

MINUTES OF THE RECONVENED SELMA CITY COUNCIL
OCTOBER 29, 2007
5:00 P.M.

Call to Order

Invocation: Reverend John R. Davis,
Pastor, John the Baptist Church

Pledge of Allegiance

Roll Call

The Selma City Council met in a reconvened session in the Council Chambers of City Hall on Monday, October 29, 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, Johnnie M. Leashore, Bennie R. Crenshaw, and Jannie Venter. Others present were Assistant City Clerk Ivy S. Harrison, City Attorney Jimmy Nunn, City Treasurer Cynthia Mitchell, and the Mayor's Executive Assistant Darlene Rudolph. Councilman Samuel Randolph was absent during roll call, and arrived at 5:40 p.m.

CITY ATTORNEY'S REPORT

A. **Liquor License Application.** Attorney Nunn stated the following liquor license application is asked to be approved to be placed on 1st Reading by the Council: **Monica Garcia (Diego's Mexican Restaurant) 8 Mulberry Road.** A motion was made by Councilwoman Martin, and seconded by Councilwoman Crenshaw, to place the said liquor license on 1st Reading. The motion passed with a unanimous (show of hands) of the Council members present.

B. **Resolution #R109-07/08 - Fire Department - Codes.** Attorney Nunn stated Resolution #R109-07/08 represents the Fire Department establishing Codes, Regulations and the enforcement of the Selma City Fire Code in compliance with National and State Codes. Attorney Nunn further stated said resolution authorizes them to proceed to execute regulations established by the National Fire Protection Association (NFPA), along with reference books, to govern the insulations, inspections, and maintenance of City buildings. Attorney Nunn stated prior to the adoption of these Codes, the State law states that we should hold a public hearing to discuss the Fire Codes and to see whether or not the public has any questions or concerns about the adoption of the fire codes. Attorney Nunn further stated a public hearing is scheduled for Monday, December 10th, at 4:00 p.m., and that three (3) copies of the Code will be housed within the City Clerk's office for review, which is also required by State law. Attorney Nunn asks for favorable consideration of Resolution #R109-07/08. A motion was made by Councilman Leashore, and seconded by Councilwoman Crenshaw, to approve said resolution. The motion passed with a unanimous (show of hands) of the Council members present.

MAYOR'S REPORT

A. **Resolution #R111-07/08 - Bond Proposal.** Mayor Perkins stated this is a continuation of the proposed bond issue for 2008, and that he wanted to present members of their Bond Team who are here this evening; Attorney Terri Sewell, with Maynard, Cooper, & Gale; Mr. Drew Will and Mr. Robert Thomas, who are with Sterne Agee, the Investment Bank Firm. Mayor Perkins further stated he would like to open the floor once again, for Council to answer any final questions that they may have from the Investment Banker and Bond Attorney, and then perhaps move from here to call for a vote on the resolution to move forward. Mayor Perkins also stated this particular resolution will have as an attachment post scheduling, and that there will be another opportunity for the Council to vote on the Ordinance that will come up subsequent to this, prior to the election, and that the ordinance at that time will contain the final numbers. Following questions from the Council, Attorney Sewell addressed the Council and stated what the Council has before them is a new money issue which will be for the suite of projects that will be approved by the voters of the City of Selma. Attorney Sewell further stated the 1999 bonds at this stage are not necessarily going to be prepaid; rather, this is going to be a new money issue that is for the new suite of projects. Mr. Thomas addressed the Council and stated it is their job as the investment banker to bring back to the Council the finance instructions that will be for the benefit of the City of Selma and the citizens. Mr. Thomas further stated the only reason to refinance existing debt is if the present value savings exceeds what it would cost to call those bonds in, if there was a penalty. Attorney Sewell also stated there will be a cost benefit analysis as to whether or not there will be a savings that will be a benefit to the City by calling those bonds early. Attorney Sewell stated according to their engagement letter, they get paid on the cost of issuance of a bond issue.

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Attorney Sewell further stated the only expense that her firm would bill the City would be for the cost of preparing the election materials which is the referendum, and the cost of doing that would be billed at an hourly rate. Attorney Sewell stated what is before the Council right now is an intent resolution just declaring the intent of the Council to issue bonds pursuant to voter approval. Attorney Sewell further stated said resolution reserves the right of the Council to reimburse itself for certain expenditures that currently be taken out of the General Funds. Attorney Sewell also stated, for example, one of the projects is the Public Works Project and part of Public Works Project is the cost of garbage removal trucks and heavy equipment and the City pays that on a monthly basis out of the General Fund. Attorney Sewell stated this will allow the City to recoup that cost for any expenditures that are made sixty days prior to the date of this intent resolution being approved; this can actually be gotten out of the bond proceeds and reimburse the General Fund for those expenditures which would be a savings to the City. Attorney Sewell further stated the purpose of the resolution is to preserve the tax code allowed to recoup sixty days prior to the declaration of an intent, and she thought it would be wise for the City to approve a resolution prior to the actual ordinance being approved in November 26th for the bond referendum. Attorney Sewell stated if the bond is approved in February, 2008, then there would be an opportunity for the Council to approve final terms of the bond issue in March, 2008. Mr. Thomas stated the Mayor's office will be apprised of every step of this process, and they will bring back a report to this Council what they see the market is doing. Mr. Thomas further stated after the referendum they do not have to go to the market; even after the vote of the referendum they have time to refine and bring back to this Council the terms of the bond issue before they go to the market. Mr. Thomas stated there is no mandate to get into the market in any particular time and it is their job, along with Bond Counsel, to monitor the market to find that perfect window, assuming that the voters will approve this and that it will be to the greatest benefit for the City where they will be able to maximize the bond potential, and as they know the lower the interest rate, the greater amount of money they can borrow for the fixed amount of money that they have in their bond fund to cover debt service. Mr. Thomas further stated, up until a final ordinance is prepared by Counsel, with the assistance of the Underwriters bringing them where they see the market is going to be for bond purchase, this deal is flexible. Mayor Perkins stated his recommendation tonight would be to pass the resolution tonight, and that they still have that window available to them to take advantage of. Mayor Perkins asked Council if they would consider the vote on the resolution that is before them for the purpose of moving forward with this issue, and that he thought that was the reason they were here to vote on the resolution so that they could proceed. President Evans stated to Mayor Perkins that he did not come today prepared to vote because no one had told him that they would have a resolution to vote on tonight. President Evans further stated they recessed the meeting for the purpose of coming back to get Bond Attorney's report, and that there was no discussion at the last meeting that when we came to this meeting that we would vote on a resolution to move forward, and the minutes should reflect that. President Evans stated we only said we would recess for the purpose of coming back to get all the information about the bond from the bond attorneys, and if he is wrong somebody needs to tell him. Mayor Perkins further stated the resolution is only giving them the ability to recover their expenses from the Bond to repay the General Fund for anything that has been done prior to the election. Mayor Perkins stated it makes no sense not to pass the resolution because it is the best gain for the City, and that it is his only point, and he asks Council to consider said resolution for a favorable vote. President Evans stated he wanted to make a statement for the record, and that what he needs to say, is that he has no intention of killing anything, and that he does not know what the other Council members want to do, but that he did not come to kill anything. President Evans further stated his problem is the fact that if some Council members know more about something than he does, then they came prepared to do something, and that he knew nothing about this. Councilman Williamson stated to President Evans, that he would like to make a motion to table this resolution, seconded by Councilman Cain, until their next Council meeting. During discussion, Attorney Sewell stated she would like to give a point of clarification; the point of doing the resolution tonight is to look sixty days back from today, and that if they wait until November 19th, then they can actually vote on the bond referendum and, therefore, there is really no point in waiting to prove an intent resolution on November 19th; that ordinance itself will serve the purpose of showing the Council's intent, and therefore, they would only be able to recoup the cost sixty days prior from November 19th. Mayor Perkins stated to President Evans that he would like to state that when he approached him on this evening, he said to him that he had tried to call him on this morning. President Evans stated to him that he had received about five calls and had not been able to return any calls. Mayor Perkins further stated to President Evans he tried to call him because he wanted to talk to him about this, and that he did try to reach out to him to have a conversation about this. President Evans further stated his biggest concern with all of this is that it is always at the strike of the clock that he gets information, and that many times other Council members have more information about what is going on in this City than he does. President Evans referred to an issue regarding Bush Hog, stating that ward is not his ward and that ward is not the Mayor's ward, but "he is the Mayor of

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the City of Selma and he is the President of the City of Selma, so we both should be informed equally from the standpoint of the wards. President Evans further stated to Mayor Perkins he apologize for not calling him back but the point is, that is what he would have said, and it does not change his position that this Council did not decide at the last Council meeting that they were going to vote on a resolution. Mayor Perkins stated he would like to ask the Council to vote on the resolution as presented. Mayor Perkins stated he simply asks the Council to reject a vote to table and vote in favor of said resolution. President Evans stated a motion is on the floor to table Resolution #R111-07/08, until the next meeting which is scheduled for November 19th. A roll call vote was taken and the motion failed for lack of a majority vote of the Council members. There were two ayes and seven nay votes. President Evans, Councilwoman Martin, Councilwoman Allen, Councilman Randolph, Councilman Leashore, Councilwoman Crenshaw, and Councilwoman Venter all cast a nay vote. President Evans stated during roll call he voted not table because inasmuch as he has heard from Attorney Sewell he has enough confidence in her to know that this particular movement of this tonight will not hinder the progress they are doing and they still have an option to come back later and withdraw. Councilwoman Martin stated during roll call she votes not to table because of the same reason, and because of her confidence in Attorney Sewell. Councilwoman Allen stated during roll call she thinks the intent of this resolution is not going to hurt anything, and she votes no. Councilman Leashore stated during roll call, he votes not to table simply because they have had a lengthy discussion about this; he thanks the public for coming to the hearings, and the fact that they are on the verge of coming into some prosperity here with some real capital improvements, therefore, there are those among them who wants to stagnate this growth, and it is not going to happen. Councilwoman Crenshaw stated during roll call, she votes no and she is really ashamed of them. Councilman Leashore asked President Evans if he would entertain a motion of said Resolution? President Evans stated, he would. Councilman Leashore made a motion, and seconded by Councilwoman Crenshaw, to adopt and approve Resolution #R111-07/08. 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.

B. **Resolution #R112-07/08 - Project Lasso.** Mayor Perkins stated to Council that they should have before them Resolution #R112-07/08, and asks that they review for consideration at the next Council meeting.

C. **Resolution #R110-07/08 - Transportation Enhancement.** Mayor Perkins stated to Council that he asks that they review a change in Resolution #R110-07/08, and that this resolution was passed during Council meeting on October 29th that is being continued here tonight, and that said resolution represents an amended statement to it for the purpose of the assurance of the State that the City of Selma is committed to seeing this project to completion, and also that the Resolution number has been changed and corrected. A motion was made by Councilman Leashore, and seconded by Councilman Randolph, to rescind the previous Resolution #R267-07/08, and adoption Resolution #R110-07/08. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

D. **Slavin Management Group.** Mayor Perkins stated he received a note from the Slavin Management Group expressing some concerns about receiving phone calls from a Council member, and that he has included a memo in Council's packet for their review. Mayor Perkins further stated they feel the work that they are doing it is not appropriate to be receiving phone calls from anyone other than the point of contact. Mayor Perkins stated he hopes that the Council will take charge of this situation, and remedy it. President Evans stated that Councilman Cain called him today and said to him that he had called this Company, and the people said to him that they have no authority to give him any information pertaining to this particular request, and that they had been authorized not to talk to any Council member concerning anything dealing with this search. President Evans stated he stated to Councilman Cain that he did not believe that you could not call the Company and ask how many people had applied, and he called the Company and spoke to someone and asked is it a case, that they could not call and ask how many people had applied, and he replied that that it is correct, and that they have strict orders from Ms. Jones and Mayor Perkins, not to communicate with anybody other than the two of them pertaining to this. President Evans further stated his concern is that he does not really know where the problem lies in someone asking the Company how many people applied, and why would that not be something available to any Council person who called, and he does not get the rationale on that. Councilman Leashore stated to President Evans he would like the letter from Mayor Perkins to the President of Council and the Council members, in reference to Slavin Management, to be made a part of the record, and to serve notice to Councilman Cain and others, that if they have any concerns they need to bring it before this Council. Councilwoman Crenshaw stated to President Evans that she thinks Section 7 of their Rules and Procedures state that there should not be any Council person working outside of the Council, but as a Body, and that until they follow what they are supposed

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to do, to her none of the rules apply. Councilman Cain stated to President Evans as he has come before the Council and before the Mayor and has asked for this information, about the number of applicants for the Police Chief, and that information still to this day has not been accurately provided to this Council and that he mentioned it at the last Council meeting that he was going to call Slavin Management Consultants if he did not get the information which he did, and they learned today that they are not going to give any Council member any information and that is inappropriate. Councilman Cain further stated he is elected just like any other Council member for this City and he should have the right to public information just like any other Council member, Mr. President.

ADJOURNMENT

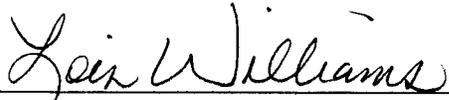
Following the above discussion, a motion was made by Councilman Leashore, and seconded by Councilwoman Martin, to adjourn the meeting at 7:00 p.m., and by unanimous consent of the Council.



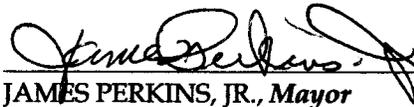
GEORGE P. EVANS, *Council President*

ATTEST:

APPROVED:



LOIS WILLIAMS, *City Clerk*



JAMES PERKINS, JR., *Mayor*