

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

Call to Order

Invocation: Brother Thomas McLemore, Pastor
Houston Park Church of Christ

Moment of Silence

Pledge of Allegiance

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, July 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, Reid Cain, Jean Martin, Geraldine Allen, Samuel Randolph and Johnnie M. Leashore. Others present were City Clerk Lois Williams, City Attorney Jimmy Nunn, Accounting Supervisor Irma Roberts and the Mayor's Executive Assistant Darlene Rudolph. President Evans stated that Councilwoman Crenshaw and Councilwoman Venter are out of town on a trip with the youth to Washington, DC.

APPROVAL OF AGENDA

President Evans asked for the approval of the agenda items. Per request of Councilman Randolph, a motion was made by Councilman Cain and seconded by Councilman Randolph to suspend the rules to add speed breakers to the agenda; Councilman Randolph stated that he would like to know what the policy is to replace existing speed breakers. **A roll call vote was taken and the motion failed for lack of a unanimous vote of the Council members present. Councilman Leashore cast a nay vote.** President Evans stated that it would take a unanimous approval for an item to be added once the agenda is written and therefore this item would have to be carried over until the next meeting. President Evans then asked for the approval of the agenda items as written. A motion was made by Councilman Leashore and seconded by Councilman Randolph to approve the agenda items as written. **The motion was carried with a unanimous (show of hands) vote of the Council members present.**

APPROVAL OF MINUTES

After approval of the agenda, President Evans also asked for a motion to approve the minutes of the June 23, 2008 Regular meeting. A motion was made by Councilman Leashore and seconded by Councilwoman Martin to approve the minutes of June 23, 2008 as written. **The motion carried with a unanimous (show of hands) vote of the Council members present.**

CITIZENS' REQUESTS

Ms. Barbara Douglas
Re: Community Garden Coalition

Ms. Sherrette Spicer
Re: Items Tabled by Council

Reverend Coley Chestnut
Re: Back-to-School Fest (All Day Event - August 2, 2008 at Memorial Stadium)

Reverend Carl Toodle
Re: August Municipal Election

MAYOR'S REPORT

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

A. **Good Samaritan Operations Report - October 2007 thru September 2008.** Mrs. Rudolph addressed the Council stating that the Council has been given a copy of the operations report for the Good Samaritan Hospital for October 2007 through September 2008, and asked that if there are any questions to please place them in writing to the Mayor's Office.

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A. **Resolution #R213-07/08 - AS400 Upgrade for the Selma Police Department.** Attorney Nunn stated that he would like to ask Mr. Bruce Williams, IT Director, and Police Chief William Riley to come forward to address the Council. Mr. Williams stated that this resolution is for the software upgrade on the AS400 IBM platform to windows based. He stated that in previous Council sessions the requirements have been reviewed and expenditures have been approved, and now he is asking the Council to approve the amount \$250,000.00, and to give Mayor Perkins the authority to execute the contract. Following discussion, a motion was made by Councilman Randolph and seconded by Councilman Leashore to place the said resolution on first reading, for action at the next meeting. **The motion carried with a unanimous (show of hands) vote of the Council members present.**

B. **Resolution #R210-07/08 - Selma Police Department Vehicles.** Attorney Nunn stated that this item deals with the bids on the vehicles for the Police Department, and the tabulation sheets have been attached as per discussion at Thursday evening work session. A motion was made by Councilman Leashore and seconded by Councilman Randolph to approve the said resolution in the amount of \$32,500.00 to be paid from account number 1.6107.146.8. **A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.**

C. **Resolution #R209-07/08 - Salary Increase for Assistant Police Chief and Captains.** President Evans stated that the Council should recall discussion on this item from Thursday with some language change. Attorney Nunn stated that, as per discussion, the language in the said resolution has been changed to reflect that "it is the intent of the Selma City Council", which he read to the Council. During discussion, a motion was made Councilman Cain and seconded Councilwoman Martin to approve the said resolution. **A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.**

D. **Complaint from Mr. Ronald Peoples.** Attorney Nunn stated that if the Council recalls, per discussion on Thursday, a report from Chief Riley was requested on this item, and he asked Chief Riley to address the Council. Attorney Nunn stated that this was discussed in the work session, however, Chief Riley was asked to discuss again, for the record. Chief Riley addressed the Council stating that "in reference to the complaint or allegation by Mr. Peoples that either organization denied him the right to make a report is absolutely not correct." Chief Riley stated that the day the report was made the "civilian young lady" taking the report recognized that it was a sensitive issue, and rightly so, she then contacted one of the police lieutenants, who intervened and listened to the complaint and based on his knowledge, skills and police experience, he felt that the report should be made in a particular way, at which point Mr. Peoples was not happy with that outcome, but he was still told that he could make the report and include everything in his narrative which occurred. Chief Riley stated that he also met with Mr. Peoples and he also came to the same conclusion that the incident did not arrive to the particular level that he indicated, and he was again advised to include everything that alleged occurred and it would be up to the Magistrate, if they chose to issue a warrant, but based on his experience it did not rise to the level that he thought it did, and he made a call back to the police department and advised the records clerk that Mr. Peoples would be in route back to finish the report, but he never came back and no one denied him the right to make a report. Chief Riley further stated that he wants everyone to understand that it is through our training, knowledge, skills and ability that they listen to complaint, make a judgment as to where that complaint falls under, whether it is a misdemeanor, 1st, 2nd, 3rd degree, or whether it is a felony or so forth, and that what they do, however, it is up to the Magistrate to determine from what they hear as to whether they issue a warrant of whatever type they feel is necessary, and that is out of our preview, but they do not deny anyone the right to make a report.

E. **Walmart Contract.** Attorney Nunn stated that the Council should already have a copy of this contract and during the last Council meeting; this item was placed on first reading for approval of the Council tonight. Attorney Nunn stated that previously this item was discussed in a Thursday work session, however, he could not provide the information due to he did not receive the information from Walmart security until Friday, at which time it was presented to the Council on Monday and placed on first reading. Attorney Nunn stated that on Tuesday he received a call from Walmart as it relates to the security contract advising the City that the prior year contract had terminated and they would like to continue the contract through the Fourth of July. During discussion, President Evans stated that after he and Attorney Nunn and the Mayor discussed that this issue was urgent, based on the fact that there were officers involved with this contract, he polled the Council and he; acting as Council representative, approved the matter to ratify and affirm at tonight's meeting, based on the contract being approved and signed by the Mayor. Attorney Nunn further discussed that additional language was included in the contract to take into account if there are raises in 2008-2009 budget that the contractual relationship would reflect the same between Walmart and the City of Selma. A motion was made by Councilman Leashore and seconded by Councilwoman Martin to ratify and affirm the said contract. **The motion carried with a unanimous (show of hands) vote of the Council members present.**

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F. **Memorandum of Understanding - Dallas County/City of Selma.** Attorney Nunn stated that he would like to ask Mr. Victor Inge, of Planning and Development, to address the Council at this time as it relates to the development of the Riverfront project. Attorney Nunn further stated that Ms. Charlotte Griffeth, Planning and Development Director, also explained this item in detail at the work session on Thursday. Mr. Inge addressed the Council stating that he encourages the Council to take a look at this and understand that this is simply a memorandum of understanding stating that Dallas County understands that the City of Selma is developing the Riverfront and they are on one accord and after meeting with the Probate Judge, he indicated that they are in agreement. A motion was made by Councilman Cain and seconded by Councilwoman Martin to approve the said memorandum of understanding. **The motion carried with a unanimous (show of hands) vote of the Council members present.**

G. **Pilcher Contract - Property located on Water Avenue.** Attorney Nunn stated that the Council has been given a copy of the contract for property located on Water Avenue. Following a brief discussion, a motion was made by Councilman Leashore and seconded by Councilwoman Martin to approve the said contract for the acquisition of the land. **A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.**

H. **Ordinance #O112-07/08 Absentee Election Manager Pay.** Attorney Nunn stated that the Council should recall that during the last City Council meeting this item was discussed in full detail as it relates to the Absentee Election Manager. Attorney Nunn stated that the new law dictates that the City Clerk, who serves as the Absentee Manager, be compensated for at least 36 days prior to the general election including the day of the election for services rendered as it relates to the Absentee Ballots. Attorney Nunn stated that at the last meeting the amount was left blank and per the request of the Council \$50.00 was placed in the ordinance and asks Council approval of the same. A motion was made by Councilman Leashore and seconded by Councilman Randolph to approve the said ordinance. During discussion, Councilman Randolph stated to Attorney Nunn that at the last Council meeting he asked a question that since the City Clerk served as the Absentee Manager for the Bond election, and the law was already in effect, can the Council back pay her? Attorney Nunn stated that she performed the services, the state law was in tact then, which was enacted prior to the last election, so it would be up to the City Council as a governing body. Councilman Randolph stated that he would like to ask the Council that after this motion that the Council come back with another motion to do so. President Evans stated that he thinks this is an item that would have to be considered at the next meeting's agenda because it does not pertain to this particular item. Councilman Randolph concurred. **A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.**

I. **Invoice - Dallas County Commission.** Attorney Nunn stated that the Council has been given a copy of an invoice from the Dallas County Commission in the amount of \$250.00 and attached to the invoice is a copy of our minutes dated January 12, 2004; labeled City siren repairs. President Evans stated that there was discussion on Thursday regarding this item, that the City would maintain, not just two of them, but all of them. During discussion, a motion was made by Councilman Cain and seconded by Councilman Randolph to approve the said invoice to be paid from Oil Lease Funds. **A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.**

J. **Resolution - #R212-07/08 Increase Travel Mileage Rate.** Attorney Nunn stated that this is a resolution to increase mileage rates regarding usage of privately owned vehicles during travel for the purpose of official business on behalf of the City of Selma. Attorney Nunn stated that our current rate is set at 37.5 cents per mile that was done in 2004, and whereas the State of Alabama along with the Department of Revenue have approved an increase in the mileage at 58.5 cents and due to the dramatic increase in the price of gasoline, they have increased the amount and we are asking the same increase up to 58.5 cents per mile to be effective October 1, 2008. Following discussion, a motion was made by Councilman Leashore and seconded by Councilwoman Martin to approve this increase effective as of October 1, 2008. Councilman Leashore stated that to his understanding there are some staff members who are given a certain amount each month, case in point, whatever that amount is; it should be adjusted to be inline with the high cost of oil and gasoline. **A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.**

K. **Alcoholic Beverage License - CVS Pharmacy, LLC.** Attorney Nunn stated that the Council should have a copy of an alcoholic beverage license for retail beer off premise only for CVS Pharmacy, LLC, which is a transfer. A motion was made by Councilwoman Martin and seconded by Councilman Leashore to approve the said alcoholic beverage license. **A roll call vote was taken and the motion passed with a majority vote of the Council members present.** Following a brief discussion, President Evans stated that it brought to his attention by Ms. Johnson that this license is not on first reading, and a motion was made by Councilwoman Martin and seconded by Councilman Randolph to rescind the original motion. **The motion carried with a unanimous (show of hands) vote of the Council members present.** A motion was then made by Councilman Leashore and seconded by Councilwoman

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Martin to approve placing the said alcoholic beverage on first reading until the next Council meeting. The motion carried with a unanimous vote of the Council members present.

L. **Contract - State of Alabama Transportation Agreement.** Attorney Nunn stated that the Council has been given a copy of the State of Alabama contract agreement for the installation and maintenance of traffic control signals and/or street lighting on State Highways within the City of Selma. Attorney Nunn stated that this information was provided to the Council at Thursday's work session. Attorney Nunn further stated that because they are not certain what type of repairs would be needed, they would submit costs as they proceed with any repairs. A motion was made by Councilman Cain and seconded by Councilman Randolph to approve the said contract to repair the traffic signals on State highways within the City. A roll call vote was taken and the motion passed with a unanimous vote of the Council members present.

M. **Ethics Commission Opinion.** Attorney Nunn stated as per request by the City Council during the last meeting, there were two requests made by the Council to seek an opinion from the Ethics Commission and from the Attorney Generals Office as it relates to the appointment of Election Manager for Municipal Elections of the City of Selma. Attorney Nunn stated that the Council has been given a copy of a letter from the Ethics Commission stating to the City of Selma addressed to the City Attorney, "I have received your request for an advisory opinion, please be advised that the Ethics Commission has no jurisdiction over Titles 11 or 17; 11 dealings with municipalities and 17 dealing with the elections. You will need to address your inquiry to the Attorney Generals Office. Attorney Nunn stated that as the Council is aware, the same was forwarded to the Attorney Generals Office the day following the Council meeting; however, there has not been a response as of yet. President Evans stated that this is a matter that would need to be continued and maybe we will have an opinion by the next meeting and not take any action at this time. The Council concurred. President Evans referred to the Absentee Ballot Box, which had been brought into the Council Chambers, asking if this is the box to be used for absentee, stating as of the 22nd of this month, absentee ballots will be eligible for receipt. Attorney Nunn asked if Ms. Williams would make her report in this item at this time. Following further discussion, the Alabama Codes 11-46-36 and 11-46-37 were read to the Council by Attorney Nunn, and President Evans stated that the Council asked for an opinion in terms of making a decision, we have not received that opinion; the concern, if he is not mistaken, if so, please correct him; is dealing with "voting day," so "why can't we go on with Ms. Williams doing the work that she is doing and get this resolution done from the attorney, and whenever it comes then we will make a decision, but what should stop the process from moving or with her doing what she is doing, since he thought, the issue was "voting day" as to whether or not there may be some concerns one way or the other that we have questions about, so why don't we let it work for us?" Councilwoman Martin stated she would like to make a statement in the form of a motion, however, President Evans stated that he would not entertain a motion at this time, but would hear from Ms. Williams first. **Absentee Ballot Box.** Ms. Williams addressed the Council stating that if the Council recalls last four years ago, prior to the election, she brought up the same Absentee ballot box and went presented an overview with the Council regarding the absentee voting process and she wants to do that on today, which is why the box was brought up. Ms. Williams stated that about a week after the qualifying period ends, the ballots have to be printed and we have to start the absentee process, which is July 22nd, which will be prior to the next Council meeting and she wants to let the Council know that in spite of everything that has taken place, she has a responsibility to make sure that guidelines and deadlines and procedures pertaining to running an election are still followed regardless of whom you all decide or determine will be the Election Manager, which as she has stated before, does not relinquish the responsibilities she still have as the Municipal Clerk, as prescribed by law. Ms. Williams stated that, having said that, what she wants to do at this time is ask each of the Council members and any candidates that are in the audience, after the box is opened, to look inside to confirm or verify that there is nothing in it, and at that point she will then take the tape that was provided with the election material and "seal" the box with it and ask the Council, as a governing body, to sign off on these sealed strips and hopefully put some minds to rest that the ballot box from this point on will not be tampered with. Ms. Williams stated that once this is done, she will take the ballot box to her office where it will remain and be used throughout the absentee election process and if the Council wishes to come down and do this now, please do so. Following this process, Ms. Williams stated that she has one other concern she would like to discuss with the Council, that Mr. Mark Kelley, ES&S, has agreed to come down, and bring a team down to deliver the voting machines, which actually belong to ES&S and they have agreed to allow the City of Selma to use a substantial number of voting machines for election day and they have also agreed to allow the City of Selma to "housed" their own machines until election day, as well as perform the testing of the voting machines. Ms. Williams further stated that when the voting machines come to the City of Selma, they basically have "no brain", there is no cartridge in it, and until the testing of the machines, there is nothing in them and there is no way to damage them other than beating them or maybe dropping them off of a truck, so until testing of the machines, which is scheduled for August 20th, and ES&S also conducts this testing; it is open to the public and open for observation by any candidate who may want to observe the process. Councilman Williamson asked, when the machines are tested, if they would have the cartridges in them at that point. Ms. Williams concurred. Councilman Williamson asked if the City would possession of the machines from August 20th through the 25th. Ms. Williams

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concurrent stating just the same as when they are stored at the Courthouse. Councilman Williamson asked where the machines will be stored for those days. Ms. Williams answered stating, "in the basement of City Hall." Ms. Williams stated to further put to rest some concern, there is a little lock that is placed on the back, which is called a seal, much like a padlock, and if it is broken that of course would mean that machine has been tampered with, also when the machines are delivered to the polling places on election morning, plugged in and turned on, if they do not register a "zero" balance, that would also indicate that it has been tampered with, and if a "zero" balance is registered, it is "business as usual." Councilwoman Martin stated she would like to confirm what Ms. Williams has said because for over twenty years she has worked as a precinct official and that is exactly right and there are keys that are only given to the official by the deputy when the supplies are delivered the day before. Councilman Cain asked where have machines been stored in past elections. Ms. Williams stated they were stored at the Dallas County Courthouse basement. Councilman Cain then asked why they will not remain stored at the Courthouse basement. Attorney Nunn stated that what ES&S is saying is that in storing them instead of storing them with the County government, they could be stored in City Hall basement, because they realize that the machines cannot be tampered with, or they could be, but one would know if they have been tampered with, no matter where they are stored. Attorney Nunn stated that this is one of the duties of the City Clerk, which an opinion of the Attorney General has been requested to make a ruling, but as it relates to state law, she is responsible for delivering the machines, setup the machines and having them tested, but out of courtesy, as he mentioned on Thursday, she agreed to come before the Council to make a report to the City Council and update the Council as to what is the status of the process, and try to keep the Council involved in the process, such as with the absentee ballot box. Councilman Williamson stated that it is not the tampering with the voting machines, it is the tampering with the cartridges with computers and things; that's how the election was supposedly "stolen" in Ohio and Florida, as you are well aware that it has been all over the television about how it was done with computers and cartridges, so it doesn't matter whether the machines are opened or not, the cartridges and counters can still be tampered with and it gives the appearance of "evil" to have them stored in the basement of City Hall. Attorney Nunn stated that stated that it was considered that this issue would come up so the next question to the City Council is...Ms. Williams asked "where to you want to store them?" Councilman Leashore stated in the basement of City Hall. President Evans stated that if anyone has seen this documentary called "hacking democracy", which he saw a year ago and it has come on so many times on HBO, that Councilman Williamson is talking about, and it actually addresses the issue of computers and those cartridges being tampered with some kind of way through laptops and some other means, whereby someone can look at the machines on that day, and he would like for you to see it if you have not seen it, and it shows "zero" and about 70 people witnessed that it showed "zero", then the video also shows, "I'm going to vote for these five people, and vote for these two, the votes were entered and it came out the other way around," "swear to God," so his question is, is there any way possible something like that can happen to our machines, and this actually happened in the Florida election and Ohio and this was demonstrated and shown by public eye and video that these individuals voted for one person and the results that came out on the sheet shows...he gave an example...that is the only concern he has as to whether or not this can be done with our machines. Attorney Nunn stated that he and Ms. Williams did talk to the League earlier to find out if anything can be done as it relates to prohibiting laptops or cell phones within the polling places. Ms. Williams stated that she, personally, does not feel that anything of that nature can be done with cartridges of that nature, however, we did call the League and asked if there was a statute relative to that particular issue; there is none; however, it was noted that the Council may want to adopt a policy that we ask, or prohibit the polling officials, as well as the poll watchers, not to bring any electronic devices inside the polling place and if this does occur, the inspector has the authority to ask that person to leave, that means cell phones, cameras, laptops and any electronic device that can be used to email information to another person. Ms. Williams further stated that if you have a poll watcher, your poll watcher would not be able to bring a cell phone or blackberry into the polling place, but they do detect, because they are only there to observe, only to observe, something indifferent going on other than what the law is, they can step outside, 30 feet away from the building, contact you, and then you may take the next measure to contact the necessary person to address that issue inside polling place. Again, your poll watchers are there to observe and they are there "for you", as candidates to make sure that nothing of that nature is evident. Councilman Williamson stated that he is not worried about the day of the election; he is worried about the six days the machines will be in the basement with no poll watchers watching them. Councilman Williamson also asked the last election, the cartridges in the machines, did the City buy them. Ms. Williams stated that the City paid for them because they could not be located from the 2000 election, however, they were located and returned and the City was reimbursed. Councilman Williamson asked if it was 2000 and not 2004. Ms. Williams stated they were not returned from the 2000 election. Councilman Williamson asked if the 2004 cartridges were returned. Ms. Williams stated that they were returned the very same night. Attorney Nunn stated that was prior to this administration coming on, the 2000 election, we were not the ones holding the election. Ms. Williams stated she has not idea how they were able to retain the cartridges because the last three elections that she has done, there is a representative here from ES&S who immediately takes those cartridges back with them the same night, she is not sure how the City was in possession of them for four years, but they were returned and we were reimbursed. President Evans stated that he is not saying that Ms. Williams has the wisdom to do

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anything like that, or it could be someone who does and you may not know anything about it, but the question is...a person does not have to be inside the building the presentation by Ms. Williams concerning the Absentee Ballot Box and sealing of the ballot box. **11-46-36 - Appointment of Qualified Person to Perform the Duties of the Mayor.** Attorney Nunn stated this duty is to obtain and forward a list of qualified voters to the Municipal Clerk. Following further discussion, a motion was made by Councilman Leashore and seconded by Councilman Randolph to appointment Ms. Williams as the disinterested person to perform this duty on behalf of the Mayor in the Election. Ms. Williams addressed the Council and a roll call vote was taken and the motion passed with a majority vote of the Council members present. There were five affirmative votes and two nay votes. Councilman Williamson and Councilman Cain each cast a nay vote

N. Removing Council Members From Selma Water Works & Sewer Board Resolution

Following a question from Councilman Cain regarding this item, Attorney Nunn stating that his office is working on this matter and one of the issues being researched in the bylaws or certificate of incorporation is the specific language of the appointments. Attorney Nunn stated that at this time three people serve on that Board and if the bylaws or certificate of incorporation says no Council member shall be appointed to that Board, then the question is does the City Council have a right to appoint, because State law says that City Council members "may" serve on that Board and if the certificate "phraseology" is that they do not serve on that Board, it may create something in that matter, but he will be going over the file again to look at the situation. President Evans stated that this was reviewed thoroughly six or seven years ago, and it read, if he is not mistaken that, "no more than three may be placed on that Board" and it did not say that it had to be three, but no more than three, it meant also that we do not have to have any, but no more than three. Attorney Nunn concurred. Councilman Cain stated that the Council has asked for a resolution for the past two meetings and wants to know why it has not been prepared yet. Attorney Nunn stated that when he last spoke with Councilman Williamson, Councilman Williamson stated that there was no rush to prepare the resolution, which he has been working on it, unless something has changed, he would have it prepared by the next Council meeting. Councilman Williamson stated that he would like to ask that Attorney Nunn place in the resolution to appointment one member from the Council and have that member to report to the Council on a quarterly basis. President Evans stated that an issue was discussed on Thursday, which the minutes of May 14, 2007 would reflect that five members of the Council voted to set the salaries for Board Chairman, which he read, to be set at \$900.00 per month, and what happened is that this had to be done prior to an election, "check the record" and as a result the Council could not reduce the salary during the term, which is \$100.00 less than the Chairman, but prior to any election as well as the salary of each Board member as being \$350.00 per month to be effective with the new Council members and the Secretary/Treasurer had to be set by the Board itself. Attorney Nunn stated that he recalls some of this issue and that it came back to the Council and passed, following that a letter was received from the Attorney as it relates to when it would take effective. Councilman Leashore stated that he has the minutes from every action from 04 until today, but not anything with reference to this Council voting on the amount of \$350.00. During further lengthy discussions, Councilman Leashore read information for the record, in its entirety, which he asked to be attached to the minutes. President Evans also addressed this issue as well as Councilman Randolph.

BUSINESS ITEMS:

I. LETTER FROM DR. KIRIT CHAPATWALA (Explanation)

President Evans stated that this item is still pending as it relates to the letter that the Mayor turned over to ABI and would eventually request a report of the status and consequence of this issue.

II. NOISE ORDINANCE

President Evans stated that there is no report on this item tonight, but there was a report at the last meeting.

III. UNPAID GARBAGE FEES

President Evans stated that the status on this item has not changed at this point.

IV. GOOD SAMARITAN LEASE

President Evans stated that the Council has received a copy of this information and asked that they review it and place in writing any questions or concerns.

BUSINESS ITEMS:

V. MISSING MONEY FROM THE POLICE DEPARTMENT

President Evans stated that the Chief has reported to the Council that this case is still under investigation and has been turned over to the Attorney General for action. Councilman Williamson stated that he has submitted a request to the Mayor to ask who turned this case over and when was it turned over, because the one or two persons he spoke to in the Attorney Generals had no record of this case, however, that does not mean that he talked to the right person, but as of now they could not find a case from City government. Ms. Rudolph responded to Councilman Williamson's comment to fulfill his request.

VI. RESIDENTIAL PROPERTY APPEARANCE, AND VEHICLES

President Evans stated that Attorney Nunn is still working on this matter. Attorney Nunn concurred. "

VII. SEWER PROBLEMS

President Evans stated that the Public Works Committee has a report on this item. Councilman Cain reported on this item regarding the grass cutting schedule, sewer issue regarding any types of studies done by the Water Works to analyze the problems occurring within the City and advised him to convey to the citizens to call the City (874-2165) first for any sewer problems and blocked sewer lines, but the department was not aware of the procedures of the Water Works.

VIII. PERSONNEL MANUAL

President Evans stated he would have to get with Ms. Jones to determine at which point the Council needs to take action regarding the Personnel Manual.

IX. UPDATE ON BUSH HOG, INC. CLOSING STREETS AND PROPERTY ACQUISITION

President Evans stated that there is no report from Ms. Rudolph at this time.

X. COUNCILMAN REID CAIN COURT CASE

A motion was made by Councilman Williamson and seconded by Councilwoman Martin to pay the legal fees for Council Cain. Following discussion, Attorney Nunn stated he has spoken to Councilman Cain's attorney and it has been noted that he cannot sue the City (Municipality) for "malicious prosecution" or "punitive damages," and he agreed and the discussion was concluded with that point. President Evans passed the gavel to Councilwoman Allen and addressed the Council regarding this matter. A motion was then made by Councilman Leashore and seconded by Councilman Randolph to table this issue. **A roll call vote was taken and the motion failed for lack of a majority vote of the Council members present. There were two affirmative votes, four nay votes and one abstention. President Evans and Council members Williamson, Martin and Allen cast a nay vote. Councilman Cain abstained from voting.** Councilman Leashore stated this Council is treading on dangerous grounds because we do not know what his legal fees are and how can we just arbitrarily vote to pay them; we need to have some figures before we vote on this issue, to open the "purse" of the City that is just not right. Councilman Williamson then amended his motion seconded by Councilwoman Martin to approve the payment of the bill and come back and approve the amount when the bill is presented. **A roll call vote was then taken and the motion passed with a majority vote of the Council members present.** Another motion was made by Councilman Williamson and seconded by Councilman Cain to amend the agenda to add Dr. Allen's legal fees to the agenda. Following discussion, Councilman Leashore stated that if her fees will be included, to include Mr. Randolph as well. President Evans stated that it would only take one vote to make this a mute issue and he would ask that this motion be removed and discussed at the next meeting. Councilman Williamson concurred.

XI. CONSERVATION OF GASOLINE

Councilwoman Martin stated she would like to continue this item because she is still awaiting some information and she would like to have all the facts before she seeks a motion.

XII. TECHNOLOGY FOR THE MAGISTRAT'S OFFICE

President Evans stated that this item has been dealt with.

BUSINESS ITEMS:

XIII. BUDGET REVIEW TIMELINE

President Evans stated that the Council has to determine whether or not they desire to put a budget in place by October 1st and some discussion has taken place that due to this is an election year, it would have to be carried over and not dealt with by the Council, but by the next Council. Councilman Cain stated that the Mayor normally presented the Council with a budget and he mainly wanted to know when he was going to do so or if it would be postponed. Councilwoman Martin stated that she believes in 2004, the budget was carried over. President Evans asked the Council to determine if they would be asking the Mayor to present a budget.

XIV. FEDERAL POLL WATCHERS

Councilman Williamson asked if it would be the desire of the Council to ask the Justice Department to send poll watchers to observe the election. Following discussion, a motion was then made by Councilman Williamson and seconded by Councilman Cain to ask the Justice Department to send poll watchers here in August to observe the election to ensure the opportunity to conduct a fair and equitable election. The motion passed with a unanimous (show of hands) of the Council members present.

XV. FY 2006-2007/2007-2008 COUNCIL TRAVEL EXPENSE SUMMARY

President Evans stated that Ms. Johnson is working on this issue and she has received the figures from Finance.

XVI. PETITION FOR SPEED BREAKERS (St. Ann Street)

President Evans asked for approval of this item. A motion was made by Councilman Randolph and seconded by Councilwoman Allen to approve the acceptance of the petition for speed breakers on St. Ann Street. The motion passed with a unanimous (show of hands) vote of the Council members present.

XVII. UPCOMING CITY GOVERNMENT MEETINGS, COMMITTEE MEETINGS AND CONFERENCES

President Evans stated he is not aware of any meetings at this time.

STANDING COMMITTEE REPORTS

RECREATION COMMITTEE - Councilman Reid Cain, Chairperson

No Report.

ADMINISTRATIVE COMMITTEE - Councilman Dr. Cecil Williamson, Chairperson

No Report.

PUBLIC SAFETY COMMITTEE - Councilwoman Dr. Geraldine Allen, Chairperson

No Report.

COMMUNITY DEVELOPMENT COMMITTEE - Councilwoman Bennie Ruth Crenshaw, Chairperson

Councilwoman Martin reported regarding the Old Towne National Night Out on Tuesday, August 5th.

PUBLIC WORKS COMMITTEE - Councilwoman Jannie Venter, Chairperson

Report Attached.

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 Councilman Randolph, to adjourn, and by unanimous consent of the Council, this meeting adjourned at 9:21 p.m.



GEORGE P. EVANS, *Council President*

ATTEST:



LOIS WILLIAMS, *City Clerk*

APPROVED:



JAMES PERKINS, JR., *Mayor*