

**MINUTES OF THE SPECIAL CALLED  
SELMA CITY COUNCIL MEETING  
HELD ON MONDAY, NOVEMBER 18, 2002**

The Selma City Council met in a special session in the Council Chambers of City Hall on Monday, November 18, 2002 at 5:00 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 Lee Goodwin 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.

**I. COUNCILMAN GLENN SEXTON**

**A. Selma Water Works & Sewer Board.** Councilman Glenn Sexton distributed copies of a memorandum that was written in response to a handout distributed at the November 12<sup>th</sup> Council meeting by the Rev. Lee Goodwin. The memo rebutted eight issues raised by Mr. Goodwin including the following: a) the Ethics Commission found Mr. Hicks, Mr. Melton and Councilman Sexton had violated the Ethics law, b) the Selma Water Works hired a consultant and did not inform the public, c) the Water Board raised water rates without any notice to the public, d) the Board gave an employee a \$10,000 raise when the Selma Water Board was experiencing a cash flow shortage, e) the Board paid an individual \$35,000 for no services rendered, f) reference to the fees received by the Directors as over payments, g) the Selma Water Board is being investigated by the EEOC and h) the Board spent an excessive amount of \$250,000 to repaint a water tower. Councilman Sexton also distributed copies of newspaper articles, Board minutes and other documents to support his rebuttal and claim of false allegations made by the Rev. Lee Goodwin.

**B. Ethics Commission Advisory Opinion.** Councilman Glenn Sexton distributed copies of a letter from the State of Alabama Ethics Commission regarding Advisory Opinion Number 2001-09. Councilman Sexton stated the letter is in response to the Mayor's desire to have the money he receives from speaking engagements ran through his wife's business. Councilman Sexton suggested the Council receive a list of all speaking engagements, the place of the engagement and the amount of money the Mayor received.

**C. Water Board Directors Term of Office.** Councilman Glenn Sexton distributed copies of a letter from the law firm Sasser, Littleton and Stidham, P. C. regarding the terms of office for directors of the Selma Water Works and Sewer Board. The letter states this law firm was requested to research and render an opinion regarding the terms of office of the Directors of the Selma Water Board. According to the letter, pursuant to the Alabama Supreme Court's decision in Gilbert v. Welch, the term of Mr. Glenn Sexton is due to expire October 2008 or sooner if his tenure on the Selma City Council expires first. Further, the letter states that based on this same precedent, a court should conclude that Mr. B. L. Tucker and Mr. Samuel Randolph terms of office are due to expire in October 2006.

**II. CITY ATTORNEY'S REPORT**

**A. Water Board Directors Term of Office.** Attorney Nunn stated he has not had the opportunity to review the information presented by Councilman Sexton from the law firm of Sasser, Littleton and Stidham, but his research of the Council minutes reveal that Mr. Hicks was appointed in 1996 and reappointed in 1999. Attorney Nunn said state law dictates his 1996 appointment should not expire until 2002 and the 1999 appointment was done prematurely. Attorney Nunn stated he has consulted with both the Alabama League of Municipalities and the Attorney General's Office and urged the Council to follow the law as stated above and referenced by these two entities.

## II. CITY ATTORNEY'S REPORT

### A. Water Board Directors Term of Office.

A brief discussion followed whereby Council members Evans and Sewell requested copies of the documents referenced by Attorney Nunn be made available to Council members for a more in depth review. President Evans asked that action on this matter be delayed until Council members had the opportunity to gain more clarity on this matter.

## III. MAYOR'S REPORT

A. Salary of Selma Water Board of Directors. Mayor Perkins stated it was his recommendation, in an Executive Session, that the Council set the salary of the Water Board Directors based on state code which sets the salary of members at \$100 per month and the salary of the chairman at \$125 per month. The Mayor further stated that even though the Council approved an amendment to increase the salaries to \$350 per month, he was again recommending the salaries be reverted back to what state code allows. A brief discussion followed whereby President Evans stated the Council needed more clarity on this situation and asked for a delay on this matter.

B. Ethics Commission Advisory Opinion. Mayor Perkins stated for the record, that when he was first elected Mayor of this city numerous requests for speeches was made of him and he requested the Ethics Commission Opinion to make sure what he was doing was legal. The Mayor further stated that no monies have come to him personally and that monies are donated to state educational institutions throughout the State of Alabama. Mayor Perkins stated it was not until he requested an independent audit prior to assuming responsibility as Superintendent of the Water Works that he began to be falsely accused. The Mayor stated he was disappointed that the Council has refused to take any action against the Water Board even when inappropriate findings has surfaced.

A lengthy discussion followed and it was the consensus of the Council to delay taking any action relating to the Water Board until Attorney Nunn's research was complete.

## IV. ORDINANCE – RENTAL TAX FEE

Attorney Nunn stated previous discussions were held regarding an increase in the rental tax fee. Attorney Nunn further stated the ordinance is unchanged except for the fact that the rental tax fee would increase to four percent on items except automobile rentals and was placed on first reading at the last Council meeting. A motion was made by Councilwoman Franklin and seconded by Councilwoman Martin to adopt the ordinance as presented. A roll call vote was taken and the motion passed with a majority vote of the Council. There were seven affirmative votes and two negative votes. Councilmen Sexton and Tucker cast the negative votes.

## V. ORDINANCE – GARBAGE FEE

Attorney Nunn stated previous discussions were held regarding an increase in the garbage collection fee. The ordinance is unchanged except for the fact that the garbage fee would increase to eleven dollars per month and was placed on first reading at the last Council meeting. A brief discussion followed. Councilwoman Franklin suggested the increase be phased in over a three-year period. Councilman Durry recommended a salary cap for exemptions. A motion was made by Councilwoman Crenshaw and seconded by Councilwoman Martin to adopt the ordinance as presented. A roll call vote was taken and the motion failed for the lack of a majority vote. There were four affirmative votes and five negative votes. Council members Sexton, Franklin, Durry, Evans and Tucker cast the negative votes. President Evans asked the Garbage Fee Committee to review the questions that arose during the discussion and stated this matter will be revisited at a future date.

**VI. ORDINANCE – INERT LANDFILL FEE INCREASE**

Attorney Nunn stated previous discussions were held regarding an increase in inert landfill fees and the ordinance was placed on first reading. Attorney Nunn read a list of the fee increases. A motion was made by Councilwoman Sewell and seconded by Councilwoman Martin to adopt the ordinance as presented. A roll call vote was taken and the motion passed with a majority vote of the Council. There were seven affirmative votes and one negative vote. Councilmen Sexton cast the negative vote. Councilman Tucker did not vote because he had left the Council Chamber.

**VII. SALARY INCREASE FOR EMPLOYEES WITH COLLEGE DEGREE**

President Evans stated Personnel Director Val Jones had provided Council with detailed information at the last Council meeting on those employees with college degrees. Mr. Evans stated the current rules and regulations whereby an employee is compensated for his or her college applies only to Public Safety employees and the entire ordinance would have to be rewritten to change the policy. President Evans suggested this matter be tabled.

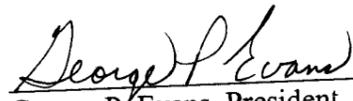
**VIII. 2002-2003 FISCAL BUDGET**

Councilwoman Crenshaw asked what problems Council members had with adopting the budget as presented. President Evans stated several Council members had approached him and stated they needed more detailed financial information. Mr. Evans stated he would present the request in the form of a letter to the Mayor. Mayor Perkins stated he has never been asked for any more detailed financial information and he strongly opposes placing reserve fund balances in the budget.

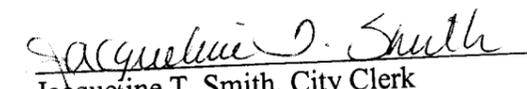
**IX. FINANCE DIRECTOR**

Attorney Nunn distributed copies of a letter received from Attorney Randy B. Blake regarding the employment status of Mr. Bob Sanders as Finance Director of the City of Selma. Councilwoman Franklin stated the letter from Attorney Blake is incorrect in stating Mr. Sanders was reappointed to his position at the Council meeting held during the second week in October. President Evans stated city officials were attempting to resolve this matter in favor of Mr. Sanders, but since he has acquired an attorney his status as Finance Director must be resolved quickly. Mr. Evans asked Attorney Nunn to provide a legal opinion on this matter.

There being no other business to come before the Council, on motion made Councilwoman Franklin and seconded by Councilwoman Sewell, the Council voted by unanimous consent to adjourn at 6:55 p.m.

  
George P. Evans, President

ATTEST:

  
Jacqueline T. Smith, City Clerk

APPROVED:

  
James Perkins, Jr., Mayor