

**MINUTES OF THE
SELMA CITY COUNCIL
FEBRUARY 8, 2011
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, February 8, 2011 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, Councilman Benny L. Tucker, 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. Councilman Samuel Randolph was absent during roll call, but arrived at 5:34 p.m. Councilwoman Benjamin was absent during roll call, but arrived at 5:38 p.m.

APPROVAL OF AGENDA

President Williamson asked for the approval of the agenda items. A motion was made by Councilwoman Keith, and seconded by Councilman Tucker, to add the "Mardi Gras Gala" to benefit the Brown Y.M.C.A., for discussion under the Business Items. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.** A motion was made by Councilman Tucker, and seconded by Councilman Bowie, to approve the agenda items, with the addition of the "Mardi Gras Gala". **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 January 25, 2011 regular meeting minutes. A motion was made by Councilman Tucker, and seconded by Councilwoman Keith, to approve the minutes of January 25, 2011. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

CITIZENS' REQUESTS

Mr. Lorenzo Edwards (*The Loft*, 1113 Alabama Avenue)
Re: Bring Your Own Bag (*B.Y.O.B.*) Ordinance

MAYOR'S REPORT

PROCLAMATION HONORING STATE REPRESENTATIVE DARRIO MELTON.

Mayor Evans stated to Council that he has prepared a Proclamation for the Council to approve and Honor State Representative Darrio Melton. Mayor Evans read the Proclamation in its entirety. Representative Melton was elected to the Alabama House of Representatives, representing the 67th District, on November 2, 2010. Mayor Evans and the Council presented said Proclamation to State Representative

Darrio Melton, in recognition of his achievements and service to the Citizens of Selma, Alabama. Representative Darrio Melton was received with a "Round of Applause".

PROCLAMATION DECLARING FEBRUARY, 2011, AS BLACK HISTORY MONTH.

Mayor Evans stated to Council that he has prepared a Proclamation for the Council to approve and Declare February, 2011, as *Black History Month*. Mayor Evans read the Proclamation in its entirety, which affirms the importance of Black History which spans thousands of years, and includes some of the greatest, most advanced and innovative societies in world history. Mayor Evans and the Council proclaim February, 2011, as *Black History Month* in the City of Selma, and encourage all Citizens to explore the history and culture of Black Americans, and, also, to observe the Month with appropriate programs, ceremonies and activities.

Mayor Evans stated he would like to begin and "clear the air" on something. Mayor Evans stated he has heard so many things about himself; that he is going to resign his position as Mayor, and turn it over to President Williamson. Mayor Evans further stated that he is not resigning anything; if the Good Lord chooses to take him away from something, that is a different story. Mayor Evans stated he wants the record to reflect that he plans to stay here to do his term, and he does plan to run again, and whomever "wins" the Lord decides that, and not him. Mayor Evans stated what he has been dealing with is Bell's Palsy, called "a 7th Cranial Virus", and that's why he has tried to remain "low key". Mayor Evans further stated that he has been on medication to try and clear it up, and took the last of his medication on today.

A. Monthly Financial Report - January, 2011. Mayor Evans stated to Council that they should each have before them a copy of the Monthly Financial Report for the Month of January, 2011. Mayor Evans stated that it looks as if we had a "gain" during this last month. President Williamson stated he believes that this is the most encouraging Financial Report that we have had in months. President Williamson further stated that for the first four months of this Fiscal Year we are \$25,000.00 ahead as compared to the same period last year, and that is very encouraging. President Williamson stated that it shows a lot of people shopped here for their Christmas Shopping which is very good. President Williamson further stated that the Lodging Tax is still up, over the last year. President Williamson stated people are still coming here, and that is encouraging. Mayor Evans stated that the Report reflects the Restitutions, Overtime in Departments, and transactions of the bond projects, which also include how much has been spent on each Bond Project. Mayor Evans further stated all of the Bond Projects are underway, and are in "full swing" now, and he is thankful to the Citizens of Selma, and the Voters who made the Bond Projects possible.

B. Police Department Report - January, 2011. Mayor Evans stated to Council that they should have before them a copy of the Police Department Report, which gives all of the incident report totals by percentages for each Ward, along with a copy of the Loud Noise Statistics. Mayor Evans further stated these reports were prepared by Chief Riley and his Staff, for the month of January, 2011, and that he is present in the event the Council has any questions.

C. Update on Sales of Surplused Police Vehicles. Mayor Evans stated to Council that they should have before them an update on the sales of the Surplused Police Vehicles, and the Municipalities who purchased them. President Williamson stated that Six (6) police vehicles were sold to the following Cities; namely: (1) Two (2) to the City of Gainesville; (2) Two (2) to the City of Eutaw; (3) One (1) to the City of Hayneville; and (4) One (1) to the City of Mosses.

D. Update on Griffin Avenue Area Roadway Improvements. Mayor Evans stated to Council that they are working out the "mechanics" with Bush Hog, as it relates to the cul-de-sac and getting it put in correctly. Mayor Evans further stated that the lay-out is being done, and the landscaping is being done. Mayor Evans stated the Griffin Avenue Roadway Project is underway, and he would like to say to the Citizens in that area, that they appreciate their patience in getting this Project complete. Mayor Evans further stated that we are still awaiting getting confirming from the Railroad, as far as going across there, but everything else is progressing along; that it is still a Work-In-Progress, but scheduled to be complete in March or April, pending what happens with the Railroad.

E. Update on Sanitary Sewer Improvement Projects. Mayor Evans stated to Council that Mr. Ray Hogg is here at tonight's Council Meeting, and asked that he come forward to address the Council as it relates to an update on the Sanitary Sewer Improvement Projects. Mayor Evans stated that he, Mr. Hogg, and Mr. Tommy Smith, went out this afternoon, and surveyed the areas that are being worked on today, to get an idea of what is going on with them. Mr. Hogg addressed the Council and offered an explanation of the Sanitary Sewer Improvement Projects. Mayor Evans and Mr. Hogg both stated that West Dallas Avenue, behind the old Wal-Mart Department Store, Jerome Street, and the end of 2nd Avenue, Sanitary Sewer Improvement Projects are completed. Mr. Hogg further stated the only remaining Projects are Franklin Street/Philpot Avenue, and Highland Avenue at the Valley Creek Bridge. Mr. Hogg stated that it is his

estimate that the Franklin Street/Philpot Avenue Project should be finished in the next three (3) weeks, but that the Contractor is "fighting" a lot of "ground water" due to all of the rain that we have had, and that has kind of slowed him down. Mr. Hogg stated that as soon as they are completed with Philpot Avenue, it is going to be re-built, as well. Mr. Hogg further stated that the Contractor has 180 days to complete this Project, which is on or about the first of April. Mr. Hogg stated, in his opinion, he is ahead of schedule, in spite of the 40 days he could not work due to the rain. Mayor Evans and the Council thanked Mr. Hogg for coming in and providing them with that report.

F. **Update on Street Reconstruction and Resurfacing Projects.** Mayor Evans stated he did go out to get a status report on the Street Reconstruction and Resurfacing Projects, and they are on First Avenue right now. Mayor Evans further stated that they are doing some re-paving on Old Marion Junction Road, and that the other streets are a Work-In-Progress. Mayor Evans stated that the street re-paving on First Avenue will run from Lapsley Street down to Marie Foster Street, and Marie Foster Street is also scheduled to be re-paved.

G. **Update on Public Buildings.** Mayor Evans stated to Council that work on our Public Buildings is underway, and that the Convention Center is being "upgraded"; that they have done the Roofing on the Building here (City Hall), and they are now working on the Fire Station in East Selma, and that this, too, is a Work-In-Progress.

H. **Resolution #R169-10/11 - Authorization to Enter Into an Agreement with Galbraith and Associates, LLC for Program Administration Services for the City of Selma Amphitheatre Project.** Mayor Evans stated to Council that they should have before them Resolution #R169-10/11, which represents Authorization to Enter Into An Agreement with Galbraith and Associates, LLC for Program Administration Services for the City of Selma Amphitheatre Project. Mayor Evans asked Ms. Charlotte Griffeth to come forward, in the event the Council has questions. Mayor Evans stated to Council, as they all know, this Grant was written specifically for the Amphitheatre, asking A.D.E.C.A. to allow us to get this money so that we could continue the Project for the Amphitheatre, and if we do not accept it, the money will go back to the State of Alabama. Mayor Evans further stated it was a Gift to us and he does not want to send anything back to the State that was a Gift for us. Mayor Evans stated he is not in agreement with the total amount that is being charged, but nevertheless it is another piece to the puzzle that we are trying to complete. Mayor Evans stated this is the Council Meeting whereby we will have to decide either to accept it, or not, or the deadline will run out on it. Councilwoman Crenshaw stated, for the record, that in the previous bond there was a million dollars for a movie theater for the Children, and that we are going to have to really start looking out for something dealing with our Young People, and she thought if we could have solicited that amount of money for a facility such as that, which she thinks is a wonderful thing; further, that she thinks if they could get a nice Amphitheatre for \$600,000, they could move on to something else for the young Children, and she would go along with that, but she is hearing now that we are gathering a million dollars for just the one facility. Councilwoman Crenshaw stated she is making this statement, so that when the time comes to vote on this, her vote will be "no" on this, based upon the statement that was just made. Mayor Evans stated that it is no comparison between a Movie Theater and an Amphitheatre. Mayor Evans further stated that the Amphitheatre is a Project that all Cities around us are doing in order to bring in Tourism, and that it is nothing new. Mayor Evans stated that we may not see the "big picture" now but that he is convinced in our Children's time and Young Adults, once the Amphitheatre is completed, it will be an "awesome plus" to our City, as entertainment comes to our City. Mayor Evans further stated that the Amphitheatre is just another "piece of the puzzle" that it is going to take to make our City what we would like for it to be on that River. Mayor Evans stated that it is a Work-In-Progress, and it is his hope that the Council will move forward with this so that we can move on to the next level. Mayor Evans stated that he is in support of the City as Recipient of the 2010 Community Development Block Grant from the State of Alabama (A.D.E.C.A.), for the construction of an Amphitheatre in the City of Selma. During discussion, a motion was made by Councilwoman Keith, and seconded by Councilman Tucker, to approve Resolution #R169-10/11, Authorization to Enter Into An Agreement with Galbraith and Associates, LLC for Program Administration Services for the City of Selma Amphitheatre Project. A roll call vote was taken and the motion passed with a majority vote of the Council. There were seven affirmative votes and one nay vote. Councilwoman Crenshaw cast a nay vote.

I. **Update on Appointment of City Prosecutor Major Madison, Jr.** Mayor Evans stated to Council that he asked the Two (2) Judges and our City Attorney to come up with some recommended names of individuals who would be interested in being our Prosecuting Attorneys. Mayor Evans further stated that they were interviewed by himself, along with our Two (2) Judges and City Attorney. Mayor Eavns stated in the process of interviewing, they decided to get Two (2) Prosecuting Attorneys. Mayor Evans further stated the process was done, and they agreed to serve. Mayor Evans stated the issue came up about Mr. Major Madison being an Attorney with the Law Firm of Sanders, Sanders & Pettaway, which certainly they did their homework on this as to whether or not it would be a conflict. Mayor Evans further stated in speaking with the League of Municipalities, about whether or not this would be a conflict of interest, or unethical, they clarified this and stated that if in fact he was an Attorney for the Law Firm, that he would have to *recuse* himself of any lawsuits against the City whereby they were filing a claim or lawsuit against the City in representation, that it would be a conflict of interest, and unethical; that he could not be an Employee of the

City and prosecute or defend claims and/or lawsuits against the City. Mayor Evans stated that Mr. Madison understood that, and his job with the City is as a Prosecuting Attorney for the City. Mayor Evans further stated that the intent was never to deceive the Council, and that he thinks that they did everything right, based upon what they were told. Mayor Evans stated that he does not question the integrity of Mr. Major Madison, and that he believes he will do a good job for us, in terms of representing the City as a Prosecuting Attorney for the City. Councilman Atchison stated, for the record, that he thinks it was a conflict in that he was a Prosecutor, and that his Firm was involved with a Lawsuit against the Selma Police Department; that he thinks that was an inherent conflict. Councilman Atchison further stated, however, the City has the authority to waive that, "and in you waiving that conflict (Mayor Evans), I trust your judgment. I just wanted to tell you that. I don't think it's anything about the particular Firm he's with; I think it would be the same if he was with my Firm or any other Firm. But, that being said, it was waived, and that was within your judgment, and I trust your judgment". Mayor Evans thanked Councilman Atchison for his statement.

J. Acceptance of Donation of King Street Properties. Mayor Evans stated to Council that he they should have within their packets, information as it relates to donation of the King Street Properties, and that he would like to ask the Council to accept the donation of the King Street Properties. A motion was made by Councilwoman Benjamin, and seconded by Councilman Randolph, to approve the acceptance of the King Street Properties. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

K. Process, Procedures and Fee Schedule for Memorial Stadium. Mayor Evans stated to Council that we are going to have to re-visit what we charge for our facilities. Mayor Evans further stated that we are doing a monumental renovation at the Stadium, with expansions and so forth. Mayor Evans stated we are going to have to make some changes on how we do business, and he is asking President Williamson to ask the Recreation Committee to work with him, to come up with a recommendation to the Council, as to what we need to charge to use the Memorial Stadium. Mayor Evans stated that we can not afford to continue the way that we have in the past; if so, we are going to go "broke". President Williamson stated to Mayor Evans that he will ask the Recreation Committee to work with him, and that Councilman Tucker is Chairman of that Committee.

L. Executive Session. Mayor Evans stated to Council that he would like to ask the Council to go into an Executive Session, after the City Attorney's Report, and prior to the Council adjourning the Meeting, for about thirty (30) minutes, to talk about good name and character, and to bring them an update on some personnel and legal issues.

CITY ATTORNEY'S REPORT

A. Ordinance #O105-10/11 - Amendment to Section 5(4) of Ordinance No. 66-25, Known as the Parade Ordinance. Attorney Nunn stated to Council that they should have a copy of Ordinance #O105-10/11, Amendment to Section 5(4) of Ordinance No. 66-25, known as the Parade Ordinance, within their packet of information, which modified the Parade Fee from \$10.00 to \$50.00, for a Parade Permit, on the recommendation of Chief Riley. Attorney Nunn stated said Ordinance #O105-10/11 was placed on 1st Reading during the last Council Meeting, and is up for consideration of the same at tonight's Council Meeting. A motion was made by Councilman Tucker, and seconded by President Williamson, to approve Ordinance #O105-10/11, Amendment to Section 5(4) of Ordinance No. 66-25, Known as the Parade Ordinance, increasing the fee from \$10.00 to \$50.00, for a Parade Permit. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

B. Ordinance #O106-10/11 - Consumption of Alcohol Beverages Brought or "Brown-Bagged" On the Premises of Businesses Without Alcohol Beverage Retail Licenses. Attorney Nunn stated to Council that Ordinance #O106-10/11, Consumption of Alcohol Beverages Brought or "Brown-Bagged" on the Premises of Businesses Without Alcohol Beverage Retail Licenses, came up during our last Council Meeting, and was placed on 1st Reading, with the understanding that it would be placed into the hands of Public Safety, and brought back before the Council with a recommendation to be considered. Attorney Nunn further stated one of the concerns that we had was as it relates to Social Events. Attorney Nunn stated he felt the intent was to deal with the "Bring Your Own Bottle" (B.Y.O.B.) to events. Attorney Nunn further stated that they went back and took out all of that, and the revised Ordinance that they have before them only deals with: (1) It does not allow anyone to go into a business that has a business license, drinking; (2) prevents the owner (operator, manager, etc.) from bringing retail alcoholic beverages on the premises of said business, without an Alabama Alcoholic Beverage Control Board On-Premises Retail Alcoholic License, and to drink; and (3) prohibits anyone from consuming any type of alcoholic beverage on the premises of said business, unless it is licensed to sell Alcoholic Beverages through the Alcoholic Beverage Control Board. Attorney Nunn stated that this is all that is covered, and that Weddings, Reunions, functions of the Quarterback Club, and all of that, etc., that this Ordinance does not apply to those. Attorney Nunn further stated that at functions such as those, most times they have secured a "Bar Tender" for those-type situations. Attorney Nunn stated this Ordinance applies to an establishment who has a business license and is having an event, and inviting guests, and they are "Bringing Their Own Bottle" to the event. Following discussion, President

Williamson stated that he was going to place this Item into the "hands" of the Public Safety Committee, and asked Attorney Nunn to meet with them, and to please bring back a recommendation at the next Council Meeting.

C. Law Prohibiting Underage Patrons in Lounges. Attorney Nunn stated to Council that Councilman Atchison asked if there was a "Law" as it relates to "underage" Patrons coming into a Lounge, nineteen, and whether we could pass a "Law" to take the age up to twenty-one. Attorney Nunn stated that he spoke with Agent Barber of the State Alcoholic Beverage Control Board, and was advised that it is regulated by the State (28-3A-11), and we would have to have some type of Legislative Act to change that. Attorney Nunn further stated that some of the Businesses in Montgomery are "voluntarily" placing an age limit on Patrons, who are coming into Lounges.

D. 1913 West Highland Avenue. Attorney Nunn stated to Council that they should copies of a pictures of an office which belongs to Dr. Evans, a Chiropractor here in Selma, who has an office which is in the form of a Mobile Home, about the size of "two bedrooms and one bath", in which our City Building Inspector did go out for inspection, and determined that it is a trailer or mobile home, which put a "hold" on him completing this project. Attorney Nunn further stated we do have an Ordinance on the Books, Section 21½ -1, which indicates that we cannot have any house trailers or mobile homes located within the City of Selma, unless approved by the Council. Attorney Nunn stated that Dr. Evans had stated that he was going to try to be here tonight to offer an explanation, but he is not here at this time. Attorney Nunn further stated that it is up for Council's consideration of the same. Councilwoman Keith asked if we could "Table" this item for more information, and President Williamson concurred, and asked that she look into this since this is in her Ward, and bring back a recommendation at our next Council Meeting.

E. Letter to Mr. Tom Bolton. Attorney Nunn stated to Council that he handed a copy of a letter that was "drafted" to Mr. Tom Bolton to them at the beginning of the Council Meeting. Attorney Nunn further stated to Council if they recall during our last Council Meeting, a question came up by Councilwoman Keith concerning whether or not the letter had been forwarded to Mr. Bolton. Attorney Nunn stated he wanted to advise the Council that the letter has gone out to Mr. Tom Bolton, and that we will proceed with the procedure thereunder.

BUSINESS ITEMS:

I. NOISE ORDINANCE

President Williamson stated he noticed that we only had two (2) citations issued last month.

II. TOWN HALL MEETING: "TURNING THE TIDE ON YOUTH VIOLENCE" - FEBRUARY 15TH, CONVENTION CENTER

Councilwoman Benjamin stated that the Town Hall Meeting is scheduled for February 15th, at the Convention Center, at 6:00 p.m. Councilwoman Benjamin further stated that she is glad that Councilman Randolph is back. Councilwoman Benjamin stated that the Public is invited, and look forward to seeing everybody there who can come.

III. WARD 4 COMMUNITY DEVELOPMENT

Councilwoman Benjamin stated to Mayor Evans that they had a wonderful Ward Meeting, and that they would be working with several Departments. Councilwoman Benjamin further stated that Ms. Griffeth came by, along with the Selma Water Works & Sewer Board. Councilwoman Benjamin stated to Mayor Evans that she would be getting with him, to get an update on some items that were discussed during the Ward Meeting.

IV. CALENDAR: WARD 4 HOSTS 3RD ANNUAL BLACK HISTORY CELEBRATION - FEBRUARY 28TH - MARCH 1ST

Councilwoman Benjamin stated that the 3rd Annual Black History Celebration is scheduled for February 28th - March 1st, and asked that the Council will "save the date". Councilwoman Benjamin further stated that they would talk about this as they get closer to that date.

V. MARDI GRAS GALA

Councilwoman Keith stated that there is not a whole lot of notice to give, but that we are going to have a Mardi Gras Gala on Friday, February 25th, at the Convention Center. Councilwoman Keith further stated that she, Councilwoman Benjamin and Councilman Randolph, whom she is so glad to see back from Military Duty, will be working close together on this, to benefit the Brown Y.M.C.A. Councilwoman Keith stated that the tickets are \$25.00 each, \$200.00 for a table to seat 8 people, and it will start at 7:00 p.m. Councilwoman Keith further stated that there will music, food and fun, and invited everyone to come!

RECREATION COMMITTEE - Councilman Benny Tucker, Chairman

No Report.

ADMINISTRATIVE COMMITTEE - Councilman Corey Bowie, Chairman

No Report.

PUBLIC SAFETY COMMITTEE - Chairperson To Be Announced

No Report.

COMMUNITY DEVELOPMENT - Councilwoman Susan Keith, Chairman

Councilwoman Keith made a report.

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

No Report.

DISCRETIONARY COMMITTEE - President Cecil Williamson, Chairperson

President Williamson stated that we have \$400.00 for the Jonathan Daniels CDC Organization.

CHILDREN AND FAMILIES - Councilwoman Angela Benjamin, Chairperson

No Report.

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

No Report.

EXECUTIVE SESSION

Mayor Evans made a request of the Council to recess into an Executive Session for approximately 30 minutes, to talk about good name and character, and to bring them an update on some personnel and legal issues. A motion was made by Councilwoman Keith, and seconded by Councilman Bowie, to recess into executive session, for good name and character, at 6:53 p.m. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

Following Executive Session, a motion was made by Councilwoman Keith, and seconded by Councilman Bowie, to reconvene the Council meeting back into its regular session at 7:21 p.m.

MAYOR'S REPORT CONTINUED

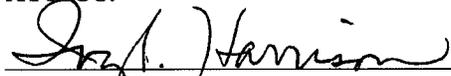
M. #R173-10/11 - Resolution to Accept Funds. Upon reconvening from an Executive Session, a motion was made by Councilwoman Keith, and seconded by Councilman Tucker, to approve Resolution #R173-10/11, Resolution to Accept Funds. A roll call vote was taken and the motion passed with a majority vote of the Council Members present. There were six affirmative votes and one abstention. Councilman Randolph abstained from voting.

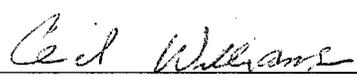
CLOSING REMARKS BY EACH COUNCIL MEMBER.

ADJOURNMENT

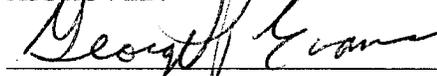
There being no further business to come before the Council, a motion was made by Councilwoman Keith, and seconded by Councilman Bowie, to adjourn, and by unanimous consent of the Council, this meeting adjourned at 7:29 p.m.

ATTEST:


IVY S. HARRISON, City Clerk


DR. CECIL WILLIAMSON, Council President

APPROVED:


GEORGE PATRICK EVANS, Mayor