he indicated before the tape says that "he did not vote a unanimous vote; the tape also says 7-2". Councilwoman Crenshaw stated "those were errors". President Evans stated whether they are errors or not, they approved those minutes at the next Council meeting, with errors. Councilwoman Crenshaw stated to President Evans that he allowed Councilman Williamson to go on TV, reporting those errors and denouncing them. Councilwoman Crenshaw further stated to President Evans that the Attorney General has information that he sent on them, violating laws and everything. President Evans asked Councilwoman Crenshaw to state that for the record, and he stated, for the record, that Councilwoman Crenshaw stated that someone in the Attorney General's office said that he had called them, and made an accusation against them, because he intends to call them and find out who made that accusation against him, and get that cleared up. Councilwoman Crenshaw further stated, for the record, in response to Councilman Williamson stating to President Evans that he doesn't know why this comes up now—Councilwoman Crenshaw stated the reason why they brought the subject up is because he went on TV and stated what they did, based upon making sure that he had what he needed to support what he wanted. Councilman Leashore also stated, for the record, everybody knows that you (Councilman Williamson) has the media at the "snap of your fingers" - "he's allowed to go on TV and accuse people of things that are not true; Mr. President, you allow this - you don't chastise him—you allow him to disrespect black women up here - you allow him to do everything he wants to do - Mr. President, you need to stop it - allowing Councilman Cain and Councilman Williamson to do this."

ADJOURNMENT

Following discussion of the above, a motion was made by Councilman Leashore, and seconded by Councilwoman Allen, to adjourn, and by unanimous consent of the Council, this meeting adjourned at 10:55 p.m.



GEORGE P. EVANS, *Council President*

ATTEST:

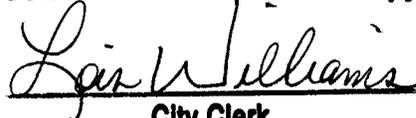
APPROVED:

LOIS WILLIAMS, *City Clerk*

JAMES PERKINS, JR., *Mayor*

THE MINUTES OF APRIL 30, 2007 WERE ADOPTED BY THE SELMA CITY COUNCIL;
HOWEVER, MAYOR JAMES PERKINS, JR. DOES NOT WISH TO SIGN; THUS, NO
SIGNATURE FOR CITY CLERK TO ATTEST.

Certified True and Correct Copy



City Clerk
Lois Williams