

**MINUTES OF THE  
SELMA CITY COUNCIL  
AUGUST 25, 2009  
5:00 P.M.**

Call to Order

Invocation: Reverend Eleanor Smith, Pastor  
Mt. Zion New Jerusalem Church

Pledge of Allegiance

The Selma City Council met in a regular session in the Council Chambers of City Hall on Tuesday, August 25, 2009 at 5:00 p.m.

**ROLL CALL**

The following members were present during roll call: Council President Dr. Geraldine Allen and Council members Cecil Williamson, Susan Keith, 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, City Treasurer Cynthia Mitchell and the Mayor's Executive Assistant Brenda Smothers.

**APPROVAL OF AGENDA**

President Allen asked for the approval of the agenda items. A motion was made by Councilwoman Newton, and seconded by Councilman Randolph, to approve the agenda items as written. The motion carried with a unanimous (show of hands) vote of the Council.

**APPROVAL OF MINUTES**

After approval of the agenda, President Allen asked for the approval of the minutes of August 11, 2009 regular meeting minutes. President Allen asked that the record reflect that the Council thanks City Clerk, Ivy Harrison, for her expeditiousness in always getting the minutes to the Council on time. A motion was made by Councilman Bowie, and seconded by Councilman Randolph, to approve the minutes of August 11, 2009. The motion carried with a unanimous (show of hands) vote of the Council.

**PRESENTATION OF LONGEVITY CERTIFICATES AND PINS**

Mayor Evans stated he would like to present Certificates of Service and Longevity Pins in recognition of the following employees: Mrs. Lynecia Steele, Tax & License Department, *Ten Years of Service* to the City of Selma, Fireman William Dailey, Selma Fire Department, *Five Years of Service* to the City of Selma, and Fireman John Armstead, Selma Fire Department, *Five 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.

**CERTIFICATES OF COMMENDATIONS**

Police Officer Jonathan Fank, "Hero in our City" - August 10, 2009  
Police Officer Ronald Terry, "Hero in our City" - March 8, 2009

**PUBLIC HEARING - WEED ABATEMENT**

**INTRODUCTION**

Mr. Michael Herzmark from San Pedro, California - "Selma - Filming Project" (Presently filming the Council Meeting.)

**CITIZENS' REQUEST**

Mr. Darryl Brantley and Mr. David Brantley  
Re: The "Brant Center"

**MAYOR'S REPORT**

**A. Proclamation - "National Alcohol and Drug Addiction Recovery Month, September, 2009".** Mayor Evans and the City Council on behalf of the Citizens of Selma proclaim the month of September, 2009, as "National Alcohol and Drug Addiction Recovery Month", in the City of Selma, and call upon the Citizens of the City of Selma to observe this month with appropriate programs, activities and ceremonies supporting this year's theme, "Join the Voices for Recovery: Together We Learn, Together we Heal."

**B. New Hires - July and August, 2009 - Report.** Mayor Evans stated to Council that they should have before them a list of individuals who have been hired, working in various Departments within City Government based on vacancies, during the months of July and August, 2009, to-date. Those Employees are as follow:

-	Temekia Sykes	Public Works Department	07/07/09	
-	Mal Harrison	Personnel/IT Department	07/14/09	(Re-Hired)
-	Marquis Talton	Public Works Department	07/14/09	
-	Mosezel Williams	Public Works Department	07/14/09	
-	Darnell Collins	Selma Fire Department	07/14/09	
-	James Langston	Selma Police Department	08/04/09	
-	Desmond Williams	Selma Police Department	08/04/09	
-	Terri Tidwell	Legal Department	08/04/09	
-	Dorothy Lippert	Public Works Department	08/18/09	
-	Brandon Terry	Public Works Department	08/25/09	
-	Terry Jackson	Public Works Department	08/25/09	

**C. J. L. Chestnut, Jr. Boulevard - Street Naming & Ribbon Cutting Ceremony - August 26, 2009.** Mayor Evans stated to Council that the Ceremony to honor the Street Re-Naming to J. L. Chestnut, Jr. Boulevard is tomorrow, August 26, 2009, at the First Baptist Church, at 5:00 p.m. Mayor Evans asked that Council Members and Citizens be present for the Ceremony. Mayor Evans further stated the signs are up with the exception of two (2) street signs whereby there was a mix-up, and the main street sign will go up on tomorrow at Dr. Martin Luther King, Jr. Street and J. L. Chestnut, Jr. Boulevard.

**D. Selma City Code Online - Update.** Mayor Evans stated to Council that the Selma City Code will not be available on-line until after 120 days, and he will be following up with the Council as to the particular date for availability to the Council.

**E. Youth Leadership Selma-Dallas County, "City and County Government Day" - September 1, 2009.** Mayor Evans stated Tuesday, September 1<sup>st</sup>, is the annual "City and County Government Day" for Youth Leadership Selma - Dallas County, and that they have reserved the Council Chambers during the morning of September 1, 2009, between the time frame of 9:30 a.m. and 11:15 a.m. Mayor Evans further stated that he, as Mayor, and the City Council Members have been invited to share and be a part of this Program with the youth leaders. Mayor Evans encouraged everyone to try and be there on September 1, 2009.

**F. New World Systems Software and Maintenance Agreement.** Mayor Evans stated to Council that what they have before them is a copy of the New World Systems Software and Maintenance Agreement, and it is for informational purposes and their review. Mayor Evans further stated to Council that no action is needed on this particular item at tonight's Council Meeting.

**G. Cable Television Franchise Renewal - Due to Expire April, 2012.** Mayor Evans stated to Council that they should have before them a copy of some information as it relates to the Cable Television Franchise Management Service for Renewal, which is due to expire in April, 2012. Mayor Evans further stated he is providing this for informational purposes, and for review. Mayor Evans stated a lot of Citizens, as well as, some Council Members have had some real concerns as it relates to Charter, and how they deliver their services to us. Mayor Evans further stated he wanted the Council to have the franchise agreement to review because in 2012 we will have to decide whether or not to renew that Agreement.

H. Resolution #R232-08/09 - Acceptance of Bid - Mitchell's Contracting Services, LLC. Mayor Evans stated to Council that they should have before them Resolution #R232-08/09 as it relates to acceptance of bid with regard to the Selma Jeff Davis Landfill Project. Mayor Evans asked Ms. Charlotte Griffeth and Mr. Larry Friday to come forward and address the Council as it relates to Resolution #R232-08/09. Ms. Griffeth read Resolution #R232-08/09 in its entirety, as it relates to awarding Mitchell's Contracting Services, LLC, who was the lowest responsible bidder, the contract in the amount of \$511,235.00 for Construction of Selma C/D Landfill-Cell No. 1 and Jeff Davis Landfill Closure, which was in accordance with the specifications provided by CDG Engineers and Associates. Ms. Griffeth stated the contract expenses would be encumbered via the Inert Landfill Line Item and the Municipal Gas Tax Account. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Bowie, to approve said Resolution #R232-08/09, in the amount of \$511,235.00 for Construction of the Selma Landfill Project, to be encumbered via the Inert Landfill Line Item and the Municipal Gas Tax Account. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

I. City of Selma's Comprehensive Plan. Mayor Evans asked Ms. Charlotte Griffeth and Mrs. Patti Sexton to come forward and address the Council with an update as it relates to the City of Selma's Comprehensive Plan. Mrs. Sexton provided an update to the Council, and stated that the completion of the Selma Comprehensive Master Plan is due the end of December, 2009. Mrs. Sexton further stated that we are in the "Implementation" team phase now, and that they should have a copy of the revised schedule, along with a draft of the different teams that are being comprised, and that a final draft is due to the Council by December 4<sup>th</sup>. Mrs. Sexton stated she would like total input from the Council, when looking at the different committees, and that she will be in touch with the Administrative Committee, as well as, the Community Development Committee as it relates to this. Mrs. Sexton further stated it is very important that we stay on this schedule to be finished, because this is something that the City has to adopt and have by Law, on file, and that it is due in December, 2009.

J. Bond Referendum - Update. Mayor Evans stated to Council that he wanted to thank everybody who had come and participated in the Public Bond Hearings. Mayor Evans further stated he will be providing for the Council a copy of the responses and feedback from Citizens in terms of "acceptance" and "rejection" of the bond projects, along with the other specified items requested by the Council. President Allen stated that a Work Session is scheduled for Thursday, August 27<sup>th</sup>, from 7:00 p.m. until 8:30 p.m., just to review the bond, and that Attorney Nunn has informed her that the Council will need to have a Special Called Meeting on Tuesday, September 1<sup>st</sup>, in order to place the Bond Resolution on 1<sup>st</sup> Reading. Mayor Evans stated to Council that they should have before them an Analysis which details the City's Debt Profile and the Bond Fund balance for a \$10 million bond scenario and a \$12 million bond scenario, along with a proposed structure of the bond for the City of Selma. Mayor Evans further stated Mr. Robert Thomas and Mr. David Hooks of Sterne Agee were present for the Council Meeting tonight, and that he would like for them to come forward and answer questions that the Council may have. Mr. Thomas and Mr. Hooks addressed the Council to answer questions or concerns that the Council may have had. Following the discussion, Mr. Hooks and Mr. Thomas both thanked the Council for the opportunity, and stated that they look forward to working with the Council with a "successful bond transaction".

#### CITY ATTORNEY'S REPORT

A. Weed Abatement - Public Hearing - August 25, 2009, R#229-08/09. Attorney Nunn stated to Council that during the Council Meeting on July 28, 2009, the Council declared certain properties to be a public nuisance and for an immediate abatement of the same. Attorney Nunn further stated per §11-67-60 of the Alabama Code, and Ordinance #O118-06/07, a Weed Abatement Public Hearing on the eight (8) properties is scheduled for hearing today; namely, 2022 L. L. Anderson Avenue, 1613 Lauderdale Street, 121 Lamar Avenue, 1712 Church Street, A Vacant Lot on Mechanic Street, Parcel No. 12093060010470.010, 410 Second Avenue, and 1805 Mabry Street. Attorney Nunn further stated certified letters were forwarded to the property owners, informing them that a hearing would be scheduled for today, August 25, 2009 at 5:00 p.m., and that they had twenty-one (21) days from the date of receipt of notice to rectify and cut the grass within Ordinance #O118-06/07, and also file an objection with the City Clerk five (5) days before the public hearing, stating that they wanted a hearing before the Council. Attorney Nunn stated if there was anyone present who wished to come before the Council to for a public hearing for consideration as it relates to their property being declared in violation of the Weed Abatement Ordinance, Ordinance #O118-06/07, that they may do so at this time. Attorney Nunn stated since no one came forward for the hearing, that they would proceed, and stated to Council that since there was no one present to object to the weed abatement of the properties, they should have before them Resolution #R229-08/09 which represents giving authority to the Code Enforcement Officer, to have the aforesaid weeds abated and removed from the aforesaid properties by the Public Works Department, and asked Council's consideration of the same. A motion was made by Councilman Bowie, and seconded by Councilwoman Newton, to approve said Resolution #R229-08/09. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

B. Resolution #R231-08/09 - Weed Abatement. Attorney Nunn stated that what they have before them is Resolution #R231-08/09, Resolution Declaring Public Nuisance and Immediate Abatement.

CITY ATTORNEY'S REPORT

Attorney Nunn further stated to Council that they should also have an attachment of Forty-Six (46) properties listed. Attorney Nunn stated he received a call on today from Mr. Darryl Moore, Code Enforcement Officer, stating that two (2) additional pieces of property need to be added to the attached list; namely, 414 Furniss Avenue and 517 Lapsley Street, making it a total of Forty-Eight (48) properties which have been identified in violation of Ordinance #O118-06/07. Attorney Nunn stated he is asking Council's consideration of the same. A motion was made by Councilwoman Newton, and seconded by Councilman Tucker, to approve said Resolution #R231-08/09. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present. Councilwoman Keith was absent during roll call.

C. Weed Abatement Hearing - September 8, 2009. Attorney Nunn stated to Council that we are requesting the City Council to have a weed abatement public hearing on Tuesday, September 8, 2009, which is also our next Council Meeting date. Attorney Nunn further stated in the State Law, and per Ordinance #O118-06/07, it is stated if the property owner has an objection to the City Council declaring their property a nuisance, they must file an objection with the City Clerk's Office within five (5) days before the hearing date, and that allows us to be informed of how many will be at the next Council Meeting to have a hearing on the property. Attorney Nunn stated if we do not have anyone filing an objection, he will inform the Council during the Council Meeting that no one is present to require a hearing, and we will not go through that process.

D. Vacating of Street - Near Dallas Avenue - Update. Attorney Nunn stated if Council recalls, during our last Council Meeting, he passed out information to Council as it relates to vacating a street, that intersects Dallas Avenue and the railroad track, in Councilman Williamson's Ward (Ward 1). Attorney Nunn stated he has forwarded all of the landowners certified letters and to the utility companies. Attorney Nunn further stated that they have also done a newspaper publication. Attorney Nunn stated that a resolution will be prepared and presented during the next Council Meeting, and if Council should have any questions as to where this is located to let him know, so that they can plan to do a site visit to the location. Attorney Nunn stated this vacating of street item will be coming up for a hearing at the next Council Meeting.

E. Resolution #R230-08/09 - Resolution Accepting Gift of Property from WLJ and SFPJ Family Limited Partnership. Attorney Nunn stated to Council that they should have before them Resolution #R230-08/09 which represents a Resolution Accepting Gift of Property from WLJ and SFPJ Family Limited Partnership. Attorney Nunn stated to Council if they recall this piece of property is on Etheridge Avenue and Griffin Avenue, which is in Councilman Tucker's Ward (Ward 6). Attorney Nunn further stated he has spoken with Mr. Larry Jones who represents the Family of the Estate and that they are willing to donate this piece of property to the City of Selma. Attorney Nunn stated during the last Council Meeting there was some concern about the property being donated to the City, and that it would have to be torn down. Attorney Nunn further stated it will benefit the City as it relates to the safety hazard, since it is known that accidents have occurred in that area. Attorney Nunn asked Council's consideration of the same. During discussion, a motion was made by Councilman Tucker, and seconded by Councilman Randolph, to approve said Resolution #R230-08/09, Resolution Accepting Gift of Property from WLJ and SFPJ Family Limited Partnership. A roll call vote was taken and the motion passed with a majority vote of the Council. There were eight affirmative votes and one nay vote. Councilwoman Crenshaw cast a nay vote.

F. Pending Litigation. Attorney Nunn stated, per Councilman Bowie, he requested a list of pending litigation, and that Council should have that before them in the form of a letter. Attorney Nunn further stated as of August 20, 2009, there is a total of seven (7) cases pending against the City of Selma.

G. Pawn Shop Law vs. Precious Metal or Gem Buyers. Attorney Nunn stated to Council that this was requested by Councilman Williamson, and that one of the requests he had was to prepare an ordinance concerning individuals and/or companies coming into Selma and buying jewelry, and that he wanted it similar to what the Pawn Shops have in place. Attorney Nunn stated to Council that they should have before them a copy of the Selma Code, and that according to the Selma Code, it outlines the procedures that the Pawnbrokers have to proceed with. Attorney Nunn asked the Council to refer to Page 1319 of the Code, which outlines anyone who wants to come in and set up a hotel, or set up their own business buying jewelry. Attorney Nunn stated we already have a process in place as it relates to Precious Metal or Gem Buyers. Attorney Nunn further stated Section 16-212 describes the application process whereby the applicant must file within the City Clerk's office, their sworn application, and that photos and fingerprints must be taken, along with a statement as to whether or not the applicant has been convicted of any crime. Attorney Nunn stated under Section 16-215, it states that an investigation must be done by the Selma Police Department, and they will determine whether or not they are responsible and satisfied in getting a license or not. Attorney Nunn further stated the license required shall contain the signature of the City Clerk, the City Tax Collector, and the Mayor. Attorney Nunn stated that under Section 16-218, the applicant who secures a license must every day turn over the driver's license number of who brought in the items, social security number, sex, race, date of birth, and enter this information into a book, and turn it over to the Chief of Police. Attorney Nunn further stated he can still prepare an ordinance but he thinks this is even more stricter than what the pawnbrokers have to go through.

CITY ATTORNEY'S REPORT

H. Vendor's License/Permits. Attorney Nunn stated, per Councilman Bowie, as it relates to vendors it was requested to see whether or not they are paying for any type of permits or licenses. Attorney Nunn stated, per Mr. Roosevelt Goldsby, we are not collecting any type of licenses or fees from the vendors. Attorney Nunn further stated they do have to pay some type of rental space fee but that the fee goes to the sponsor of the event; such as, the Flea Market, the Jubilee or the Battle of Selma events.

I. Election - Update. Attorney Nunn stated to Council as they are aware we did run the Notice of Election in the newspaper on this past Sunday. Attorney Nunn further stated once the Notice ran in the newspaper it stated that any qualified candidates who wanted to run for the municipal election on the School Board that they could start qualifying immediately. Attorney Nunn stated qualifying began on yesterday, and continues through September 15, 2009, to be a candidate for a Member on the School Board, or for the Chairman - At Large position. Attorney Nunn further stated Absentee Voting begins on Tuesday, September 22, 2009. Attorney Nunn stated our City Clerk, Ivy Harrison, will have a draft of Election Officials to present to the Council for their review and revisions, during the Council Meeting of September 22<sup>nd</sup>, and that the Council will need to take a vote on the Election Officials. Attorney Nunn further stated as a reminder that we do have a Special Called Meeting for Tuesday, September 1<sup>st</sup>, to place the Ordinance for the Bond on 1<sup>st</sup> Reading, so that it can be presented to be considered for passage during the Council Meeting on September 8, 2009.

**BUSINESS ITEMS:**

I. NOISE ORDINANCE

President Allen stated that this item has already been reported on.

II. LIQUOR LICENSE MORATORIUM

Councilman Williamson stated to President Allen that at the last Council Meeting the Council voted to put on a Moratorium for one month on the collection of liquor tax, and asked if anything else was to be done during this period, in terms of meetings with the club owners or city officials? President Allen stated she is putting this item into the hands of the Public Safety Committee. Mr. Goldsby addressed the Council as it relates to Liquor Tax, and he was also asked to work with the Public Safety Committee, and the Council will await a recommendation and/or report back from that Committee.

III. COMMUNITY DEVELOPMENT PROJECT

Councilman Williamson asked Mayor Evans about a Project that is being done on J. L. Chestnut, Jr. Boulevard, and whether he can explain which are the six (6) blocks of J. L. Chestnut, Jr. Boulevard that are part of this Project. Mayor Evans asked Ms. Charlotte Griffeth to come and address the Council, to explain the location of the six (6) blocks that will be part of the J. L. Chestnut, Jr. Boulevard/Community Development Project.

IV. TOURISM APPRECIATION

Councilwoman Bowie stated this item has already been addressed.

V. UPDATE ON OLD AGENDA ITEMS

President Allen reminded Council that they will be having a Work Session on Thursday, August 27<sup>th</sup>, from 7:00 p.m. until 8:30 p.m., to discuss the Bond Issue, and asked them to please try and be present for it.

President Allen stated she wanted to commend the Selma Community Youth Orchestra who did an excellent job on this past Saturday with their Concert. President Allen stated it was wonderful, and she, along with the Council Members, want to thank both Dr. Ellen Carter and Dr. Bailey Dawson for the wonderful job that they did with the young people which really showed the talent of Selma, and the enhancement of the "Arts".

President Allen passed out the new Committee Assignments for 2009/2010 to each of the Council Members.

STANDING COMMITTEE REPORTS

RECREATION COMMITTEE - Councilman Samuel Randolph, Chairman

No Report.

**ADMINISTRATIVE COMMITTEE - Councilwoman Monica Newton, Chairman**

No Report.

**PUBLIC SAFETY COMMITTEE - Councilman Corey Bowie, Chairman**

No Report.

**COMMUNITY DEVELOPMENT COMMITTEE - Councilwoman Angela Benjamin, Chairperson**

No Report, but stated that an "End of Term" Report with recommendations would be coming up at the next Council meeting.

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

No Report.

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

There is no verbal response to the Council President.

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

No Report, but stated that an "End of Term" Report with recommendations would be coming up at the next Council Meeting.

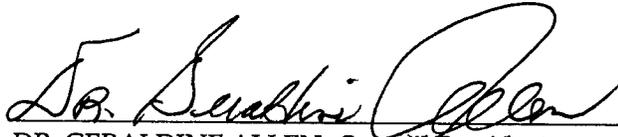
**DISCRETIONARY COMMITTEE - President Geraldine Allen, Chairperson**

President Allen reported that there were no Discretionary Funds tonight.

**CLOSING REMARKS BY EACH COUNCIL MEMBER.**

**ADJOURNMENT**

There being no further business to come before the Council, a motion was made by Councilwoman Crenshaw, and seconded by Councilman Randolph, to adjourn, and by unanimous consent of the Council, this meeting adjourned at 7:05 p.m.

  
DR. GERALDINE ALLEN, *Council President*

ATTEST:

  
IVYS. HARRISON, *City Clerk*

APPROVED:

  
GEORGE PATRICK EVANS, *Mayor*