

**MINUTES OF THE
SELMA CITY COUNCIL
NOVEMBER 24, 2009
5:00 P.M.**

Call to Order

Invocation: Pastor Ralph Edwards
Helping Hand Bible Ministries

Pledge of Allegiance

The Selma City Council met in a regular session in the Council Chambers of City Hall on Tuesday, November 24, 2009 at 5:00 p.m.

ROLL CALL

The following members were present during roll call: Council President Dr. Geraldine Allen and Council members Dr. Cecil Williamson, Dr. Monica Newton, Angela Benjamin, Samuel Randolph, Benny L. Tucker, Bennie R. Crenshaw, and Corey Bowie. Others present were Mayor George Evans, City Clerk Ivy S. Harrison, City Attorney Jimmy Nunn, and City Treasurer Cynthia Mitchell. Councilwoman Susan Keith was absent from the Council Meeting.

APPROVAL OF AGENDA

President Allen asked for the approval of the agenda items. A motion was made by Councilman Bowie, and seconded by Councilwoman Benjamin, 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 November 3, 2009 Special Called meeting minutes. President Allen asked that the record reflect that the Council thanks City Clerk, Ivy Harrison, who has been "very expedient as usual" about making sure that they get their minutes on time, to be read in time before the Council Meeting. A motion was made by Councilman Bowie, and seconded by Councilman Tucker, to approve the minutes of November 3, 2009. **The motion carried with a unanimous (show of hands) vote of the Council Members present.** President Allen asked for the approval of the minutes of November 10, 2009 regular meeting minutes. A motion was made by Councilman Randolph, and seconded by Councilman Bowie, to approve the minutes of November 10, 2009. **The motion carried with a majority (show of hands) vote of the Council Members present.** There were seven affirmative votes and one nay vote. Councilwoman Crenshaw cast a nay vote.

CITIZENS' REQUEST

Reverend Michael Bowen
Re: Safe Haven Center

Mrs. Maggie England
Re: HGHG Adult Day Care Center

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

Mr. Bruce Holmes
Re: Making Franklin Street a One-Way Street

Ms. Joyce Whitely
Re: Downtown Art Walk and Movie with the Mayor

A. Proclamations. Mayor Evans stated he would like to present Proclamations on behalf of the Mayor and the City Council to the following:

(1) Proclamation Declaring November 24, 2009, as "*Concordia College Men's Soccer Day*", in Selma, Alabama, congratulating the Young Men of this National Soccer Championship Team for their win of the U.S.C.A.A Title for 2009; and further, proclaiming that their sacrifices and commitment to excellence and team work are qualities that we applaud and commend.

(2) Proclamation Declaring December 1, 2009, as "*World AIDS Day*", in the City of Selma, Alabama, and encouraging all of our Citizens to join in local and global efforts to rid our Community and World of this dreadful disease, and to show compassion and consideration for those infected and affected by HIV/AIDS.

B. Police Department Promotions. Mayor Evans stated he would like for Chief of Police Riley to come forward and announce to the Council and the Citizens, Promotions of Police Officers in our City, effective November 24, 2009:

- (1) To the Rank of Lieutenant:
 - Sgt. Tommy Weber;
 - Sgt. Scott Swanson; and
 - Sgt. Johnny King.
- (2) To the Rank of Sergeant:
 - Officer Curtis Muhammad;
 - Officer Reginald Fitts;
 - Officer Kenta Fulford; and
 - Officer Natasha Rozzell.

Chief Riley stated to the Council that he would like to present our new Lieutenants and Sergeants to them, as well as, to the Public, and that a Promotional Ceremony will take place at a later date. Mayor Evans thanked Chief Riley for presenting the new Lieutenants and Sergeants to them, and he, along with the Council, Congratulated and applauded the new Lieutenants and Sergeants on their accomplishments.

C. Fire Department Promotions. Mayor Evans stated he would like for Chief Stokes to come forward, and announce to the Council and the Citizens, Promotions of Firemen in our City:

- (1) Engineer Eric Richburg was promoted to the Rank of Captain on A-Shift, Fire Station #4;
- (2) Firefighter Richard Pugh was promoted to the Rank of Engineer on C-Shift at Fire Station #3; and
- (3) Battalion Chief Green who was promoted to the position of Battalion Chief, formerly held by Fire Chief Michael Stokes, was also introduced to the Council. Mayor Evans and the Council Congratulated and applauded them for their accomplishments, as well.

D. Length of Service Recognition Award and Pin. Mayor Evans stated he would like to present a Certificate of Service and Longevity Pin in recognition of the following employee: Police Detective Beauty Benjamin, Selma Police Department, *Ten Years of Service*, to the City of Selma. Mayor Evans further stated he would like to thank her for Ten Years of Dedicated Service to the City of Selma.

E. Recognition of Retired Senior Volunteer Program (R.S.V.P.) Volunteers. Mayor Evans stated he would like to say "Thank You" as we approach the season of Thanksgiving to the Volunteers who serve as "Greeters", downstairs at the desk in the Lobby Area of City Hall. Mayor Evans further stated we pay them "nothing", but that they "Greet" and "Welcome" Citizens and Visitors to City Hall, and will offer assistance and directions to them, as well. Mayor Evans stated he would like to call each of them up, and offer them a Certificate of Appreciation for their Service, and the job that they do. Mayor Evans further stated he would like to start with Ms. Evelyn Cox, Program Coordinator, along with; namely, Mr. Terry Hewitt, Mrs. Pearly Hewitt (a "Husband and Wife" Team), Mrs. Grace G. Hollins, Ms. Fannie Craig, Ms. Annie Robinson, Ms. Bertha Mitchell, Mrs. Janie Smith, and Ms. Diane Walter. They were each thanked for their Dedicated Volunteer Service to the City of Selma, and presented with Certificates of Appreciation. Mayor Evans stated he would like to at this time wish a Happy Thanksgiving Day to all, and to the Citizens in "Radio Land", as we look forward to this special time in our City and our World.

F. Resolution #R127-09/10 - Resolution Authorizing Line Item Transfers. Mayor Evans stated to Council that he would like to recommend that they allow the transfers in Resolution #R127-09/10 to take place, as it relates to the cost of HealthCare coverage per each employee. Mayor Evans further stated said Resolution represents using the unappropriated 2010 general fund balance to increase each Department's

Health Insurance line item. During discussion, Ms. Cynthia Mitchell addressed the Council and stated that this is the City's portion that is being represented via Resolution #R127-09/10. A motion was made by Councilman Bowie, and seconded by Councilman Tucker, to approve said Resolution #R127-09/10, authorizing the increase of line items totaling Twenty-One Thousand Two Hundred Eighty and No/ Dollars (\$21,280.00), by reducing the 2010 general fund unappropriated balance by the same amount. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

G. Ordinance Authorizing the Issuance of General Refunding Warrants, Series 2009. Mayor Evans stated to Council that they should have before them an Ordinance Authorizing the Issuance of General Refunding Warrants, Series 2009, to retire these bonds for the purpose of moving forward. Mayor Evans asked Mr. Hooks and Mr. Thomas to come forward to address the Council, as it relates to any questions that they may have. Mr. Hooks stated to Council that we have two issues before us; one is Refunding of the City's General Obligation Warrants, and the other is the new issue of the voted Bonds, and it is imperative that we do the Warrants prior to the end of this year, and close them by the end of the calendar year, in order to meet a debt-service payment. Mr. Hooks further stated the bonds will follow that; fifteen (15) days shortly thereafter. Mr. Hooks stated that we have received a very positive quote from the Bond Insurer, and everything that they are asking to take action on tonight is based upon receiving a positive rating from Standard & Poor's, to go along with the insurance that we have received. Mayor Evans stated he would like to recommend to the Council to suspend the rules, and take action on the Ordinance tonight, for the purpose of moving forward with this so that we can meet a certain timeline. Mayor Evans further stated in order to suspend the rules it would take a unanimous vote of all of the Council Members, however if the Council chooses not to suspend the rules then we will have to have another meeting later on to address this matter. President Allen reminded the Council that we will only have one (1) meeting in December; December 10th. Councilman Williamson stated that they had just received this on yesterday, and that he must confess that he has not read it as of yet. Councilman Williamson further stated we have another meeting in December, and it will still give them time to do it by the end of the year. President Allen asked what would be the problem if they were to place the Ordinance on 1st Reading tonight, and take action at the next meeting, which would give the Council Members who have not read it, the opportunity to read it? Mayor Evans answered and stated we can place it on 1st Reading, and that will be his recommendation tonight. President Allen stated to Mayor that she thinks it will be a more favorable vote if they were to place it on 1st Reading. During discussion, a motion was made by Councilwoman Newton, and seconded by Councilman Bowie, to place the Ordinance Authorizing the Issuance of General Refunding Warrants, Series 2009 on 1st Reading. A roll call vote was taken and the motion passed with a majority vote of the Council Members present. There were seven affirmative votes and one nay vote. Councilwoman Crenshaw cast a nay vote.

H. Receipt of \$28,000.00 Grant. Mayor Evans stated to Council that we are the recipients of a \$28,000.00 Grant from Senator Henry (Hank) Sanders, as well as, Commissioner Sparks to help, as a City, to get the microphones for all of our Police Officers, so that everything that is said or done will be videoed and audio-taped for the benefit of monitoring concerns of the City. Mayor Evans further stated, on behalf of City Government, we thank those Gentlemen for that Donation. Chief Riley also addressed the Council and stated that he is very grateful, and that this will help them a lot, in monitoring and, also to use as a tool to see what our Officers are doing, as well as, what the Citizens are doing, to recapture information.

I. Positions in the Code Enforcement and Planning & Development Departments. Mayor Evans stated to Council that there are not enough funds to fill positions in either of those Departments; therefore, he would like to wait until after the New Year to re-introduce these items to the Council.

J. Announcements. Mayor Evans stated he would like to make the following Announcements:

- City Hall Offices Closed November 26 - 27, 2009 for Thanksgiving Day Holiday
- Thanksgiving Day Holiday Garbage Pick-Up Schedule
- "Welcome Center" Grand Opening - December 3, 2009 at 3:00 p.m.
- Christmas Tree Lighting Ceremony - December 3, 2009 at 4:30 p.m.
- Christmas Parade - December 5, 2009 at 9:00 a.m.
- Last Day to Vote by Absentee Ballot - December 3, 2009 at 5:00 p.m.
- School Board Run-Off Election - December 8, 2009
- Chamber of Commerce Holiday "Holiday Happenings" Calendar

CITY ATTORNEY'S REPORT

A. Resolution #R106-09/10 - Awarding of Police Department Uniform Contract. Attorney Nunn stated to Council that they should have before them Resolution #R106-09/10, which represents awarding of the Police Department Uniform Contract. Attorney Nunn further stated the City of Selma invited and accepted bids on November 4, 2009, as it relates to bid proposals on Uniforms for the Police Department. Attorney Nunn stated the City Clerk has complied with the State Law, opening sealed bids on November 4, 2009, and McCain Uniform Company was the lowest responsible bidder, in the amount of One

Thousand Seven Hundred Thirty and No/100 Dollars (\$1,730.00), per complete unit for a Policeman, School Crossing Guard, and Jailer. Attorney Nunn asked Council's favorable consideration of the same. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Randolph, to approve said Resolution #R106-09/10, awarding the Police Department Uniform Contract to McCain Uniform Company. A roll call vote was taken and the motion passed with a majority vote of the Council Members present. There were seven affirmative votes and one nay vote. Councilman Williamson cast a nay vote.

B. Alcoholic Beverage License Application - Tremayne O. Gorden, C T Wireless, 110 Broad Street. Attorney Nunn stated to Council that they should have before them the Alcoholic Beverage License Application asking for a Lounge Retail Liquor License to be located at 110 Broad Street; namely, C T Wireless. Attorney Nunn further stated said Mr. Gorden who is present tonight, is asking to put a "Sports Bar" on Broad Street. Attorney Nunn stated Sections 4-61 and 4-62 of the City Code classify districts within the City of Selma to control the issuance of club and lounge liquor licenses. Attorney Nunn further stated that the problem that we have is that the Alcoholic Beverage License Application which Mr. Gordon applied is for a lounge retail liquor license, and that he did applied for a club liquor license. Attorney Nunn stated that what Mr. Gorden is going to have to do is to go back to our local Agent here, and apply for an Alcoholic Beverage License under another category, other than the lounge and club liquor license because that is not allowed on Broad Street. President Allen asked Mr. Gorden to come forward and address the Council as it relates to questions that they may have. Mr. Gorden stated to Council that the category does not itemize a "Sports Bar" liquor license to choose on the said Application. During discussion, Attorney Nunn stated to Council that he will work with Mr. Gorden, along with our local Field Agent, to come up with the category for the liquor license that his business should come up under in order to operate on Broad Street. Attorney Nunn further stated this matter will be brought back up at the next Council Meeting.

C. Alcoholic Beverage License Application - Cora Carter, Mint Express Corporation, 1331 Broad Street. Attorney Nunn stated to Council that they should also have before them an Alcoholic Beverage License Application asking for a Retail Liquor License for Off Premises Only, to be located at 1331 Broad Street; namely, Mint Express Corporation. Attorney Nunn stated said Alcoholic Beverage License Application is up for 1st Reading tonight, and asked Council's consideration of the same. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Randolph, to place said Alcoholic Beverage License Application of Mint Express Corporation, on 1st Reading. A roll call vote was taken and the motion passed with a majority vote of the Council Members present. There were seven affirmative votes and one abstention. Councilman Williamson abstained from voting.

D. Charter Communications. Attorney Nunn stated to Council that during the last Council Meeting it was stated that they were attempting to schedule a hearing to receive public input regarding the performance of Charter Communications within the City of Selma. Attorney Nunn further stated we will be having these meetings so that we can see whether or not we want to proceed, and how we want to proceed with our Franchise Agreement with Charter, or any other Cable Company. During discussion, it was the consensus of the Council to have the public hearing on Thursday, March 4, 2010, beginning at 6:00 p.m. until 7:30 p.m., at the Convention Center.

E. Ordinance #O103-09/10 - Solicitation Ordinance, Providing for Permits and Providing for Enforcement and Penalties. Attorney Nunn stated to Council, per the request of Councilman Williamson, that they should have before them Ordinance #O103-09/10, which represents an Ordinance of the City of Selma for the purpose of adopting an Ordinance for Solicitation, Providing for Permits and Providing for Enforcement and Penalties of the same. During discussion, President Allen stated she will be placing this matter into the hands of the Public Safety Committee, to be reviewed and brought back to the Council with a recommendation.

F. Tire Ordinance - Research. Attorney Nunn stated to Council, per the request of Councilman Bowie, that that they have researched the matter, and we do not have an Ordinance, as it relates to the collection of tires within the City of Selma. Attorney Nunn further stated on today he met with Mr. Tommy Smith, Public Works Director, and he stated that there is a Gentleman that comes out to Public Works and collects the tires at a cost of \$1.00 per tire. Attorney Nunn stated that he will continue to research this matter.

G. Collection of Garbage Contract. Attorney Nunn stated during the last Council Meeting, the Council voted to enter a contract with Advance Disposal, per the recommendation of the Sub-Committee's Report. Attorney Nunn further stated to Council that they should have before them his letter which was drafted on November 23rd, along with a copy of Advance Disposal's Proposal. Attorney Nunn stated he met with Mr. Lee Gowan, and after review, it was realized that several concerns were not taken into consideration when the "Bid" was made to pick up the garbage within the City of Selma. Attorney Nunn further stated to Council that they should have also attached a letter from the League of Municipalities, as it relates to questions that were asked concerning the actions and the contract by the City of Selma and Advance Disposal. During discussion, President Allen stated she would like for the Council to have a Work Session, so that they can review the collection of garbage contract, and since there were a discussion as it relates to the Warrants, they will just add that to the Agenda. President Allen stated if the Council is in agreement, they

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can have a Work Session from 4:00 p.m. until 5:00 p.m. on Monday, November 30th, so that they will be prepared to deal with this at the next Council Meeting, and it was the consensus of the Council to do so.

H. **Indigent Defense Ordinance.** Attorney Nunn stated to Council that we are in the process of proceeding with an Indigent Defense Ordinance. Attorney Nunn further stated that he has talked with the Judges, Prosecutors, Magistrates, and the Mayor, about providing an Indigent Defense Ordinance whereby we will have someone similar as a "Public Defender" in cases where representation is required by State Law. Attorney Nunn stated to Council that they have some information in their packets, and it will be revised to put together in draft form an Indigent Defense Ordinance, to be brought back to the Council for consideration during the next Council meeting. President Allen stated to the Council if they have questions prior to the next Council meeting, to please E-Mail those to Attorney Nunn.

I. **Election - Update.** Attorney Nunn stated to Council that, per Mrs. Ivy Harrison, the last day for an individual to vote by Absentee Ballot is Thursday, December 3rd, at 5:00 p.m. Attorney Nunn further stated the Election is still scheduled for Tuesday, December 8th, from 7:00 a.m. until 7:00 p.m., and the Certification of the Election will be on Tuesday, December 15th, at 11:00 a.m.

Following the City Attorney's Report, Councilman Williamson asked President Allen and Mayor Evans if the Council could have a list of all of the Contracts that the City has that are automatically renewable, that we do not "Opt" out of, the dates that they are renewable, and what time frame before that date that we have to give notice, if we are not going to continue the Contract. President Allen stated that they will have that information available.

BUSINESS ITEMS:

I. **UPDATE ON NATIONAL LEAGUE OF CITIES CONFERENCE**

Councilwoman Benjamin stated she wanted to speak briefly about one of the "rolling" Workshops she attended in San Antonio; called "Company Kaboom". Councilwoman Benjamin further stated they traveled to a disadvantaged area to build a playground for kids in a "day". Councilwoman Benjamin stated that Councilman Randolph, and her sister were amongst the Group, and the happiest moment for her was working alongside City-Elected Officials, digging in the dirt, etc., and then at the end of the day, to see the Children come out and see the playground that they helped to design; Councilwoman Benjamin stated City-Elected Officials built that playground in that disadvantaged area in a day! Councilwoman Crenshaw stated that San Antonio is a beautiful place, and what impressed her most was the City's fiscal condition in which research was done to provide information as it relates to that. Councilwoman Crenshaw further stated she did bring back a couple of copies of the Book if anyone is interested, and referenced what the book says about 2009 in terms of Cities' revenue and spending trends. Councilwoman Crenshaw stated this is a very interesting Book, and it is in depth, and maybe in this Book we will find out where Selma stands. Councilwoman Crenshaw also reported that it was an outcry at this Conference about Families, and how Families are trying to survive. Councilwoman Crenshaw stated she met with some people from smaller Cities, and that we all have the same concerns. Councilwoman Crenshaw further stated she brought back some information on things that other Cities are doing that could possibly help us, and that the Workshops were wonderful! Councilwoman Benjamin also reported that while at the Conference in San Antonio, Councilwoman Crenshaw was recognized and honored with a Diamond Award, and the Council Congratulated and applauded Councilwoman Crenshaw on this Honor!

II. **UPDATE ON ADOPT-A-FAMILY**

Councilwoman Benjamin stated that they did receive a check for one (1) Council Member, and reminded the Council that they had met about Adopting a Family, or Families up to Ten (10) in their Community for Thanksgiving. Councilwoman Benjamin further stated they would like to take up the donations tonight.

III. **UPDATE ON OLD AGENDA ITEMS**

President Allen stated to Council that she was going to give the Council Members who were not present during the last Council Meeting a chance to be part of the rest of them, along with Mayor Evans, to join the Group, as it relates to the Radio Broadcast of the Council Meetings, at a cost of \$7,000.00 per year. President Allen asked for a "show of hands" of the Council Members who were not present during the last Council Meeting, and would like to participate in the Radio Broadcast; namely, Councilman Bowie, Councilwoman Newton, President Allen, Councilwoman Benjamin, Councilman Tucker, and Councilman Williamson all raised their hands. Councilwoman Keith was absent for the Council Meeting, but stated during the last Council Meeting that she would participate in the Radio Broadcast of the Council Meetings.

STANDING COMMITTEE REPORTS

RECREATION COMMITTEE - Councilwoman Monica Newton, Chairman

No Report.

ADMINISTRATIVE COMMITTEE - Councilman Corey Bowie, Chairman

No Report.

PUBLIC SAFETY COMMITTEE - Councilman Samuel Randolph, Chairman

No Report.

COMMUNITY DEVELOPMENT COMMITTEE - Councilman Cecil Williamson, Chairperson

No Report.

PUBLIC WORKS/GENERAL SERVICES COMMITTEE - Councilwoman Susan Keith, Chairperson

Councilwoman Keith was absent.

CHILDREN AND FAMILIES - Councilwoman Angela Benjamin, Chairperson

No Report.

SELMA-DALLAS YOUTH AMBASSADORS - Councilman Corey Bowie, Chairperson

No Report.

DISCRETIONARY COMMITTEE - President Geraldine Allen, Chairperson

President Allen reported on the following:

The Downtown Art Walk and Movie, \$420.00; Donated by President Allen, Councilman Williamson, Councilwoman Newton, Councilwoman Benjamin, Councilman Randolph, Councilman Tucker, and Councilman Bowie.

V.I.P. Organization, Incorporated, \$1,000.00; Donated by President Allen, Councilman Williamson, Councilwoman Newton, Councilwoman Benjamin, Councilman Randolph, Councilman Tucker, and Councilman Bowie.

McRae-Gaines Learning Center, \$700.00; Donated by President Allen, Councilman Williamson, Councilwoman Newton, Councilwoman Benjamin, Councilman Randolph, Councilman Tucker, and Councilman Bowie.

Faith Christian Ministries, \$450.00; Donated by President Allen, Councilman Williamson, Councilwoman Newton, Councilwoman Benjamin, Councilman Randolph, Councilman Tucker, and Councilman Bowie.

Ms. Tolbert and the School Assistance Drive, \$550.00; Donated by President Allen, Councilman Williamson, Councilwoman Newton, Councilwoman Benjamin, Councilman Randolph, Councilman Tucker, and Councilman Bowie.

HGHG Adult Day Care Center, \$800.00; Donated by President Allen, Councilman Williamson, Councilwoman Newton, Councilwoman Benjamin, Councilman Tucker, and Councilman Bowie.

Minister Debra Phillips and Bethlehem Baptist Church; \$400.00; Donated by President Allen, Councilman Williamson, Councilwoman Newton, Councilwoman Benjamin, Councilman Randolph, Councilman Tucker, and Councilman Bowie.

Safe Haven Center, \$550.00; Donated by President Allen, Councilman Williamson, Councilwoman Newton, Councilwoman Benjamin, Councilman Randolph, Councilman Tucker, and Councilman Bowie.

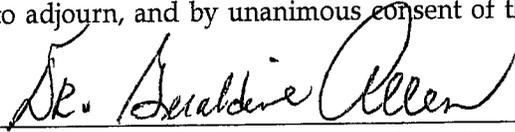
Concordia College Men's Soccer Team Luncheon, \$400.00; Donated by President Allen, Councilman Williamson, Councilwoman Newton, Councilwoman Benjamin, Councilman Randolph, Councilman Tucker, and Councilman Bowie.

City of Selma Youth Conference, added to last Council Meeting's Report an additional \$100.00 from Councilman Randolph, \$300.00 from Councilwoman Benjamin, and \$500.00 from Mayor Evans.

CLOSING REMARKS BY EACH COUNCIL MEMBER.

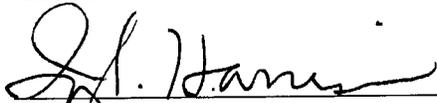
ADJOURNMENT

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 7:06 p.m.



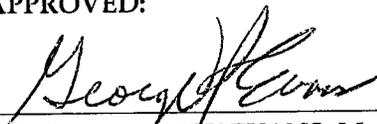
DR. GERALDINE ALLEN, *Council President*

ATTEST:



IVY S. HARRISON, *City Clerk*

APPROVED:



GEORGE PATRICK EVANS, *Mayor*