

**MINUTES OF THE
SELMA CITY COUNCIL
JUNE 9, 2009
5:00 P.M.**

Call to Order

Invocation: Reverend Reginald Wells, Pastor
Holiness Temple Church of Christ in Prayer

Pledge of Allegiance

The Selma City Council met in a regular session in the Council Chambers of City Hall on Tuesday, June 9, 2009 at 5:00 p.m.

ROLL CALL

The following members were present during roll call: Council President Dr. Geraldine Allen and Council members Cecil Williamson, Susan Keith, Dr. Monica Newton, Angela Benjamin, Benny L. Tucker, Bennie R. Crenshaw and Corey Bowie. Others present were Mayor George Evans, City Clerk Ivy S. Harrison, City Attorney Jimmy Nunn, City Treasurer Cynthia Mitchell and the Mayor's Executive Assistant Brenda Smothers. Councilman Samuel Randolph was absent during roll call but arrived at 5:21 p.m.

APPROVAL OF AGENDA

President Allen asked for the approval of the agenda items. A motion was made by Councilwoman Benjamin, and seconded by Councilman Bowie, to approve the agenda items 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 Allen asked for the approval of the minutes of May 26, 2009 regular meeting minutes. A motion was made by Councilman Bowie, and seconded by Councilman Tucker, to approve the minutes of May 26, 2009. The motion carried with a unanimous (show of hands) vote of the Council members present. President Allen stated, for the record, that she wants to thank their Secretary, Ivy Harrison, again for getting the minutes to them in a very timely manner.

CITIZEN'S REPORT

Police Officer Dorothy Cowan, Ms. Joyce Kendrick and Dr. Patricia Robinson
Re: Coca Cola Foundation - \$23,000.00 - Representative Yusuf Salaam - \$7,000.00 - Jonathan Daniels CDC (HPLAY) Award
-Program to Start June 15, 2009 - PALS Center

INTRODUCTION

Mayor Evans stated to Council that he wanted to invite Mr. Eric Day, of the U.S. Attorney's Office, who is present, to come forward and be introduced to the Council. Mr. Day addressed the Council, and stated he just wanted to say hello to the Council, and that he will be assisting Selma with their application to become a recognized "Weed and Seed" community. Mr. Day further stated he is committed to doing whatever it takes to help Selma become a successful site. President Allen and the Council thanked Mr. Day for coming to speak to them, and they, along with Mayor Evans, look forward to working with him with the "Weed and Seed" Program.

A. Barricade Near the Carneal Building (Church Street and Water Avenue). Mayor Evans stated to Council that the truck driven by Mr. Micah Perry, who lost his life in that accident, near the Carneal Building, was pulled from the Alabama River this afternoon. Mayor Evans stated our Prayers go out to the Family, and that he had sent a letter to Mr. Al Perry, the brother to Mr. Micah Perry, on behalf of all of us. Mayor Evans further stated that they are now having to place a temporary barrier there for that area, but that they need to be thinking along the lines of placing there a more permanent structure. Mayor Evans stated he has had an estimate made of an amount it would take to have a four foot brick wall topped with a wrought iron fence that replicates the one behind the St. James Hotel, to carry that same "theme" along the Riverfront. Mayor Evans further stated the estimate he has received is in the amount of \$5,000.00 from Morrow Ornamental Iron, and that they can take that amount from their Oil Lease Money if everyone is in agreement to do so. During discussion, a motion was made by Councilwoman Keith, and seconded by Councilman Newton, to approve the recommendation to construct a barricade near the Carneal Building, at Church Street and Water Avenue in the amount of \$5,000.00. The motion carried with a unanimous (show of hands) vote of the Council. President Allen asked Ms. Diana Johnson, Council Secretary, to prepare the form for each Council member to sign off on.

President Allen announced later in the Council meeting that Councilman Williamson, Councilwoman Keith, Councilwoman Newton, Councilwoman Benjamin, Councilman Randolph, Councilman Tucker, Councilman Bowie, and President Allen each gave a total of \$555.56 of their Oil Lease Monies, along with Mayor Evans contributing \$555.56 for a total of \$5,000.00 to pay for the barricade near the Carneal Building at Church Street and Water Avenue.

B. Convention Center. Mayor Evans stated to Council that he would like the Council and Mayor to form a Team as it relates to the Convention Center "situation" of the fight that happened there on this past Saturday night. Mayor Evans further stated he received several phone calls as it relates to our young people getting "out of hand" at the Convention Center on Saturday night, and that they had to end up bringing Police Officers in. Mayor Evans stated his concern is that there was not adequate security; his understanding is that there was only one security person and that they should have had at least four in his opinion, and considered having adult chaperones. During discussion, Councilwoman Crenshaw stated when she hears this she really gets real disturbed, and that the fights have not just started to occur. Councilwoman Crenshaw further stated she has said on many occasions that when they have events like that all they need to do is, say "you come in, or you're out, or you're off the premises". Councilwoman Crenshaw stated once that happens, and that rule is in place, that's it. Mayor Evans stated he totally agrees with Councilwoman Crenshaw, and stated his concern is not to take it away from them but to make sure that they have enough security in place, along with certain guidelines and rules. Mayor Evans further stated to Council that he is prepared to move forward with whatever they decide on this. President Allen stated we have a Committee, and she is going to turn this back into the "hands" of that Committee, with Councilman Bowie as Chairperson of that committee. President Allen asked that Councilman Bowie and his Committee meet, and consider the discussion that was given by Councilwoman Crenshaw and also to review Rules, and place even more strict rules wherever is necessary, and whatever is necessary, and bring back a recommendation to the Council. President Allen encouraged any Council member who wanted to attend that Sub-Committee meeting to do so.

C. Monthly Financial Report. Mayor Evans stated to Council that each of them should have received a copy of the Financial Report from Ms. Cynthia Mitchell. Mayor Evans further stated as they can see the Financial Report reveals as it relates to Sales Tax that we came out "ahead" for the month of May by a sum of \$7,654.51, unlike in the past four months wherein we had a deficit. Mayor Evans stated this indicates a slight gain in terms of revenues. Mayor Evans asked Council to review, and if they have any questions to please feel free to contact him or Ms. Mitchell.

D. Police Department Reports - May 2009. Mayor Evans stated to Council that they should also have within their packets a copy of the Ward Incident Report, for the Month of May, 2009. Mayor Evans further stated the report gives all of the incident reports by Wards, along with a copy of the Loud Noise Statistics. Mayor Evans further stated as seen in the Report, the percentage of incidents that have been reported total 1,213 for the month of May, in the various Wards. Mayor Evans thanked Chief Riley and his Staff for preparing this Report.

E. Report on Missing 1991 Cadillac. Mayor Evans stated to Council that each of them should have a copy of the report on the missing 1991 Cadillac. Mayor Evans further stated, as reflected in the report he received from Chief Riley, the individual who made the claim of a missing vehicle has not shown back up again. Mayor Evans stated that according to the report, attempts have been made to contact the individual who made that claim, but they have not been able to locate and/or identify this individual who reported a claim about a 1991 Cadillac missing. Mayor Evans further stated from all indications the individual who had the vehicle, did pick it back up because they do not have a record of missing 1991 Cadillac, since that claim was made. Mayor Evans stated there is no "paper trail" to document the missing vehicle but that there is a new procedure in place as of now, to make sure that a situation such as this will not happen again.

MAYOR'S REPORT

F. **Bond Issue Project - List.** Mayor Evans stated to Council that each of them should have a copy of the Summary List of Items for the Bond, and he would like to get the Council's input on this, and afterwards it will go before the public once the Council approves it. Mayor Evans further stated the items listed are for the Department Heads, to be considered for approval. Mayor Evans stated this is a "work in progress". President Allen stated that a Work Session will be scheduled to discuss this Summary List in more detail.

G. **Riverfront Park Groundbreaking.** Mayor Evans stated the Riverfront Park Groundbreaking Ceremony is Tuesday, June 23, 2009, at 10:00 a.m. Mayor Evans further stated this has been a "work in progress" for some time, and he is actually "piggybacking" on what was started some time ago by former Mayors of our City and Employees. Mayor Evans stated to Council that this is a part of us, and asked if they would please try and be present for this event.

H. **Fourth of July Celebration.** Mayor Evans stated to Council that there is a Company that will allow us to do a "fireworks" show, which will only cost about \$3,000.00, but we would have to allow our Firemen to go to the training program which will allow them to be the ones to administer the "fireworks". Mayor Evans further stated he is aware that we can not do anything for this year, but would like to pursue this for next year if at all possible. During discussion, President Allen asked Mayor Evans if they can have a committee of not only Council Persons, but if he would appoint some individuals that can work along with the Council in an effort to bring back recommendations to the Council by the next Council meeting, as to an idea for the 4th of July. President Allen asked for a "show of hands" of Council individuals who would like to volunteer to be on that Committee; those individuals who volunteered are Councilman Bowie, Councilman Randolph, Councilwoman Newton, and President Allen, along with the list of volunteers by the Mayor.

I. **Landfill Project - Update.** Mayor Evans stated to Council that the RFP's were mailed out, and five (5) Engineering Companies responded with a proposal, to be considered to do our construction; namely, Engineering Services Associates, Incorporated; Barge Waggoner, Sumner & Cannon; Hogg Engineering; CDG Engineering, and Goodwyn, Mills and Cawood. Mayor Evans further stated that the Committee made up of Councilwoman Newton, Ms. Charlotte Griffeth, Mrs. Patti Sexton and Mrs. Ivy Harrison, went through the process of reviewing each of the Proposals. Mayor Evans stated based upon the report brought back by the Committee, and based upon the criteria for which they were rated upon and scored, it is his recommendation to award the contract/agreement to CDG Engineering for the Landfill Project. Councilwoman Crenshaw stated to Mayor Evans that she would have liked to have known something about that because she does think she needed to see whatever the Companies presented before she can take a vote; so, if she can get the information to review the documents, then she can vote. Mayor Evans stated due to the "timelines" we are running short, and this was an oversight on his part for which he apologizes for, but for the sake of time he was trying to proceed on this. Mayor Evans further stated he will be happy to share the Proposals submitted by the Engineering Companies, and the information submitted by the Committee with the Council if they would like him to. During discussion, a motion was made by Councilwoman Newton, and seconded by Councilwoman Keith, to accept the Mayor's recommendation to approve the Proposal submitted by the firm of CDG Engineering Company. A roll call vote was taken and the motion passed with a majority vote of the Council. Councilwoman Crenshaw cast a nay vote.

J. **Second Avenue Sewer Project - Update.** Mayor Evans stated he had an opportunity to meet with the Property Owner this past week, who actually bought the property about a year ago. Mayor Evans further stated his income is not such that he can pay to have the repairs made, and wish he could do more but he did indicate that he would try to help with the survey of the property. Mayor Evans further stated the Gentleman stated he did not have any idea of the sewer problem that exists and that he would do anything he could to help, but income-wise he just does not have it. Mayor Evans stated he believes he is sincere in that. Mayor Evans stated he would like to get the Council's approval to move forward in doing the work with this project before something drastic happens in terms of that house. During discussion, a motion was made by Councilwoman Crenshaw, and seconded by Councilman Bowie, to approve the Public Works Department proceeding to get that particular problem corrected so that sewage can flow properly there on Second Avenue. A roll call vote was taken and the motion passed by a unanimous vote of the Council.

K. **Riverfront Park Groundbreaking.** Mayor Evans asked the Council to approve an amount not to exceed \$2,000.00, for the purpose of preparing and printing of letters, invitations, and programs; souvenir fans, rental tents and refreshments for the Riverfront Park Groundbreaking Ceremony. A motion was made by Councilwoman Crenshaw, and seconded by Councilwoman Newton, to approve \$2,000.00, via the Tourism Budget, to prepare for the Riverfront Park Groundbreaking Ceremony. A roll call vote was taken and the motion passed by a unanimous vote of the Council.

L. **209 Lindberg and 211 Lindberg.** Mayor Evans stated to Council that what he just passed out to them is information on two small lots on Lindberg that the City owns wherein a family would like to purchase these pieces of property from the City. Mayor Evans further stated he and Attorney Nunn went out and did a site visit of the property. Mayor Evans stated the appraisal value by the County's Tax Assessor's Office lists the properties at \$2,400.00, and stated he wanted the Council to be aware of it. Mayor Evans

MAYOR'S REPORT

further stated the lady next door to the properties would like to buy and own the properties at a price that she and her husband can afford to pay for it. President Allen asked Attorney Nunn to meet again with the proposed Buyers, the Husband and Wife who live next door, and come up with a negotiable price to bring back to the Council for approval.

CITY ATTORNEY'S REPORT

A. Alabama Municipal Insurance Corporation Invoice - Statement. Attorney Nunn stated to Council that they should have before them an invoice/statement from Alabama Municipal Insurance Corporation (A.M.I.C.) as it relates to reimbursement of claims that were paid on behalf of the City of Selma, in the amount of \$5,442.40. Attorney Nunn asked Council's consideration of the same. A motion was made by Councilwoman Crenshaw, and seconded by Councilwoman Newton, to approve the A.M.I.C. Invoice in the amount of \$5,442.40. A roll call vote was taken and the motion passed with a majority vote of the Council Members present. Councilwoman Keith was absent when the vote was taken.

B. Resolution #R207-08/09 - Resolution Requesting Pre-Clearance from the Justice Department to Hold a Special School Board Election on October 27, 2009. Attorney Nunn stated to Council that Resolution #R207-08/09 represents Requesting Pre-Clearance from the Justice Department to Hold a Special Election, as it relates to the School Board and the Municipal Bond on October 27, 2009. Attorney Nunn further stated to Council that they took action on this during our last Council meeting to set the date for October 27, 2009. Attorney Nunn stated we do have to have a Resolution in place to that effect, to authorize the City Attorney to seek Pre-Clearance from the Justice Department on the Election date of October 27th, and he is bringing it to Council so that they can have a copy of it.

C. Resolution #R208-08/09 - Resolution Declaring Certain Properties as Dangerous and/or a Nuisance Within the City of Selma. Attorney Nunn stated to Council that Resolution #R208-08/09 represents certain properties that have been classified as "dangerous buildings" and/or a "nuisance" within the provisions of the Code of Ordinances of the City of Selma, and asked Council's consideration of the same. During discussion, a motion was made by Councilwoman Newton, and seconded by Councilman Bowie, to approve said Resolution #R208-08/09. A roll call vote was taken and the motion passed by a unanimous vote of the Council.

D. Resolution #R209-08/09 - Resolution Declaring Public Nuisance and Immediate Abatement. Attorney Nunn stated to Council that Resolution #R209-08/09 represents Declaring Public Nuisance and Immediate Abatement and that there are two (2) pieces of property in which the Code Enforcement Office has identified as being a "nuisance" and needs to be immediately abated. Attorney Nunn further stated he is asking the Council's consideration of the same. Attorney Nunn stated in Exhibit A, a piece of property is listed as 402 Kingsley Drive in Ward 4, but in actuality it is a piece of property located in Ward 2, and it has been corrected on the original Exhibit. A motion was made by Councilwoman Newton, and seconded by Councilman Bowie, to approve said Resolution #R209-08/09. A roll call vote was taken and the motion passed by a unanimous vote of the Council.

E. Ordinance #O112-08/09 - Ordinance to Exempt Certain Items from the Sales Tax During First Weekend of August, 2009 (Sales Tax Holiday). Attorney Nunn stated to Council that Ordinance #O112-08/09 represents an Ordinance to Exempt Certain Covered Items from the Municipal Sales and Use Tax during the first full weekend in August of 2009, as authorized by Act 2006-574, generally referred to as the State Sales Tax Holiday Legislation. Attorney Nunn further stated the Sales Tax Holiday for 2009 will begin at 12:01 a.m. on the first Friday in August, which is August 7th, and ends at 12:00 midnight on Sunday, August 9th. Attorney Nunn stated he is asking Council's consideration of said Ordinance #O112-08/09. A motion was made by Councilwoman Benjamin, and seconded by Councilman Randolph, to approve Ordinance #O112-08/09. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

F. Ordinance #O113-08/09 - Ordinance to Make Certain Changes to the Zoning Map in the City of Selma. Attorney Nunn stated to Council if they recall during the last Council meeting, these are properties (this one and the one below-stated) located between Golden Ranch Restaurant and Marion Bank, to zone the pieces of property to a "B-2 District". Attorney Nunn further stated we had a public hearing during our last Council meeting, and Ordinance #O113-08/09 was placed on 1st Reading, and he is asking Council's consideration of the same. A motion was made by Councilwoman Keith, and seconded by Councilman Randolph, to approve said Ordinance #O113-08/09. A roll call vote was taken and the motion passed by a unanimous vote of the Council.

G. Ordinance #O114-08/09 - Ordinance to Make Certain Changes to the Zoning Map of the City of Selma. Attorney Nunn stated to Council that, again this is a piece of property that is located between Golden Ranch Restaurant and Marion Bank, right beside the piece of property in which we just zoned as a "B-2 District". Attorney Nunn stated he is also asking Council's consideration of the same to zone this piece of property to a "B-2 District". Attorney Nunn further stated Ordinance #O114-08/09 was placed on 1st Reading

at the last Council meeting, and that there was a public hearing held during the meeting, and we did not have any objections to it. A motion was made by Councilwoman Keith, and seconded by Councilman Bowie, to approve said Ordinance #O114-08/09. A roll call vote was taken and the motion passed by a unanimous vote of the Council.

H. U. S. Department of Justice - Pre-Clearance - October 27, 2009 - Election Date. Attorney Nunn stated to Council that they should have a copy of a submission letter dated for June 10, 2009 to be forwarded to the United States Department of Justice, Civil Rights Division, a request for approval of the Special Election date of October 27, 2009 for a determination on a Municipal Bond, and to elect the initial members to the Selma Board of Education. Attorney Nunn further stated said submission letter will be mailed on tomorrow, and that President Allen can sign off on the Resolution to this effect on tonight, and it will be forwarded to the Department of Justice on tomorrow, as well. Attorney Nunn stated the Justice Department has sixty (60) days to make a decision as to their approval or objection to the October 27th date, but he expects to hear back from them in the next thirty (30) days.

I. Dismissal of Cases. Attorney Nunn stated to Council that three (3) cases recently have been *Dismissed*; namely, Susan Smith, *Dismissed* in the Circuit Court of Dallas County per Summary Judgment; Clyde Carter, *Dismissed* in the Circuit Court of Dallas County; and Sangernetta Mason, a Settlement was reached, and Motions were filed but *Dismissed*.

BUSINESS ITEMS:

I. RECOMMENDATIONS FROM GARBAGE COLLECTION AND ENVIRONMENTAL COURT SUB-COMMITTEES

Councilwoman Keith stated that there are no recommendations yet, but that Mr. Roosevelt Goldsby and the Summer Youth Workers are working on cross-referencing the Residents to verify the Garbage Collection bills.

Councilwoman Keith also stated that the Committee is planning to meet with Attorney Nunn, re. gathering environmental codes together, to get them codified. Councilwoman Keith further stated that the Committee should have recommendations probably within the end of the month.

STANDING COMMITTEE REPORTS

RECREATION COMMITTEE - Councilman Samuel Randolph, Chairman

No report.

ADMINISTRATIVE COMMITTEE - Councilwoman Monica Newton, Chairman

Councilwoman Newton made a report.

PUBLIC SAFETY COMMITTEE - Councilman Corey Bowie, Chairman

Councilman Bowie made a report.

COMMUNITY DEVELOPMENT COMMITTEE - Councilwoman Angela Benjamin, Chairperson

No report.

PUBLIC WORKS/GENERAL SERVICES COMMITTEE - Councilman Benny Tucker, Chairperson

Councilman Tucker made a report.

SELMA-DALLAS YOUTH AMBASSADORS - Councilwoman Bennie Ruth Crenshaw, Chairperson

There was no response to the Council President.

CHILDREN AND FAMILIES - Councilwoman Angela Benjamin, Chairperson

Councilwoman Benjamin made a report.

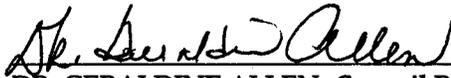
DISCRETIONARY COMMITTEE - President Geraldine Allen, Chairperson

President Allen reported on Selma-Dallas Youth Ambassadors, for a total of \$650.00 from President Allen, Councilman Williamson, Councilwoman Keith, Councilwoman Newton, Councilwoman Benjamin, and Councilman Bowie.

CLOSING REMARKS BY EACH COUNCIL MEMBER.

ADJOURNMENT

There being no further business to come before the Council, a motion was made by Councilwoman Benjamin, and seconded by Councilman Bowie, to adjourn, and by unanimous consent of the Council, this meeting adjourned at 6:59 p.m.



DR. GERALDINE ALLEN, *Council President*

ATTEST:



IVYS S. HARRISON, *City Clerk*

APPROVED:



GEORGE PATRICK EVANS, *Mayor*