

**MINUTES OF THE  
SELMA CITY COUNCIL  
OCTOBER 26, 2010  
5:00 P.M.**

**Call to Order**

Invocation: Reverend Lee Goodwin, Associate Pastor  
Second Missionary Baptist Church

**Pledge of Allegiance**

The Selma City Council met in a regular session in the Council Chambers of City Hall on Tuesday, October 26, 2010 at 5:00 p.m.

**ROLL CALL**

The following members were present during roll call: Council President Dr. Cecil Williamson and Council Members Councilman Thomas Atchison, Councilwoman Susan Keith, Councilwoman Dr. Monica Newton, Councilwoman Bennie R. Crenshaw, and Councilman 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, Ms. Brenda Smothers. Councilwoman Angela Benjamin was absent during roll call, but arrived at 5:20 p.m. Councilman Samuel Randolph was absent during roll call, but arrived at 5:58 p.m. Councilman Benny Tucker was absent from the Council Meeting.

**APPROVAL OF AGENDA**

President Williamson asked for the approval of the agenda items. A motion was made by Councilman Bowie, and seconded by Councilwoman Newton, to approve the agenda items as written, with the addition of an Executive Session following the discussion of the Business Items. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

**APPROVAL OF MINUTES**

After approval of the agenda, President Williamson asked for the approval of the minutes of October 5, 2010 regular meeting minutes. A motion was made by Councilwoman Keith, and seconded by Councilwoman Newton, to approve the minutes of October 5, 2010. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.** President Williamson asked for the approval of the minutes of October 12, 2010 regular meeting minutes. A motion was made by Councilwoman Newton, and seconded by Councilman Bowie, to approve the minutes of October 12, 2010. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

**CITIZENS' REQUEST**

Mr. William Bowman  
Re: V.I.P. Organization, Incorporated

Mrs. Laurine Pettway and Mrs. Deborah Spicer  
Re: Community Outreach Missionaries

Mr. Terry Stull  
Re: City Council Rules & Procedures Ordinance, #O113-10/11

Attorney Faya Rose Toure'  
Re: Infringement on a Citizen's Right to Speak, and Proposed Alternative

Mr. Kurt Marks  
Re: Closing of Streets, and Electric Fence Around Bush Hog

Mr. Willie Houston  
Re: Electric Fence Around Bush Hog

## MAYOR'S REPORT

### *Presentation to The Honorable Alston Keith, City Prosecutor - Retirement.*

Mayor Evans asked Attorney Alston Keith if he would come forward to be presented with a Key in his Honor. Mayor Evans stated he would like to acknowledge and give Honor to Mr. Alston Keith for "Forty-One Years as Prosecuting Attorney for the City of Selma". Mayor Evans and the City Council acknowledged Attorney Alston Keith for his outstanding achievements, and recognized Attorney Keith with gratitude for Forty-One Years of Dedicated Service as the City Prosecutor. Attorney Keith was "Congratulated" and given a "Round of Applause" in Appreciation, and Wished the Best in his Retirement!

### *Presentation to Mrs. Randy Harris, City Finance Department - Retirement.*

Mayor Evans asked Mrs. Randy Harris if she would come forward to be presented with a Plaque in her Honor. Mayor Evans stated he would like to acknowledge and give Honor to Mrs. Randy Harris for her service to the City of Selma. Mayor Evans and the City Council acknowledged Mrs. Randy Harris for her outstanding achievements, and recognized her with gratitude for Twenty-Five Years of Dedicated Service to the City of Selma. Mrs. Harris was "Congratulated" and given a "Round of Applause", in Appreciation, and Wished the Best in her Retirement!

### *Proclamation Declaring "National Hospice Month, November, 2010" in the City of Selma, Alabama.*

Mayor Evans read a Proclamation in Honor of "National Hospice Month, November, 2010" in the City of Selma, Alabama in its entirety. Mayor Evans, on behalf of himself as Mayor, the City Council, and the City of Selma proclaim the Month of November, 2010 as "National Hospice Month" in the City. Further, Mayor Evans urged all Citizens to proclaim the Month of November, 2010, as "National Hospice Month, November, 2010", in the City of Selma and encouraged all Citizens to increase their awareness of the importance and availability of Hospice Services, and to observe the Month with appropriate activities and programs. There were Representatives present whom Mayor Evans invited to come forward to accept the Proclamation. They were "Congratulated", and given a "Round of Applause", in Appreciation and Recognition of "National Hospice Month, November, 2010".

## LONGEVITY PINS AND CERTIFICATES

Mayor Evans stated he would like to present Certificates of Service and Longevity Pins in recognition of the following employees: Attorney Jimmy Nunn, City Attorney's Office, *Ten Years of Service* to the City of Selma, and Fireman Dale Dukes, Selma Fire Department, *Ten Years of Service* to the City of Selma. Mayor Evans stated he would like to thank each of them for their Years of Dedicated Service to the City of Selma, and he, along with the City Council, acknowledged them with Appreciation, and they were given a "Round of Applause".

**A. Police Report - September, 2010.** Mayor Evans stated to Council that they should have within their packets a copy of the Police Report of the Noise Citations, by Wards, for the Month of September, 2010. Mayor Evans further stated that there is also a "Pie" Chart of the Ward Incident Percentages, with a total of 9 reported Citations. Mayor Evans further stated, as can be seen from the "Note" at the bottom of the Page, there are "glitches" that are still being worked out with the New World Software.

**B. Approval of FY 2010/2011 Budget.** Mayor Evans stated to Council as was discussed during last night's Work Session, they do have a Budget, with about \$19,397.90 unappropriated, and \$150,000.00 transferred to the Landfill Project, in the Budget. Mayor Evans further stated that Ms. Cynthia Mitchell, City Treasurer, made a correction in the Budget in the amount of \$15,000.00 for the Council's Discretionary, whereby the Council approved reducing the amount in the Budget from \$80,000.00 to \$65,000.00 for Discretionary Funds for the Council and Mayor. Mayor Evans stated our actual proposed Revenue for the upcoming year is \$16,550,000.00, and our proposed Capital Expenses are \$16,395,602.10. During discussion, a motion was made by Councilwoman Newton, and seconded by Councilwoman Keith, to approve the FY 2010-2011 Budget. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present. During roll call, Councilwoman Crenshaw stated her vote is yes, but with apprehension.

**MAYOR'S REPORT**

C. **Update on Etheridge and Griffin Avenues.** Mayor Evans stated, again he would like to say to Citizens and to all, that much of the situation that exist is something that none of us had any control over, in terms of what is required of us in order to put the streets in. Mayor Evans stated that he will concur with the fact, as was stated during last night's Work Session, that the process has already begun in terms of the design being made. Mayor Evans further stated that he assures the Community that we are moving forward with getting the lay-out, and that nobody has "lied" to anybody. Mayor Evans stated he initially had informed the Council that this would be complete by December, and that he is sorry that it is taking so long. Mayor Evans further stated it was his hope that everything would take place simultaneously as they had discussed, but at this point we are waiting to see if Norfolk Southern Railway is going to waive the requirement to have "whistles, bells, and lights which will cost about \$250,000.00. Mayor Evans stated all he can say is that the promise that he made to the Council and to the Citizens as it relates to the completion of the streets will be fulfilled, and that he is sorry that it has taken so long. Mayor Evans further stated that the intent is to move forward with the assessments and also the Bids for this Project. Mayor Evans stated that he will also plan to have Mr. Josh Pierce present at the next Council Meeting, to bring us an update. Mayor Evans stated, with regard to the electrical wiring at Bush Hog, it was put in as a security measure, to hopefully deter people from coming in and taking the metal. Mayor Evans further stated upon researching this matter, this is what he found out, and also that it will sound off an alarm sensor to let them know that somebody is breaking in, or trying to break in. Mayor Evans stated the electrical wiring will not "kill anyone". Mayor Evans further stated that Mr. Michael Pate, who installed the electrical wiring at Bush Hog, was in town today, and he invited him to come to the Council Meeting. Mayor Evans asked Mr. Pate to come forward to address the Council, with an explanation of the electrical wiring that he installed at Bush Hog.

D. **Update on Riverfront Park, Water Avenue, Interpretive Center and Bond Projects.** Mayor Evans stated to Council that the Riverfront Project and Streetscape on Water Avenue is underway, and is scheduled to be complete by December; that the intent with the Interpretive Center is to have a "soft" opening during the first weekend in December, for a "walk-through". Mayor Evans further stated on November 8<sup>th</sup>, they will begin the project on Franklin Street, and hopefully will be finished by April, 2011. Mayor Evans stated that the street paving projects are set to begin the week after the Thanksgiving Holiday, beginning with Marie Foster Street. Mayor Evans further stated as it relates to the Public Buildings, they have already begun work, and that the latter part of November, work should begin on Memorial Stadium, i.e. restrooms, bleachers, press box, etc.

E. **Update on Department of Examiners of Public Accounts' Report on the Municipal Court.** Mayor Evans stated to Council that he has asked for an Executive Session to go over the Public Accounts' situation, in which three (3) Individuals are involved, whereby Examiners noted that possibly funds were not deposited. Mayor Evans further stated he would like the Council to meet with them for the purpose of getting information pertaining to what happened, and giving them an opportunity to speak to the Council individually about the concerns of the money that is missing from those Departments.

F. **Update on \$64,000.00 Payment for Landfill Construction Closure.** Mayor Evans asked Ms. Charlotte Griffeth to come forward, to offer an explanation as it relates to the Landfill Construction Closure Project. Ms. Griffeth stated that the Contract was written and signed in August of 2009, and that in 2008 there was a \$371,265.00 surplus, but because of the lack of revenue and other expenses, due to the funds not being there when the Landfill was closed, the \$64,000.00 had to be paid out of the Bond Fund. Councilwoman Crenshaw stated she had no idea that they had taken the \$64,000.00 and used it to help do something else with it, but that she does feel strongly about this. Councilwoman Crenshaw further stated to Councilwoman Newton, that the two of them had plans of working on this Project, and that they are going to continue to do some work with this Project, and that somehow the City is going to have to come up with some money in order to complete what they had started to do with this Project. President Williamson stated to Mayor Evans that he did receive his note, explaining about how it was approved, and that he does not remember from all of the Minutes, but he does not think the Council approved that expenditure. Councilwoman Newton stated, for the record, the Minutes that were given were Minutes of when they accepted the Bid; the date of August 25, 2009, and in that stipulation, there is nothing to the extent that they did not have the money to pay the Bid. Mayor Evans stated that he thought that they had the copy referenced by Ms. Griffeth, but that he will provide them with the referenced copy of those Minutes.

G. **Update on Invoices for the Dallas County E.M.A. Federal-County-City Share Program.** Mayor Evans stated to Council that he had spoken with the Probate Judge on this, and they plan to have a meeting to try and resolve this issue, and will give them an update at the next Council Meeting.

H. **Proposal to Maintain Garbage Collection by the City.** Mayor Evans stated to Council that he asked Councilwoman Keith to move forward with the Committee, as it relates to the Garbage Collection.

I. **Holiday Observances.**

- Veterans' Day - November 11, 2010
- Thanksgiving Holiday - November 25 - 26, 2010

- *Christmas Day Holiday – December 24 and December 27, 2010*
- *New Year's Day Holiday – December 31, 2010*

J. **Keeping Parks Open Year-Round.** Mayor Evans stated to the Council that he would like to keep the City's Parks open during the seasons this year, for our Children to be able to use year-round, and would like to move forward in keeping those open.

K. **"What's On the City's Website?"** Mayor Evans stated to Council that they should have within their packets information as it relates to "What's on the City's Website", that relates to City Government in our City.

L. **Reminder, and Announcements.** Mayor Evans stated he would like to announce and advise the Council of the following:

- (1) *Farmers' Market Schedule – Every Tuesday, Thursday, and Saturday through December – 6:00 a.m. – 2:00 p.m. – Valley Creek Park Pavilion*
- (2) *"Tuesday at the Movies" (Senior Citizens) – Every Tuesday at 2:00 p.m., at the Performing Arts Center, Miss Kitti's Theater*
- (3) *Free Scrapbooking Classes – Every Wednesday from 9:00 a.m. – 2:00 p.m., at the Performing Arts Center*
- (4) *Halloween Monster March – Thursday, October 28<sup>th</sup>*
- (5) *PAL Halloween Party – Thursday, October 28<sup>th</sup>*
- (6) *Halloween Trick-or-Treating – Saturday, October 30<sup>th</sup>*
- (7) *ELECTION DAY – Tuesday, November 2<sup>nd</sup>. Don't Forget to Vote!*
- (8) *Montgomery Ballet's "A Midsummer's Night Dream" – Thursday, November 4<sup>th</sup>*
- (9) *Art Walk – Friday, November 5<sup>th</sup>*
- (10) *Kenan's Mill Fall Festival – Saturday, November 6<sup>th</sup>*
- (11) *Mayor's Charity Golf Tournament – Wednesday, November 17<sup>th</sup>*

**CITY ATTORNEY'S REPORT**

A. **#O101-10/11 – An Ordinance Amending Ordinance No. COS21-01/02, As It Relates to Excessive and Loud Noise.** Attorney Nunn stated to Council that if they recall they were handed out a copy of the Noise Ordinance that was passed in 2002. Attorney Nunn further stated it was requested of him to research other Cities of our size as it relates to their noise ordinance, for a comparative study. Attorney Nunn passed out the comparable fees, and President Williamson stated that the Council will review the same, and take action at our next Council Meeting.

B. **Resolution #R108-10/11 – Public Building Usage Policy: A Resolution Amending Resolution #R188-08/09.** Attorney Nunn stated that they should have before them Resolution #R108-10/11, Public Building Usage Policy: A Resolution Amending Resolution #R188-08/009. Attorney Nunn further stated that it was requested by President Williamson to amend said Resolution as it relates to fees. Attorney Nunn stated Resolution #R188-08/09 was passed back in 2009, and that he went back and amended said Resolution by adding Section 13: "All renters including, but not limited to, elected officials, employees, non-profit organizations and schools shall pay full price and not receive a discount for the rental and use of city-owned facilities when an admission fee and/or entry fee is charged at the door prior to entering the facility for an event sponsored by the renter(s)." During discussion, President Williamson stated that this issue is being placed back into the hands of Councilman Bowie, Chairperson, Administrative Committee, for review and a recommendation.

C. **Alcoholic Beverage License – Gene Hisel d/b/a Cheers Package Store – 1105 Broad Street.** Attorney Nunn stated to Council that they should have before them an Alcoholic Beverage License Application as it relates to Gene Hisel d/b/a Cheers Package Store, for a Lounge Retail Liquor – Class II Package License, which is located at 1105 Broad Street. Attorney Nunn stated said Alcoholic Beverage License Application is up for 1<sup>st</sup> Reading tonight, and asked Council's consideration of the same. A motion was made by Councilwoman Keith, and seconded by Councilman Bowie, to place said Alcoholic Beverage

License Application of Gene Hisel d/b/a Cheers, on 1<sup>st</sup> Reading. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

D. Extension of Etheridge Street - Eminent Domain. Attorney Nunn stated to Council that they should have before them information as it relates to exercising Eminent Domain with regard to the extension of Etheridge Street. Attorney Nunn further stated the question was brought up as it relates to this, and that they have a letter before them. Attorney Nunn stated at the end of this letter there is a statement that states the issue and delay is not whether the City has permission to cross Norfolk Southern Railroad's Right-of-Way, but whether the City can obtain a waiver to mitigate the cost of automated signalization. Attorney Nunn stated that automated signalization is standard at Norfolk Southern Railroad which is why the City is seeking a waiver for the non-signalized grade crossing on this project, and that the estimated cost is \$250,000.00. Attorney Nunn stated we are hoping for a favorable review of this waiver request.

E. Examiners of Public Accounts - Update. Attorney Nunn stated to Council, per request made by President Williamson, as it relates to the Examiners of Public Accounts, that they did make a call requesting an audit of the books and finances of the City between the years of October 1, 2005 and September 30, 2008. Attorney Nunn further stated in speaking with Mr. Jones of that office, he stated that it would be extremely difficult to provide these services to the City in that his office has been cut funding. Attorney Nunn stated that he did state that the City could move forward in preparing a resolution but it would be highly unlikely that an audit could be accomplished within the near future. Attorney Nunn further stated that from speaking to the Council about this they do want to proceed with it, and he will proceed and have the resolution prepared for action during the next Council Meeting.

F. Ordinance Number 03-9293. Attorney Nunn stated to Council that they should have a copy of the Ordinance Number 03-9293, as it relates to the Lodging Tax, per the request of Councilwoman Newton. President Williamson asked which of the Council Members were on the Tourism Advisory Board, and Councilwoman Benjamin responded and stated that she and Councilwoman Keith were on the Tourism Advisory Board. Ms. Griffeth was asked to come forward to address the Council with an explanation as to the Tourism Advisory Board, and their Meetings. During discussion, President Williamson asked Ms. Charlotte Griffeth and Mrs. Patti Sexton to make sure of when the Tourism Advisory Board Meetings are going to be, so that Councilwoman Benjamin and Councilwoman Keith can have the opportunity to be there for the Meetings.

#### **BUSINESS ITEMS:**

##### **I. STREET SIGNS**

President Williamson stated to Mayor Evans that he is going to forward to him the Article about a Federal Mandate about changing the Street Signs.

##### **II. UPDATE ON 2309 LAUDERDALE STREET**

Attorney Nunn stated to Council that he spoke with the Land Surveyor, and he stated that in looking at the property, that the alley runs in between, from one street to another, and Ms. Hunter's house is in the middle. Attorney Nunn further stated that the Land Surveyor will not propose to vacate just that portion of the alley, but the entire street. Attorney Nunn stated if she should get an Attorney to do that, he says that a legal description probably could be drawn up by the Attorney instead of having the Surveyor do it, and that would save on the expense, and that way the property owners can share in that expense, instead of Ms. Hunter alone. Attorney Nunn stated that he would communicate this information to Ms. Hunter, and bring back an update to the Council.

##### **III. WARD 4 PUBLIC WORKS AND CODE ENFORCEMENT REPORT**

Councilwoman Benjamin stated to Mayor Evans that she would be checking on the items that were on the list she presented during the last Council Meeting. Mayor Evans stated that Public Works has had a real problem recently with equipment being broken down, but that he would follow up with the Public Works Department for an update on tomorrow, and will get back to her at that time.

##### **IV. UPDATE ON SURPLUS OF POLICE VEHICLES**

President Williamson asked Mayor Evans if he would bring an update to the Council on the surplus of vehicles during the next Council Meeting, and Mayor Evans stated that he would.

##### **V. SALVATION ARMY BELL RINGING**

President Williamson asked Councilwoman Keith and Councilwoman Newton to schedule them for the Salvation Army Bell Ringing, and poll the Council as to who would like to work on this project.

**STANDING COMMITTEE REPORTS**

**RECREATION COMMITTEE - Councilman Benny Tucker, Chairman**

Councilman Tucker was absent from the Council Meeting.

**ADMINISTRATIVE COMMITTEE - Councilman Corey Bowie, Chairman**

Councilman Bowie made a report.

**PUBLIC SAFETY COMMITTEE - Councilwoman Monica Newton, Chairman**

Councilwoman Newton made a report.

**COMMUNITY DEVELOPMENT - Councilwoman Susan Keith, Chairman**

Councilwoman Keith made a report.

**PUBLIC WORKS/GENERAL SERVICES COMMITTEE - Councilman Samuel Randolph, Chairperson**

Councilman Randolph made a report.

**DISCRETIONARY COMMITTEE - President Cecil Williamson, Chairperson**

President Williamson stated to Mayor Evans that we did get the \$600.00 that Coach Miles needed.

**CHILDREN AND FAMILIES - Councilwoman Angela Benjamin, Chairperson**

No Report.

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

Councilwoman Crenshaw made a report.

**EXECUTIVE SESSION**

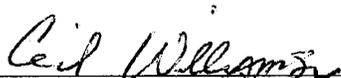
A motion was made by Councilman Randolph, and seconded by Councilwoman Crenshaw, to recess into an Executive Session, at 7:45 p.m., for thirty (30) minutes, to discuss a legal matter. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

Following Executive Session, a motion was made by Councilman Randolph, and seconded by Councilwoman Keith, to reconvene the Council Meeting back into session. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.** President Williamson declared and reconvened the Council Meeting back into its regular session at 8:08 p.m.

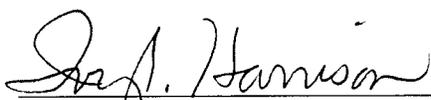
**CLOSING REMARKS BY EACH COUNCIL MEMBER.**

**ADJOURNMENT**

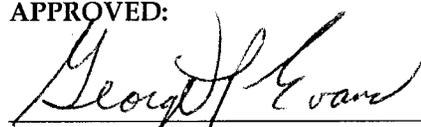
There being no further business to come before the Council, a motion was made by Councilwoman Benjamin, and seconded by Councilman Randolph, to adjourn, and by unanimous consent of the Council, this meeting adjourned at 8:20 p.m.

  
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DR. CECIL WILLIAMSON, *Council President*

**ATTEST:**

  
\_\_\_\_\_  
IVY S. HARRISON, *City Clerk*

**APPROVED:**

  
\_\_\_\_\_  
GEORGE PATRICK EVANS, *Mayor*