

**MINUTES OF THE  
SELMA CITY COUNCIL  
DECEMBER 10, 2009  
5:00 P.M.**

Call to Order

Invocation: Reverend Rodney T. Morton, Pastor  
Tabernacle Baptist Church

Pledge of Allegiance

The Selma City Council met in a regular session in the Council Chambers of City Hall on Thursday, December 10, 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, Councilwoman Susan Keith, Councilwoman Angela Benjamin, Councilman Benny L. Tucker, and Councilman Corey Bowie. Others present were City Clerk Ivy S. Harrison, City Attorney Jimmy Nunn, City Treasurer Cynthia Mitchell and the Mayor's Executive Assistant Brenda Smothers. Councilwoman Dr. Monica Newton was absent during roll call but arrived at 5:10 p.m. Councilman Samuel Randolph was absent during roll call, but arrived at 6:43 p.m. Councilwoman Bennie R. Crenshaw was absent from the Council Meeting. Mayor George Evans was absent from the Council Meeting.

**APPROVAL OF AGENDA**

President Allen asked for the approval of the agenda items. A motion was made by Councilwoman Keith, 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 November 24, 2009 regular meeting minutes. President Allen asked that the record again reflect that the Council thanks City Clerk, Ivy Harrison, for being expedient, and having the Council Meeting Minutes forwarded to all of the Council Members in a very timely manner. A motion was made by Councilman Bowie, and seconded by Councilman Tucker, to approve the minutes of November 24, 2009. The motion carried with a unanimous (show of hands) vote of the Council Members present.

**CITIZENS' REQUEST**

Attorney Faya Rose Toure'  
Re: Police Policy Involving George Washington Carver (G.W.C.) Homes

Mr. J. D. Parks, Executive Director, Selma Area Food Bank  
Re: Overview of the Food Bank

MAYOR'S REPORT

(In the absence of Mayor Evans, the Mayor's Report was presented by City Council President Dr. Geraldine Allen, Mayor's Executive Assistant Ms. B. J. Smothers, and City Attorney Jimmy Nunn.)

PRESENTATION OF TOURISM AWARDS

- National Voting Rights Museum and Institute for the "Bridge Crossing Jubilee" and the "African Extravaganza"
- Selma-Dallas County Historic Preservation Society for the "Selma Pilgrimage" and the "Kenan's Mill Blue Grass Festival"
- April 1865 Society for the "Battle of Selma"
- Lion's Club for the "Central Alabama Fair"
- Tale Tellin Festival Committee for "Tale Tellin in October"
- Riverfront Market Day Committee for "Riverfront Market Day"
- Pride of Alabama Elks Lodge #1170 for "Various Community Projects"
- Alabama Baptist Convention for "Various Local and State Conventions"

RESOLUTION TO HONOR MR. CHARLES HISE

A. Monthly Financial Report - November, 2009. President Allen stated to Council that they should have before them a copy of the Monthly Financial Report for the Month of November, 2009. President Allen further stated as can be seen, the Monthly Financial Report reveals \$747,572.17 for 2010 for our sales tax, and is \$36,165.17 more than we had in 2009; lodging tax collection is \$19,326.42 with a variance in the amount of \$5,540.01; and tobacco tax collection is \$30,816.26 for 2009, with a variance of \$4,984.82. President Allen stated to Council if they have questions as it relate to the Financial Report for the Month of November, to submit those questions to Mayor Evans, so that he can forward those to City Treasurer Cynthia Mitchell.

B. Police Department Reports - November, 2009. President Allen 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. President Allen further stated as seen by Wards, the total of incidents that have been reported for the month are 2,641 in the various Wards, and outside of the Wards was 48%, with a total of 1,282. President Allen stated the Loud Noise Statistics reflects, in the Loud Noise Incident Report, a report of 54 Loud Music Incident Reports, and the Issuance of 1 Loud Noise Citation issued in Ward 3; 1 in Ward 1, 5 in Ward 2, 7 in Ward 3, 5 in Ward 4, 17 in Ward 5, 3 in Ward 6 and Ward 7, respectively, and 4 in Ward 8. During discussion, President Allen asked Chief Riley to come forward and address the Council with answers to questions that they had as it relate to the Police Department Report, particularly the report of 17 Loud Music Incident Report in Ward 5, with no report of citations issued.

C. Code Enforcement Reports - November, 2009. President Allen stated to Council that they should each have before them a copy of all of the identified properties in the City, for the Month of November, 2009, and that if they have questions to please forward those to Mayor Evans.

D. Resolution #R131-09/10 - Approval of the Selma Comprehensive Community Master Plan. President Allen asked Ms. Charlotte Griffeth to come forward and address the Council as it relates to Resolution #R131-09/10, Approval of the Selma Comprehensive Community Master Plan. Ms. Griffeth came forward and addressed the Council and stated that all of the concurrences, public meetings, and hearings have been held and in compliance with A.D.E.C.A. regulations. Ms. Griffeth further stated to Council that they are asking that the Council approve the recommended Selma Comprehensive Master Plan, subject to any revisions, changes and/or modifications approved as part of Resolution #R131-09/10. A motion was made by Councilman Bowie, and seconded by Councilwoman Keith, to approve the Selma Comprehensive Community Master Plan, represented in Resolution #R131-09/10. A roll call vote was taken and the motion passed with a majority vote of the Council Members present. Councilman Williamson abstained from voting.

E. Ordinance #O104-09/10 - Ordinance Authorizing the Issuance of General Obligation Refunding Warrants, Series 2009. President Allen asked Attorney Nunn to come forward to address the Council as it relates to O#104-09/10, an Ordinance Authorizing the Issuance of General Obligation Refunding Warrants, Series 2009. Attorney Nunn stated to Council that they should have before them Ordinance #O104-09/10, and if Council recalls during the last Council Meeting, Ordinance #O104-09/10 was placed on 1<sup>st</sup> Reading. Attorney Nunn further stated that said Ordinance #O104-09/10 gives permission for the Warrants to be redeemed, and that Mr. Robert Thomas and Mr. Michael Savage, of Sterne Agee are present tonight if the Council has questions for them. During discussion, a motion was made by Councilman Tucker, and seconded by Councilman Bowie, to approve Ordinance #O104-09/10, an Ordinance Authorizing the

Issuance of General Obligation Refunding Warrants, Series 2009. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

F. Ordinance #O106-09/10 - Ordinance Authorizing the Issuance of General Obligation Refunding Bonds (Tax Exempt), Series 2009-B. Attorney Nunn stated to Council that what they should have before them is Ordinance #O106-09/10, Ordinance Authorizing the Issuance of General Obligation Refunding Bonds (Tax Exempt), Series 2009-B, in the amount of \$1,275,000.00, which is refunding of the 1999 Bonds. Attorney Nunn further stated Ordinance #O106-09/10 has not been presented to the Council, and is asking for the suspension of the rules at tonight's Council meeting, in order for it to be considered for a vote. During discussion, a motion was made by Councilwoman Newton, and seconded by Councilman Bowie, to suspend the rules in order to take action at tonight's Council Meeting, on behalf of Ordinance #O106-09/10. A roll call vote was taken on the motion to suspend the rules but failed due to a nay vote. Councilman Williamson cast a nay vote. A motion was then made by Councilwoman Benjamin, and seconded by Councilwoman Newton, to place Ordinance #O106-09/10, Ordinance Authorizing the Issuance of General Obligation Refunding Bonds (Tax Exempt), Series 2009-B, 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.

G. Ordinance #O105-09/10 - Ordinance Authorizing the Issuance of General Obligation Build America (Federal Taxable - Direct Payment), Series 2009-A. Attorney Nunn stated to Council that they should also have before them Ordinance #O105-09/10, which represents the \$12,000,000.00 Bond that was passed by the Citizens of Selma on October 27, 2009. Attorney Nunn further stated Ordinance #O105-09/10 gives the authorization to issue the \$12,000,000.00 Bond, General Obligation Build America (Federal Taxable - Direct Payment), Series 2009-A. Attorney Nunn asked Mr. Savage to come forward and address the Council with an explanation of the Build America Bonds, and the savings involved. Mr. Savage addressed the Council, and stated the Build America Bonds are part of the Federal Stimulus Package, and are a different kind of Bond. Mr. Savage further stated instead of the bonds being tax exempt, they are taxable, and that means the interest rates are going to be a little higher, but that the U.S. Government will actually pay 35% of the City's interest cost each time there is an interest payment date, and that part of Regions Bank's duties will be to file the forms with the I.R.S., and collect those monies and use them, along with the City's part, to make the interest payments, and that being the main feature of the "Build America" Bonds. During discussion, a motion was made by Councilman Bowie, and seconded by Councilwoman Keith, to suspend the rules in order to take action at tonight's Council meeting, on behalf of Ordinance #O105-09/10. A roll call vote was taken on the motion to suspend the rules but failed due to a nay vote. Councilman Williamson cast a nay vote. Following discussion, a motion was made by Councilwoman Benjamin, and seconded by Councilwoman Newton, to place Ordinance #O105-09/10, Ordinance Authorizing the Issuance of General Obligation Build American (Federal Taxable - Direct Payment), Series 2009-A, 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. Councilman Williamson stated to President Allen that he would like the language in Ordinance #O105-09/10 to reflect that the City Council will give the direction, in consultation with Mayor Evans, how these monies will be invested. Mr. Thomas and Mr. Savage both stated to the Council that it will not be a problem to make that change, and that the language in Ordinance #O105-09/10 will be modified to reflect this change.

H. Ordinance #O107-09/10, Authorization for Incorporation of the Selma-Dallas County Solid Waste Disposal Authority. Attorney Nunn stated to Council that if they recall, Mr. Charles Moseley and Mr. Lee Gowin came before the Council during the last Work Session. Attorney Nunn further stated during the Work Session, on behalf of Mr. Moseley, it was stated that before Mr. Moseley could come before the Council with his contract and/or proposal, that the first step would be forming an authority within the City of Selma which would be a Solid Waste Disposal Authority, and then Mr. Moseley's project would come up under the Authority. Attorney Nunn stated to Council that they should also have the Application before them, with the Petitioners listed. Attorney Nunn asked Mr. Larry Friday, along with Mrs. Malvina Harrison, as Petitioners listed on the Application, to come forward and address the Council with answers to questions that the Council may have. During discussion, a motion was made by Councilman Bowie, and seconded by Councilman Tucker, to place Ordinance #O107-09/10, Authorization for Incorporation of the Selma-Dallas County Solid Waste Disposal Authority, which also includes the Application, 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.

#### CITY ATTORNEY'S REPORT

A. Resolution #R129-09/10 - Resolution Declaring Public Nuisance and Immediate Abatement. Attorney Nunn stated Resolution #R129-09/10 represents properties which Code Enforcement have identified as properties declared to be public nuisances, and that are in violation of Ordinance #O118-06/07. Attorney Nunn further stated to Council that they should have an Attachment to said Resolution, which lists the Twenty-Four (24) properties that are in violation, and asked Council's consideration of Resolution #R129-09/10. A motion was made by Councilman Bowie, and seconded by Councilman Tucker, to approve Resolution #R129-09/10, to approve immediate abatement by the listed property owners. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

B. Resolution #R128-09/10 - Authority to Abate and Remove Weeds Declared a Public Nuisance. Attorney Nunn stated to Council that they should have before them Resolution #R128-09/10, which identified the described properties in said Resolution as being a nuisance, and on this date of December 10, 2009 at 5:00 p.m., we did not have any objections as it relate to abatement of weeds on these properties. Attorney Nunn further stated certified letters were forwarded to the property owners, requesting them to abate and remove the weeds, and that the same was published in the Selma Times-Journal Newspaper, and all of the requirements have been met. Attorney Nunn further stated Resolution #R128-09/10, gives the Code Enforcement Office and the Public Works Department authority to abate the nuisance, and remove weeds from the properties, and asked Council's consideration of the same. A motion was made by Councilman Tucker, and seconded by Councilwoman Newton, to approve Resolution #R128-09/10, which gives the Authority to Abate and Remove Weeds Declared a Public Nuisance in the identified and described-properties, a total of Five (5). A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

C. Resolution #R132-09/10 - Awarding of Fire Pumper Truck Bid - Contract. Attorney Nunn stated to Council that they should have before them Resolution #R132-09/10, which represents awarding of the Fire Pumper Truck Contract for the Fire Department. Attorney Nunn further stated the City of Selma invited and accepted bids during the period of November 25, 2009 through December 2, 2009, as it relates to bid proposals on a Fire Pumper Truck for the Fire Department. Attorney Nunn stated the City Clerk has complied with Sections 41-16-50 through 41-16-63 of the State of Alabama Code, opening sealed bids on December 2, 2009, and Pro-Fire Equipment Company was the lowest responsible bidder, in the amount of Three Hundred Forty-Eight Thousand Sixty-Nine and No/100 Dollars (\$348,069.00). Attorney Nunn asked Council's consideration of the same, and also stated that Assistant Fire Chief Mark Walker was present for any questions the Council may have. Assistant Chief Walker was asked to come forward and address the Council with regard to the Fire Pumper Truck and the results of the bid opening. During discussion, a motion was made by Councilman Williamson, and seconded by Councilwoman Newton, to table Resolution #R132-09/10, awarding of the Fire Pumper Truck Contract. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

D. Nix Holtsford, P.C. - Statement - Legal Fees. Attorney Nunn stated to Council that they should have before them an invoice/statement from the Law Firm of Nix Holtsford Gilliland Higgins & Hitson, P.C., as it relates to legal fees, in the amount of \$2,956.00. Attorney Nunn asked Council's consideration of the invoice in the said amount. A motion was made by Councilman Tucker, and seconded by Councilman Bowie, to approve the invoice statement of Nix Holtsford Gilliland Higgins & Hitson, P.C., in the amount of \$2,956.00. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

E. Charter Communications - Public Meeting. Attorney Nunn stated to Council that if they recall, the Council had scheduled the Charter Communications Public Meeting for Thursday, March 4, 2009, and it was realized that the date of March 4<sup>th</sup> is scheduled for the Jubilee Bridge Crossing Weekend. Attorney Nunn further stated the new date is scheduled for Thursday, March 18, 2009, at the Convention Center, from 6:00 p.m. until 7:30 p.m., and that notice has been forwarded to Charter Communications, along with the Customers/Citizens of Selma. Attorney Nunn stated notice will be published in the Selma Times-Journal, and it will also be announced via the radio stations.

F. Garbage Collection (Draft R.F.P.). Attorney Nunn stated to Council that during the last Council Meeting, it was requested that we proceed with a R.F.P., via the Office of the City Clerk, and putting the Garbage Collection item out for bid, so that we can be in compliance with the State Bid Law. Attorney Nunn further stated this is still his recommendation that we proceed with putting the item out for Bid, and that he is in the process of preparing the R.F.P. for the residential garbage. Attorney Nunn stated it is not complete, and that revisions are still being made to it. Attorney Nunn further stated the draft of the R.F.P. will be brought back to the Council for review, hopefully by the first Council Meeting in January, 2010.

G. Alcoholic Beverage License Application - Cora Carter, Mint Express Corporation, 1331 Broad Street. Attorney Nunn stated to Council that they should 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 was placed on 1<sup>st</sup> Reading during the last Council Meeting, and is before the Council for consideration tonight. A motion was made by Councilman Randolph, and seconded by Councilman Tucker, to approve said Alcoholic Beverage License Application of Mint Express Corporation. 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.

H. Garbage Collection - Contract. Attorney Nunn stated to Council that during the last Council Meeting, the Council, per the Garbage Sub-Committee's recommendation, did vote to outsource garbage collections, and enter into a contract with Advance Disposal Company. Attorney Nunn further stated it is his recommendation to the Council to reject and/or withdraw from the action that was taken by the Council during the Council Meeting on November 10<sup>th</sup>, as it relates to entering into a contract with Advance Disposal

Company. During discussion, a motion was made by Councilman Bowie, and seconded by Councilman Tucker, to withdraw the action taken by the Council during its Council Meeting on November 10, 2009, and not enter into a contract with Advance Disposal Company. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

I. Alcoholic Beverage License Application - Tremayne O. Gorden, End Zone (C T Wireless), 110 Broad Street. Attorney Nunn stated to Council that if they recall, Mr. Tremayne Gorden came before the Council, to discuss a Lounge Retail Liquor License to be located at 110 Broad Street; namely, End Zone (C T Wireless). Attorney Nunn further stated that the City has an Ordinance on our Books that state that clubs cannot be established on Broad Street, within the City of Selma. Attorney Nunn stated he has spoken and met with Mr. Mark Barber, the ABC Field Agent, and Mr. Gorden about how to proceed from here. Attorney Nunn stated in speaking with Mr. Barber, per his advice, the only option that End Zone would come up under would be via a Restaurant Retail Liquor License, or to locate the business on another street. Attorney Nunn further stated he did try to contact Mr. Gorden, and he stated he would follow-up with a call back to him, as it relates to how he plans to proceed with said Alcoholic Beverage License Application. Attorney Nunn asked that the Council delay this item over to the next Council Meeting.

J. Indigent Defense Ordinance. Attorney Nunn stated to Council if they recall, this item was presented to them during the last Council Meeting. Attorney Nunn further stated that they are still working on the Indigent Defense Ordinance, and asked that the Council delay this item over to the next Council Meeting, to be considered by the Council for 1<sup>st</sup> Reading.

K. Election - Update. Attorney Nunn stated to Council that they should have within their packets an unofficial report of the Municipal Run-Off Election that was held on Tuesday, December 8, 2009. Attorney Nunn further stated on Tuesday, December 15<sup>th</sup>, at 11:00 a.m., we will be certifying the results of said Municipal Run-Off Election.

#### BUSINESS ITEMS:

I. DOWNTOWN ART WALK

Councilwoman Benjamin reminded everyone that on tomorrow, Friday, December 11<sup>th</sup>, at 5:30 p.m. that they would have a Ward 4, "End of the Year" Celebration, which would include a Downtown Art Walk, beginning at the "Songs of Selma" Park on Broad Street. Councilwoman Benjamin asked everyone to join in with them, to help celebrate.

II. ANNUAL BLACK HISTORY PROGRAM

This item was tabled until the next Council Meeting.

III. YOUTH CONFERENCE 2010

Councilwoman Benjamin stated that a tentative date has been set for July 29<sup>th</sup> - July 31<sup>st</sup> for the 2010 Youth Conference, and asked Council Members to check their schedules to see if that is a good date for them, and report back to her.

IV. UTILIZATION OF COUNCIL CHAMBER FOR SELMA CITY SCHOOLS' BOARD MEETING

This item was tabled at this time.

#### 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

Councilman Randolph made a report.

STANDING COMMITTEE REPORTS

COMMUNITY DEVELOPMENT COMMITTEE - Councilman Cecil Williamson, Chairperson

No Report.

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

No Report.

CHILDREN AND FAMILIES - Councilwoman Angela Benjamin, Chairperson

Councilwoman Benjamin made a report.

SELMA-DALLAS YOUTH AMBASSADORS - Councilman Corey Bowie, Chairperson

Councilman Bowie made a report.

DISCRETIONARY COMMITTEE - President Geraldine Allen, Chairperson

President Allen stated the Discretionary Form is being passed around, and asked that it be circulated back to her once it has been signed.

CLOSING REMARKS BY EACH COUNCIL MEMBER.

ADJOURNMENT

There being no further business to come before the Council, a motion was made by Councilman Williamson, and seconded by Councilwoman Keith, to adjourn, and by unanimous consent of the Council, this meeting adjourned at 7:24 p.m.



DR. GERALDINE ALLEN, *Council President*

ATTEST:

  
IVY S. HARRISON, *City Clerk*

APPROVED:

  
GEORGE PATRICK EVANS, *Mayor*