

**MINUTES OF THE SELMA CITY COUNCIL MEETING  
HELD ON MONDAY, APRIL 9, 2001**

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, April 9, 2001 at 4:00 p.m with the following members present: President George P. Evans and Council members Glenn Sexton, Rita S. Franklin, Jean T. Martin, Nancy G. Sewell, Samuel Randolph, Benny L. Tucker, Bennie Ruth Crenshaw, and James Durry. Others present were Mayor James Perkins, Jr., City Attorney Jimmy Nunn, City Clerk Jackie Smith, and the Mayor's Administrative Assistant Sherri James. The Reverend Joshua Davis gave the invocation.

After roll call, President Evans declared a quorum present and the meeting was opened for the transaction of business as set forth on the agenda. President Evans asked if there were any additions or corrections to the agenda prepared for this meeting. Councilwoman Crenshaw asked that the agenda be amended to include the Fair Housing resolution. There being no other additions to the agenda, on motion made by Councilwoman Crenshaw and seconded by Councilman Sexton the agenda was approved as printed with the one amendment.

President Evans asked if there were any additions or corrections to the minutes of the regular Council meeting held on Monday, March 26, 2001. There being no additions or corrections to the minutes, on motion made by Councilman Sexton and seconded by Councilwoman Franklin, the minutes were approved as recorded.

**I. CARL C. MORGAN, JR. LIAISON REPORT**

Mr. Carl C. Morgan, Jr. appeared before the Council to present his monthly liaison report which included a report on the incinerator proposal, the Alabama Tombigbee RC&D, and the Cahawba project. Mr. Morgan reported a delegation met with officials in Washington, DC on the incinerator project. Although ADEM has discovered mercury in the burning process, Mr. Morgan is confident that EPA is in agreement with the recommendations of the delegation. Secondly, Mr. Morgan reported an additional \$3,000 for the softball complex was received from the Alabama Tombigbee RC&D group. Lastly, Mr. Morgan reported funds were received from ADECA in the amount of \$6,000 for the Nature Trail at Cahawba. Ribbon cutting ceremonies are scheduled for May 11<sup>th</sup> at 10 o'clock.

**II. TREE COMMISSION FLAG PRESENTATION**

Mr. Hans Poulson, Chairman of the Tree Commission, thanked those officials who have assisted the Tree Commission in accomplishing their goals. The Tree Commission announced the national award naming Selma, Alabama a Tree City USA – 2001. A new Tree City USA flag was presented to Mayor Perkins and the Council. Mr. Poulson's report will be made a part of the official minutes.

**III. MAYOR'S REPORT**

**A. Pedestrian Safety Program.** Mayor Perkins presented a copy of a resolution from the Alabama Department of Transportation whereby the City of Selma will enter into an agreement with AL DOT to install traffic safety signals at each school. The resolution lists the sites and types of signage to be installed at each school, at no costs to the City. Federal funds will pay for eighty percent of the project and the State will pay twenty percent of the project cost. A motion was made by Councilman Sexton and seconded by Councilwoman Martin. The motion passed with a unanimous vote of the Council.

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### **III. MAYOR'S REPORT**

**B. Sales Tax Report.** Mayor Perkins presented the Council with the sales tax report for the seventh month of the fiscal year. The report shows the City collected \$923,145.48 for the month of April 2001 as compared to \$1,045,830.41 for the month of April 2000. The difference represents a decrease of \$122,684.93 for the month or 11.73 percent. The year-to-date collections represent a net decrease of \$59,995.04 or 3.58 percent.

**C. Sixth Month Financial Report.** Mayor Perkins presented the Council with a sixth month financial report, which shows the City is operating \$162,056.81 over budget. Attached to the report was a printout listing the different agencies for which expenditures are expensed through the Police Department and reimbursed to the City on a monthly basis. The total reimbursements for the month of March are \$267,072.14. Mayor Perkins explained that once the reimbursements are factored into the budget totals the City is actually operating approximately \$105,015.83 under budget.

### **IV. CITY ATTORNEY'S REPORT**

**A. Approval of Contract for Renovations to City Clerk and Finance Office.** Attorney Nunn informed the Council that a contract is in the process of being prepared for the construction renovations to the City Clerk and Finance Offices. Clyde's Handy Service has proposed to perform the renovations for approximately \$6,100. A motion was made by Councilwoman Martin and seconded by Councilwoman Crenshaw to proceed with the renovations pending a contract being prepared and presented for final approval. On roll call vote the motion passed with a unanimous vote of the Council.

### **V. PAY INCREASE PROPOSAL FOR GENERAL SERVICES & POLICE DEPARTMENTS**

Councilwoman Franklin informed the Council that the Public Safety Committee met last week and discussed the implementation of pay increases for twelve employees of the Selma Police Department who has been promoted since the initial pay plan was implemented in 1998. President Evans stated he was concerned about awarding an increase before reviewing a comprehensive pay plan for all departments. Councilwoman Sewell stated she felt the employees are not receiving the pay increases because of a misunderstanding and the pay increases should be granted and also to include all subsequent promotions. A motion was made by Councilwoman Sewell to amend the Police Department pay plan to include pay increases for the nine sergeants and three lieutenants who were promoted since the plan was implemented and to include all subsequent promotions. Councilman Sexton seconded the motion and on roll call vote the motion died for the lack of a majority vote. There were four affirmative votes, four negative votes and one abstention. Council members Sewell, Tucker, Franklin, and Sexton voted in favor of the motion. Council members Martin, Randolph, Crenshaw, and Evans voted against the motion. Councilman Durry abstained on the vote.

A motion was then made by Councilman Sexton to amend the general fund budget and provide a two percent pay increase, as called for in the pay plan that was implemented for the General Services Department last year. The increase would require a budget amendment of \$9,000 for the remainder of this fiscal year. Councilwoman Franklin seconded the motion and on roll call vote the motion died for the lack of a majority vote. There were four affirmative votes, four negative votes and one abstention. Council members Sexton, Sewell, Tucker and Franklin voted in favor of the motion. Council members Martin, Randolph, Crenshaw, and Evans voted against the motion. Councilman Durry abstained on the vote.

### **VI. COMMITTEE ON CITIZEN REQUESTS REPORT**

Councilwoman Sewell, Chairperson of the Committee on Citizens Requests, informed the Council that the Committee met briefly and will defer a report until the next Council meeting scheduled for April 23, 2001.

## **VII. SEXUAL ASSAULT AWARENESS MONTH PROCLAMATION**

Councilwoman Sewell recognized Mrs. Joann Boline, a representative of the SABRA Sanctuary, the Selma center for abused women and children. Councilwoman Sewell stated the month of April is being recognized as Sexual Assault Awareness Month and read a proclamation from Mayor Perkins and the Selma City Council in full support thereof. A motion was made by Councilwoman Sewell and seconded by Councilman Durry proclaiming the month of April as Sexual Assault Awareness Month in the City of Selma. The motion received the unanimous vote of the Council.

## **VIII. COUNCIL RESOLUTIONS**

**A. Resolution for the employment of outside legal counsel.** Councilwoman Franklin distributed copies of a resolution resolving the City Council retains the law firms of Pitts & Pitts and John W. Kelly, III to advise the Council members of their duties, responsibilities and obligations relative to the use of discretionary funds. The said independent counsel shall be employed by the City Council at an hourly rate of \$125, per firm plus reimbursed for any out of pocket expenditures. President Evans stated he is in total disagreement with the resolution because he felt the matter should have been brought up at a work session for discussion. After a brief discussion, a motion was made by Councilwoman Franklin and seconded by Councilman Sexton to adopt the resolution for employment of outside legal counsel. On roll call vote the resolution was adopted by a majority vote of the Council. There were five affirmative votes, three negative votes and one abstention. Council members Franklin, Sexton, Martin, Tucker, and Sewell cast the affirmative votes. Council members Crenshaw, Evans, and Randolph cast the negative votes. Councilman Durry abstained on the vote.

**B. Resolution for the release of bond funds/oil lease funds.** Councilwoman Franklin distributed copies of a resolution resolving the City Council instruct the City Clerk to issue all checks for any bond funds and for any oil lease distribution monies which are presently being withheld by the City of Selma. President Evans and several Council members voiced their dissatisfaction at the manner in which these resolutions were being handled without prior discussion. A motion was made by Councilwoman Franklin and seconded by Councilman Sexton to adopt the resolution as presented. On roll call vote the motion died for the lack of a majority vote. There were four affirmative votes, four negative votes, and one abstention. Council members Franklin, Sexton, Tucker and Sewell cast the affirmative votes. Council members, Crenshaw, Martin, Evans and Randolph cast the negative votes. Councilman Durry abstained on the vote.

**C. Fair Housing Resolution.** Councilwoman Crenshaw stated that she has been in constant contact with officials from HUD to attempt to rectify the housing problem in Selma. Councilwoman Crenshaw informed the Council that April has been proclaimed as Fair Housing Month. Councilwoman Crenshaw presented a resolution resolving the Mayor and Council proclaims April as Fair Housing Month and is in full support of the mission of HUD to ensure fair housing for all citizens. On motion made by Councilwoman Crenshaw and seconded by Councilwoman Martin, the Council voted by a majority vote to adopt the resolution as presented. Councilman Tucker was absent from the Chambers during this vote and the other eight present voted in favor of the motion.

## **IX. ALABAMA LEAGUE OF MUNICIPALITIES VOTING DELEGATES**

President Evans informed the Council that a voting delegate authorization form naming the voting delegates for the Alabama League of Municipalities convention to be held in Montgomery, Alabama in May 2001 must be returned to the League no later than May 4<sup>th</sup>. Mayor Perkins asked that his name be removed from consideration. Councilwoman Franklin nominated George Evans as the voting delegate and Nancy G. Sewell and Jean T. Martin as the alternate voting delegates. On motion made by Councilwoman Franklin and seconded by Councilman Durry, the Council voted by a majority vote to submit the voting delegate authorization form listing George Evans, Nancy G. Sewell, and Jean T. Martin. Councilman Tucker was absent from the Chambers on this vote and the other eight present voted in favor of the motion.

**X. STANDING COMMITTEE REPORTS**

**RECREATIONN COMMITTEE REPORT**

Councilman Durry distributed Council members passes from Recreation Director Elton Reece for entrance to the baseball/softball complex for the 2001 season.

**ADMINISTRATIVE COMMITTEE REPORT**

There was no report from the Administrative Committee.

**PUBLIC SAFETY COMMITTEE REPORT**

**A. Fire Department Grant.** Councilwoman Franklin informed the Council that the Emergency Management Association is assisting the Selma Fire Department in the preparation of a grant application for approximately \$600,000 for the purchase of equipment.

**B. Assistant Fire Chief Retirement.** Councilwoman Franklin informed the Council that Assistant Fire Chief David Barlow would be retiring from fire service with thirty-five years. Councilwoman Franklin stated the position is a Council appointment and job advertisements will be ran for the position. Mayor Perkins questioned whose authority it is to appoint an individual for this position. Attorney Nunn was asked to research the matter and present his findings, in writing, before the April 23<sup>rd</sup> Council meeting.

**C. Police Athletic League.** Councilwoman Franklin asked Council members to support the request for discretionary funds from Detective Shayne Perry to help defray the expenses associated with launching the Police Athletic League. The grand opening for the PAL headquarters located in the Wilkinson Gymnasium is tomorrow at 12 noon.

**COMMUNITY DEVELOPMENT COMMITTEE REPORT**

The Community Development Committee report was informational only.

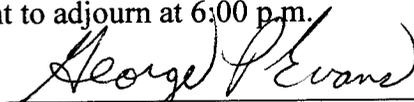
**PUBLIC WORKS/GENERAL SERVICES COMMITTEE REPORT**

The Public Works/General Services Committee report was informational only.

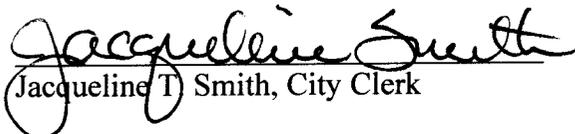
**XI. DOROTHY HAWKINS – HELPING HANDS BIBLE MINISTRY**

Mrs. Dorothy Hawkins stated she was present before the Council to request funds for the Senior Care Assistant Program that assists senior citizens fifty-five years and older. Assistant for food is being provided to approximately one hundred fifty senior citizens. The program does not have a source of revenue and Mrs. Hawkins is asking for public assistance to continue. The Senior Care Assistant is a 501c3 organization and is totally separate from the church. President Evans turned this matter over to the Citizens Request Committee.

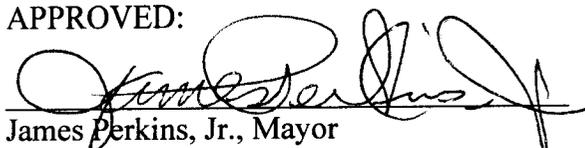
There being no further business to come before the Council, on motion made and duly seconded, the Council voted by a unanimous consent to adjourn at 6:00 p.m.

  
George P. Evans, President

ATTEST:

  
Jacqueline T. Smith, City Clerk

APPROVED:

  
James Perkins, Jr., Mayor

## RESOLUTION

THAT, WHEREAS, the City Council of the City of Selma has concerns over the operation of City Government and concerns over actions which have been taken by Mayor James Perkins, Jr.; and,

WHEREAS, Mayor James Perkins, Jr. has questioned the use of discretionary funds by individual Council Members, former Mayor Joe Smitherman, former Council President Carl C. Morgan, Jr. and former Council Members, wherein said funds were used for the betterment of the City of Selma, including but not limited to charitable contributions to civic, educational, historical preservation, church affiliated groups; and,

WHEREAS, the City Council has determined that there is a need for the Council to employ independent attorneys to represent their interests and to advise the City Council of their duties, responsibilities and obligations under the laws and statutes of the State of Alabama; and,

WHEREAS, the City Council is of the opinion that the City Attorney, Jimmie Nunn, is so closely aligned to Mayor James Perkins, Jr. that he is unable to render to the City Council legal advice which may or may not conflict with the policies and procedures sought to be implemented by Mayor James Perkins, Jr.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELMA AS FOLLOWS:

1. That the law firms of Pitts & Pitts and John W. Kelly, III, shall be retained as independent counsel to advise the council members of their duties, responsibilities and obligations which they are required to fulfill under the laws and statutes of the State of Alabama.
2. That said independent counsel shall be employed by the City Council at an hourly rate of \$125, per firm and shall also be reimbursed for any out of pocket expenses incurred by said

firms in representing said interest of the City Council. Said attorneys shall submit to the Council an itemized statement of all work performed on behalf of the Council.

ADOPTED AND APPROVED by the City Council of the City of Selma, Alabama on this the 9<sup>th</sup> day of April 2001.

\_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED:

\_\_\_\_\_  
Mayor

\* Mayor Perkins  
Council President Mr. Evans  
member of the City Council  
Citizens of Selma

\* ~~It is indeed a privilege to appear before you.~~

My Name is Hans Paulsen - Chairman of the "Selma Tree Commission"  
Other members of the Tree Commission are:

1. Mrs. Lallie Jackson

2. Mr. James Perkins, Sr.

3. Mr. Bill Seltzer

4. Mr. Ken Durand = a registered Certified Forester with ~~40~~<sup>50</sup> yrs experience

5. Mr. Charlie Himes = a ~~long time registered Horticulturist~~  
landscape architect 20 years

All of our members have given dedicated service to the City of Selma for 4 yrs. OR MORE

\* The success of our efforts would not be possible without the help and

cooperation of the following people -

1. Mrs. Sennie Ruth Crumshaw - administrative committee CHAIRWOMAN.

2. Mrs. Rita Franklin - our liaison with city government,

3. Mrs. Jean Trotter - a loyal supporter

4. Mr. James Surrey - Thank you for the recent interest you  
have shown in our organization.

5. And Mrs. Nancy Lowell for her tree planting program  
at Selma High School.

6. Also Mrs. Pattie Sexton for her continued efforts to develop,  
improve and beautify downtown Selma.

\* Other people worthy of recognition are:

1. Mr. Tommy Smith and the Public Works Department for trimming  
and maintaining our trees.

2. Mr. Sam Bainer and the Cemetery Department for planting our trees,

3. Fire Chief Henry Allen and his personnel for keeping our newly  
planted trees irrigated during the extreme summer drought ~~in~~  
the year 2000.

4. Mr. J. J. Boyd and the Ala. Power Co. for sparing the integrity  
of our trees when possible.

5. And Mr. Tom Long and the Ala. Forestry Commission for their  
contributions to our school arbor day programs.

\* Will the Tree Commission members present please come forward.

At this time it is with great pleasure that we as members of

the Selma Tree Commission announce that we have again

received the prestigious National Award for having been named

a Tree City U.S.A. And would like to honor the citizens of

Selma by the presentation of this flag to the City Council

Naming Selma, Ala. a Tree City U.S.A. 2001

COPY

THIS FORM MUST BE RETURNED TO THE ALABAMA LEAGUE OF MUNICIPALITIES NOT LATER THAN MAY 4, 2001, IN ORDER FOR THE MUNICIPALITY NAMED BELOW TO BE ELIGIBLE TO HAVE ITS DESIGNEE CAST A VOTE AT THE OFFICIAL BUSINESS SESSION OF THE LEAGUE ON TUESDAY, MAY 22, 2001, at 3:00 P.M. AT THE MONTGOMERY CIVIC CENTER.

**VOTING DELEGATE AUTHORIZATION FORM**

The following person(s)\* is authorized to cast the municipality's vote at the business session of the annual convention of the Alabama League of Municipalities on May 22, 2001:

GEORGE P. EVANS  
Voting Delegate

NANCY G. SEWELL  
1st Alternate Voting Delegate  
(to vote only in absence of Voting Delegate)

JEAN T. MARTIN  
2nd Alternate Voting Delegate  
(to vote only in absence of 1st Alternate Voting Delegate)

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**\* THE LEAGUE CONSTITUTION REQUIRES THAT  
VOTING DELEGATES AND ALTERNATES BE ELECTED  
MUNICIPAL OFFICIALS**

\*\*\*\*\*

Signed by George P. Evans

Title CITY COUNCIL PRESIDENT

City/Town SELMA

Date 4/25/01