

**MINUTES OF THE
SELMA CITY COUNCIL
MARCH 8, 2011
5:00 P.M.**

Call to Order

Invocation: Reverend Dr. Jerry White, Pastor
First Baptist Church

Pledge of Allegiance

The Selma City Council met in a regular session in the Council Chambers of City Hall on Tuesday, March 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, Councilwoman Benjamin, and Councilman Benny L. Tucker. Others present were Mayor George Evans, City Attorney Jimmy Nunn, City Treasurer Cynthia Mitchell, and the Mayor's Executive Assistant, Ms. Brenda Smothers. Councilwoman Bennie R. Crenshaw was absent during roll call, but arrived at 5:05 p.m. Councilman Corey Bowie was absent during roll call, but arrived at 5:33 p.m. Councilman Samuel Randolph was absent during roll call, but arrived at 6:59 p.m. City Clerk Ivy S. Harrison was absent from the Council Meeting, due to illness.

APPROVAL OF AGENDA

President Williamson asked for the approval of the agenda items. A motion was made by Councilman Tucker, and seconded by Councilwoman Keith, to approve the agenda items, as written. **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 February 22, 2011 regular meeting minutes. A motion was made by Councilwoman Keith, and seconded by Councilman Tucker, to approve the minutes of February 22, 2011. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

CITIZENS' REQUESTS

Mrs. Claudia Wright, *Selma Habitat for Humanity*

Re: Upcoming Annual Fundraising Auction - Thursday, March 10th, at 6:00 p.m. - Carl Morgan Convention Center

Ms. Mary Kissel

Re: Kissel Entertainment

Ms. Mary Kissel requested permission for amusement rides at the Selma Mall, March 28th - April 2nd, 2011. Ms. Kissel further stated she has gotten everything that was required of her to operate the business, including her City's Business License. A motion was made by Councilwoman Keith, and seconded by Councilman Tucker, to grant permission to Ms. Mary Kissel, Kissel Entertainment, to operate amusement rides at the Selma Mall, during the week of March 28th - April 2nd, 2011. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

Mr. Roosevelt Johnson, *Executive Director*

Re: Southern Youth Sports Initiative

Mr. Buddy Swift, *Swift Drug Company*

Re: Old Y.M.C.A. Building

Mr. Tom Headley

Re: Possible School Closures

Mr. Clifford Hunter and Ms. Annie Montgomery (JOBS Task Force Program, Department of Human Resources)

Re: Waiver of Building Usage Fee (*Carl Morgan Convention Center, May 11th - 8:00 a.m. - 12:00 noon*)

Mr. Clifford Hunter and Ms. Annie Montgomery, on behalf of the JOBS Task Force Program and the State of Alabama, Department of Human Resources, made a request of the Selma City Council to waive the Building Usage Fee at the Carl Morgan Convention Center, for the Alabama Department of Human Resources' Annual JOBS Fair on Wednesday, May 11, 2011, which is open to the public. A motion was made by Councilwoman Crenshaw, and seconded by Councilwoman Benjamin, to waive the Building Usage Fee at the Carl Morgan Convention Center, to allow for the Alabama Department of Human Resources' Annual JOBS Fair, on Wednesday, May 11, 2011. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

Ms. Mae Richmond
Re: Community Unity

MAYOR'S REPORT

**PRESENTATION AND INTRODUCTION OF THE DAUGHTER OF THE LATE MRS. VIOLA LIUZZO,
MS. MARY LIUZZO LILLEBOE,
TO ADDRESS THE COUNCIL, AND SPEAK TO THE MAYOR, COUNCIL AND CITIZENS
ABOUT HER LOVE FOR SELMA, AND
TO THANK MAYOR EVANS PERSONALLY FOR HER GIFT.**

Councilwoman Crenshaw asked that the following statement made to Ms. Lillieboe during her Presentation, be made a part of the record; that in 1965, her Mother, Mrs. Viola Liuzzo, carried them, she and her Classmates, back and forth from the Selma-to-Montgomery March.

LONGEVITY PINS AND CERTIFICATES

Mayor Evans stated he would like to present Certificates of Service and Longevity Pins in recognition of the following employees: Ms. Shirley McNeil, Selma Public Works Department, *Ten Years of Service* to the City of Selma, Battalion Chief Doug Horton, Selma Fire Department, *Twenty Years of Service* to the City of Selma, Captain Joseph Salter, Jr., Selma Fire Department, *Fifteen Years of Service* to the City of Selma, Coach Elton Reece, City Recreation Department, *Twenty Years of Service* to the City of Selma, and Lieutenant John Brock, Selma Police Department, *Twenty-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, and he, along with the City Council, acknowledged them with Appreciation, and they were given a "Round of Applause".

**ACKNOWLEDGEMENT
OF
"CERTIFICATE OF ACHIEVEMENT"**

**CHIEF WILLIAM T. RILEY, III - CERTIFICATE OF ACHIEVEMENT IN POLICE MANAGEMENT
LEVEL II, 80 HOURS, - ALABAMA ASSOCIATION OF CHIEFS OF POLICE,
AWARDED FEBRUARY 1, 2011**

A. Monthly Financial Report - February, 2011. Mayor Evans stated to Council that they should each have before them a copy of the Monthly Financial Report for the Month of February, 2011. Mayor Evans stated as can be seen on the Report, we went "down" this month, in terms of revenue in the amount of \$17,848.72, but overall Y-T-D we are still ahead by \$7,673.80. President Williamson stated he thinks it is encouraging during the first five months into the fiscal year, we are \$7,673.80 ahead in Sales Tax Collections from last year, and \$7,500.00 in Lodging Tax, and hopefully this past weekend will contribute to both of those, and we will have a good Report next month, also. Councilman Atchison stated Ms. Smedley of the Chamber of Commerce is present at tonight's Council Meeting, and that he thinks she and the Chamber, in conjunction with our City, are doing a good job, and should really be commended. President Williamson, along with Mayor Evans, also thanked Ms. Smedley for doing an outstanding job of working with the City, and giving support, and she was given a "round of applause". Mayor Evans stated to Council that they should also have within their packets of information; namely: Bank Account Information; Restitution Payments, Overtime Reports, Financial Management Reports which include an Aging Report, Check Register, and Budget To Actual Reports, Listing of the Line Items of the Budget, and a copy of the Bond Projects' Spreadsheet. Mayor Evans stated to Council that this information is being provided to them for their review, and questions that they may have, as well.

B. Police Department Report - February, 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 February, 2011, and that he is present in the event the Council has any questions.

C. Code Enforcement Report - February, 2011. Mayor Evans stated to Council that they should have before them a copy of the Code Enforcement Report, and asked them to review, and direct any questions that they may have, and he will try to answer himself, or find out the answers for them. President Williamson stated to Mayor Evans that he appreciates him for giving them a "wealth of information" as it relates to the Reports given to the Council tonight, and he wanted to thank him, along with Ms. Mitchell,

Chief Riley, and Rev. Moore for the assistance they gave, in getting all of this detailed information together to be presented to them tonight. President Williamson further stated that they will review it, and take any action needed, at the next Meeting. Mayor Evans stated to Council that he tries to do the best he can to provide them with information and updates.

D. Resolution #R181-10/11 - Mabry Street Sewer and Storm Drain Emergency Repairs. Mayor Evans stated to Council that he thinks that they all saw the Mabry Street Cave-In, and that he would like the Council to declare it an emergency, in an effort to move forward in getting it repaired. Mayor Evans further stated we have had some more cave-ins since that one. Mayor Evans asked Council's consideration and approval of Resolution #R181-10/11, Mabry Street Sewer and Storm Drain Emergency Repairs, in an estimated amount of \$11,000.00, for the first one, and that he will bring back amounts for the other two. During discussion, President Williamson stated that Mayor Evans can declare Mabry Street an Emergency for the Repairs, and bring back the amounts for the repair for Council's approval. It was the consensus of the Council that Mayor Evans will move forward with declaring Mabry Street an Emergency, and will bring back the amounts of repair, for the Council to take action at the next Council Meeting.

E. Update on Sanitary Sewer Improvement Projects. Mayor Evans stated to Council that they should have a copy of an update in terms of where we are overall with the Sanitary Sewer Improvement Bond Projects. Mayor Evans further stated that he has asked Mr. Ray Hogg to give him a weekly update as it relates to our Sanitary Sewer Improvement Projects, so that we can know where we are with them. Mayor Evans stated here is where we are now on the Projects, on the weekly update: 1. Behind Old Wal-Mart: This portion of the Project is complete. 2. Dallas Avenue: This portion of the Project is complete. 3. Jerome Street: The Sanitary Sewer has been completed. The Contractor will begin re-construction of this Street as soon as weather permits. 4. Second Avenue: This portion of the Project is complete. 5. Franklin Street/Philpot Avenue: The Contractor has installed all of the Sanitary Sewer Pipe. The Street has been temporarily opened to traffic. Street repair will be accomplished as soon as weather permits. 6. Highland Avenue: The Contractor began work on this section on March 1st; work should be completed by March 11th.

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

(1) 36th Annual Selma Pilgrimage - March 18 - 19, 2011 - Everyone is invited!

*(2) 3rd Annual Mayors of the Black Belt Charity Ball - March 31, 2011 - Carl Morgan
Convention Center at 7:00 p.m. - Fundraiser for the American Red Cross - Everyone is invited!*

(3) Open House - April 7, 2011 - 5:00 p.m. - 7:00 p.m. - Everyone is invited!

CITY ATTORNEY'S REPORT

A. Update on Vacation of Alley. Attorney Nunn stated to Council that this Item was presented to the Council during our last Council Meeting, which is the Alley behind Morning Star Baptist Church, from Buckeye Avenue. Attorney Nunn further stated that the publications are scheduled, and will run beginning on today, March 8th, 15th, 22nd and the 29th of March. Attorney Nunn stated that we have contacted all of the adjoining property owners and utility companies, and have forwarded them certified letters. Attorney Nunn stated that the Public Hearing is scheduled for Tuesday, April 12th, at 5:00 p.m.

B. Resolution #R177-10/11 - Abandoning a Portion of Sewer Easement on Property Located in the Vicinity of the "Woodland Heights Subdivision". Attorney Nunn stated to Council that Resolution #R177-10/11, deals with Second Avenue, and if Council recalls, back in June of 2009, Mayor Evans, Mr. Tommy Smith, and he went and took a site visit over on Second Avenue. Attorney Nunn further stated that this is the property with the sewer running under the car shed, and the Council voted to re-route that easement but at this point in time what they have before them in the form of Resolution #R177-10/11, is a Resolution to Abandon the Old Easement that is going up under the car shed. Attorney Nunn stated since we now have a new Easement we want to go ahead and abandon that old easement so that we do not have any liability on behalf of the City of Selma. Attorney Nunn further stated he talked with Mr. Ray Hogg, and he stated that the Project is complete, and that he is asking for Council's approval of Resolution #R177-10/11. A motion was made by Councilman Bowie, and seconded by Councilwoman Keith, to approve Resolution #R177-10/11, Abandoning a Portion of Sewer Easement on Property Located in the Vicinity of the "Woodland Heights Subdivision". A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

C. Special Election Update. Attorney Nunn stated as they are aware, we have made a Submission to the U. S. Justice Department concerning the Special Election. Attorney Nunn further stated that the sixty (60) days will expire on this week, March 12th, and the Mayor will call for a Special Election for May 24th, on next Tuesday, which is also the date for qualifying Candidates. Attorney Nunn stated any

CITY ATTORNEY'S REPORT

Candidate who may want to qualify, may do so on next Tuesday which is a week from today. Attorney Nunn further stated we have not heard from the Justice Department as of yet but we should hear something from them this week, as we have asked them to expedite the Submission, and give us a response within this week.

D. **City of Selma's Alcohol License Application.** Attorney Nunn stated to Council that this is an Item that we just found out about, and did not have an opportunity to put in the packets. Attorney Nunn further stated we do have a new State A.B.C. Agent, Mr. Peterson, and hopefully he will have an opportunity to come before the Council, and that Mr. Mark Barber is no longer the A.B.C. Agent for our area. Attorney Nunn stated he did come by the office as it relates to the City of Selma, and our Facilities, and that we, as a Municipality, must have an Alcoholic Beverage License, as Owner of the Facilities, and he is requesting that the City of Selma come into compliance of the same. Attorney Nunn further stated that he spoke to Mayor Evans, and he stated that we need to come before the Council, to see which Facility they want to license for events, and so forth. Attorney Nunn stated that we have to do an application per Facility, and it was the consensus of the Council, that we would begin with the Convention Center. During discussion, a motion was made by Councilman Atchison, and seconded by Councilwoman Crenshaw, to proceed with obtaining an Alcoholic Beverage License for the City of Selma. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

E. **Resolution #R178-10/11 - Declaring Certain Properties Unsafe/Nuisances.** Attorney Nunn stated to Council that they should have within their packets Resolution #R178-10/11, Declaring Certain Properties Unsafe/Nuisances. Attorney Nunn further stated that Resolution #R178-10/11 represents four (4) pieces of properties; namely, in Wards 7, 5 (Two in Ward 5), and 6. Attorney Nunn further stated that said Resolution #R178-10/11 gives authority for the City Clerk, Ivy S. Harrison, to send certified letters to the property owners, and further advising, that they have forty-five (45) days to rectify the condition of the said property, or demolish the structure. During discussion, a motion was made by Councilwoman Crenshaw, and seconded by Councilman Tucker, to approve Resolution #R178-10/11, Declaring Certain Properties Unsafe/Nuisances. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

F. **Resolution #R179-10/11, Resolution Declaring Public Nuisance and Immediate Abatement.** Attorney Nunn stated to Council that they should have within their packets Resolution #R179-10/11, Resolution Declaring Public Nuisance and Immediate Abatement; Weed Abatement, Phase I. Attorney Nunn further stated that the Code Enforcement Officer of the City of Selma, has identified properties, and classified them as a Nuisance, within the City. Attorney Nunn stated said Resolution #179-10/11 describes the properties and parcels, and that the Property Owners have been identified, via the Tax Assessor's Office. Attorney Nunn further stated said Resolution #R179-10/11 also authorizes the City Clerk, Ivy S. Harrison, to forward Certified Letters to the Property Owners, advising them of the same. During discussion, a motion was made by Councilwoman Crenshaw, and seconded by Councilman Tucker, to approve Resolution #R179-10/11, Resolution Declaring Public Nuisance and Immediate Abatement. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

G. **Ordinance #O106-10/11, An Ordinance Regulating the Consumption of Alcohol Beverages Brought, or "Brown Bagged" On the Premises of Businesses Without Alcohol Beverage Retail Licenses, and Ordinance #O107-10/11, An Ordinance Regulating the Consumption of Alcohol Beverages Within Commercial Rental and/or Leasing Facilities.** Attorney Nunn stated to Council that if they recall, Ordinance #O106-10/11, An Ordinance Regulating the Consumption of Alcohol Beverages Brought, or "Brown Bagged" on the Premises of Businesses Without Alcohol Beverage Retail Licenses was placed into Councilman Bowie's Committee, and that they took language from what the City of Tuscaloosa used, and put it in into a "draft" in the form of Ordinance #O106-10/11, for their review. Attorney Nunn further stated that State A.B.C. Agent Peterson stated that the City of Montgomery passed in 2003, an Ordinance where it makes it unlawful for any person or entity holding a City business license for a rental hall or for the purpose of authorizing the renting or leasing licensee's premises to another person or entity, to sell, serve, or dispense or to permit the sale, service, dispensing to or consumption by members of the public, of alcohol beverages on such licensee's premises unless said licensee or licensee's caterer, tenant or other person operating the premises possesses the appropriate retail license issued by the Alabama Alcoholic Beverage Control Board. Attorney Nunn further stated that they were in the same position that we are in, and that Ordinance #O107-10/11, An Ordinance Regulating the Consumption of Alcohol Beverages within Commercial Rental and/or Leasing Facilities was a good one to use, for the City of Selma. Attorney Nunn asked the Council to take these Two (2) Ordinances; namely, Ordinance #O106-10/11 and #O107-10/11, and review, to bring back for consideration by the Council. President Williamson stated that he will place both of these into the "hands" of the Public Safety Committee.

I. NOISE ORDINANCE

President Williamson stated that we had 49 complaints, and eleven (11) citations were issued last month.

II. SELMA OPTIMISTS CLUB

This Item is Continued until the next Council Meeting.

III. UPDATE ON OLD Y.M.C.A.

Councilwoman Keith stated that she would like to see our Historical Commission be more pro-active as it relates to this. Councilwoman Keith further stated that we saw the Phoenix Building, which was a lovely building, collapse, and that it was a miracle that no one was hurt. Councilwoman Keith stated we cannot have buildings, regardless of their significance, that are not safe. Councilwoman Keith further stated she has an appreciation of "seeing" the legal process through, but by the end of this month we are going to have to be prepared to do something, i.e. stabilize the building or move to tear it down; above all else, people have to be safe.

IV. MARDI GRAS GALA

Councilwoman Keith stated by anybody's standards, the Mardi Gras Gala was a "radiant success"! Councilwoman Keith further stated that it is very important that we have that Facility to serve the people that it has always served. Councilwoman Keith stated so far we have raised \$3,800, and some other pledges are due to come, but that it was a successful event!

V. BROWN Y.M.C.A. UPDATE

Councilman Randolph stated that they are trying to raise \$60,000.00 for the Brown Y.M.C.A., and are asking 60 men to give \$1,000.00 for a total of \$60,000.00. Councilman Randolph further stated that he and Mr. James "Jim" Stallings will be spearheading this Project, and invited anyone else who wants to give, to please feel free; that it is not too late donate to the Kids. Councilman Randolph stated he would like to have a good air conditioning and heating unit by May of this Year for the Brown Y. M.C.A.

VI. RECYCLING

Councilwoman Keith stated we are still working on recycling and that we passed an Ordinance to have media specific containers (receptacles) for recycling in all of the City's Buildings. Councilwoman Keith further stated to Mayor Evans that she would like for us to give some thought to rectify this and take a "lead" role in this; that Selma is the cornerstone of the "Trail". Mayor Evans stated he recalls that we were at a point of deciding on a design for the containers, and that is kind of where we left off. Councilwoman Keith stated she would be following up on a decision for a design for the containers.

VII. COMMUNITY DEVELOPMENT UPDATE FOR WARD 4 FROM MAYOR EVANS

Councilwoman Benjamin stated to Mayor Evans that she presented a list of things to be looked at, and passed on to Ms. Brenda Smothers during the last Council Meeting. Mayor Evans stated that he will follow-up on that, and provide an update to Councilwoman Benjamin by the next Council Meeting.

VIII. "TURNING THE TIDE ON YOUTH VIOLENCE"

Councilwoman Benjamin stated that the Steering Committee will meet on March 21st at 6:00 p.m., at the Dallas County Extension Agency. Councilwoman Benjamin further stated that they are recruiting Facilitators for the Study Circles. Councilwoman Benjamin stated she needs from the Council a list of Participants for the Study Circles from their Wards, and would like to get the information by March 17th.

STANDING COMMITTEE REPORTS

RECREATION COMMITTEE - Councilman Benny Tucker, Chairman

No Report.

ADMINISTRATIVE COMMITTEE* - Councilman Corey Bowie, Chairman

No Report.

PUBLIC SAFETY COMMITTEE* - Councilwoman Angela Benjamin, Acting Chairman

No Report.

COMMUNITY DEVELOPMENT - Councilwoman Susan Keith, Chairman

No Report.

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

No Report.

DISCRETIONARY COMMITTEE - President Cecil Williamson, Chairperson

President Williamson asked that the Discretionary Fund Forms be circulated back to him, in an effort to get them all signed, and acted on.

CHILDREN AND FAMILIES - Councilwoman Angela Benjamin, Chairperson

No Report.

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

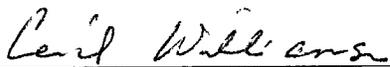
Councilwoman Crenshaw was absent from the Council Meeting during this time.

*President Williamson stated that he is making changes with the Administrative Committee and the Public Safety Committee, and is placing Councilwoman Benjamin, as Administrative Committee, Chairperson, and Councilman Corey Bowie, as Public Safety Committee, Chairperson, Effective March 8, 2011.

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 7:35 p.m.



DR. CECIL WILLIAMSON, *Council President*

ATTEST:



IVY S. HARRISON, *City Clerk*

APPROVED:



GEORGE PATRICK EVANS, *Mayor*