

**MINUTES OF THE
SELMA CITY COUNCIL
SEPTEMBER 8, 2009
5:00 P.M.**

Call to Order

Invocation: Reverend Lee Goodwin, Associate Pastor
Second Missionary Baptist Church

Pledge of Allegiance

The Selma City Council met in a regular session in the Council Chambers of City Hall on Tuesday, September 8, 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, City Treasurer Cynthia Mitchell and the Mayor's Executive Assistant Brenda Smothers. Councilwoman Keith was absent during roll call but arrived at 5:13 p.m.

APPROVAL OF AGENDA

President Allen asked for the approval of the agenda items. A motion was made by Councilman Bowie, and seconded by Councilman Tucker, to approve the agenda items as written, with the deletion of Item III. 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 August 28, 2009 regular meeting minutes. President Allen asked that the record reflect that the Council thanks City Clerk, Ivy Harrison, who has been very, very studious about making sure that they get their minutes on time. A motion was made by Councilman Randolph, and seconded by Councilman Tucker, to approve the minutes of August 25, 2009. The motion carried with a unanimous (show of hands) vote of the Council Members present.

CITIZENS' REQUEST

Mr. Henry Hicks, Sr.
Re: Alabama Democratic Conference (Bond Issue)

PUBLIC HEARING - PETITION OF VACATING A STREET

Attorney Nunn stated we have a Petition for Assent to Vacate a Portion of a City Street or Alley presented by Thomas A. Gilmore, Sandra M. Gilmore, Sarah M. Washington and Crosspoint Christian Church, located in Ward 1. Attorney Nunn further stated he invited anyone who wanted to go out, to take a look at this piece of property and that it is very close to Crosspoint Christian Church. Attorney Nunn stated we have done all of the requirements, per State Law, as it relates to publication in the newspaper, and it published on August 9th, 16th, 23rd, and 30th, along with posting a copy of the Notice at the Courthouse and here at City Hall. Attorney Nunn further stated all of the adjoining property owners were contacted via certified mail. Attorney Nunn stated any utility companies that may have an interest via utility lines, equipment, etc. within the public right-of-way of the unopened road to be vacated were also contacted. Attorney Nunn further stated the Attorney for the Petitioners, Mr. Allen Reeves, is present, and he is going to come before you and present the Petition to the Council, and answer questions that the Council may have. Attorney Nunn stated if anyone is for or against the Council vacating the street, they will have an opportunity to come before you and during his report we will come back and ask for Council's consideration of Resolution #R235-08/09. Attorney Reeves addressed the Council and presented the Petition, along with passing out copies of a photograph of the location of the property. Following the presentation by Attorney Reeves, President Allen asked if there

was anyone present who was for or against the Council vacating of this street, near Crosspoint Christian Church, to come forth to the podium at this time, and state his or her name. No one was present to speak for or against the Council vacating the street.

MAYOR'S REPORT

- A. **Proclamation - "Constitution Week"**. Mayor Evans asked the Council and Citizens of Selma to join him in recognizing and honoring *September 17, 2009 through September 23, 2009* to be "Constitution Week". Mayor Evans and the Selma City Council proclaim *September 17, 2009 through 23, 2009* to be "Constitution Week" in the City of Selma.
- B. **Proclamation - "Sickle Cell Awareness Month"**. Mayor Evans asked the Council and Citizens of Selma to join him in recognizing and honoring the *Month of September, 2009* to be "Sickle Cell Awareness Month". Mayor Evans and the Selma City Council proclaim the *Month of September, 2009* to be "Sickle Cell Awareness Month" in the City of Selma.
- C. **Proclamation - "Recognizing August 22, 2009 - September 30, 2009 as the Observance of the Holy Month of Ramadan in the City of Selma"**. Mayor Evans asked the Council and Citizens of Selma to join him in recognizing and honoring *August 22, 2009 through September 30, 2009* as "Observance of the Holy Month of Ramadan in the City of Selma". Mayor Evans and the Selma City Council proclaim *August 22, 2009 through September 30, 2009* as "Observance of the Holy Month of Ramadan in the City of Selma".
- D. **"Sample" Ballot - Special Election, October 27, 2009**. Mayor Evans stated to Council that they should each have before them a copy of the "Sample" Ballot which Attorney Nunn has just passed out to them. Mayor Evans further stated this Ballot is going to be a 2-page document, front and back, which also will have the Candidates for School Board Members for the Districts 1 through 4, as well as, for the Chairman. Mayor Evans stated to Council that this type of Ballot will cost the City approximately \$16,000.00 per page, front and back. Mayor Evans further stated it has been said that he is trying to "mislead" the Citizens by not listing the items. Mayor Evans stated if every item is listed individually on the ballot, as opposed to the method outlined on the "Sample" Ballot, it would cost the City over \$100,000.00, and would be an average of 7 or 8 pages long for a ballot. Mayor Evans further stated in this ballot it does show a breakdown of cost by each item, by Department. Mayor Evans stated the intent of having the public meetings was to give information and clarification. Mayor Evans further stated at the ballot box on Election Day will be a description of each item on paper that the Citizens can, before casting their vote, review and determine whether or not they want to vote for "all" of the proposed bond issues, or "against all" proposed bond issues, or they can go to each Department, and vote on an individual "departmental" item, and vote it up or down. Mayor Evans stated Citizens will have the right to vote on each departmental item, in the event there are some things that they are not in agreement with, as opposed to voting "no" altogether.
- E. **Monthly Financial Report - August, 2009**. Mayor Evans stated to Council that they should have before them a copy of the Monthly Financial Report for the Month of August. Mayor Evans further stated as can be seen, the Monthly Financial Report reveals that our revenues listed under "Y-T-D" Totals based on last year's "Y-T-D" Totals, are \$425,800.36 less than we had last year this time. Mayor Evans stated we still have a problem in terms of the economy not being where it should be, but there is some "good news" in that we are \$300,000.00 plus over, in terms of our balancing the budget, and spending.
- F. **Police Department Reports - August, 2009**. 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 stated these reports were prepared by Chief Riley and his Staff, for the month of August, 2009. Mayor Evans further stated as seen by Wards, the total of incidents that have been reported for the month are 500 in the various Wards, and outside of the Wards was 34%, with a total of 173. Mayor Evans stated the Loud Noise Statistics reflects, in the Loud Noise Incident report, a report of 7 Loud Music Incident Reports, and 2 Issuance of Loud Noise Citations.
- G. **Code Enforcement Reports - August, 2009**. Mayor Evans stated to Council that what they have before them now is a copy of all of the identified properties in the City, for the month of August, that are on the list for demolishing. Mayor Evans further stated to Council that Environmental Court is being implemented right now, and that they are taking care of these items on a regular schedule now in terms of handling enforcements. Mayor Evans stated this has been addressed for a couple of months now, and we will continue to work on this. Councilwoman Crenshaw stated she took issue with the Ordinance dealing with Parking on Lawns, and she probably takes more issue with an Environmental Court. Councilwoman Crenshaw further stated she thinks if we could get into Neighborhood Associations, which we started a couple of years ago, and try to change the thinking of people and help them, help themselves, then it changes the mind and their thinking. Councilwoman Crenshaw stated carrying them to Court with fines is not going to change the problem, and that she thinks changing the minds would work. Councilwoman Crenshaw further stated she is not going to support an Environmental Court because the Court System is filled right now with all kinds of issues. Councilwoman Crenshaw stated by having those Neighborhood Associations where people are going around, talking to people, "building the community"; that you are not going to always do it through enforcement through the Courts. Councilwoman Crenshaw stated, "I just needed to

make that statement, and state my whole thoughts on environmental court, and I think that's important". Councilwoman Newton asked Mayor Evans if he had pursued the option of having persons who are in violation of litter and environmental codes, if those people are allowed to do community service? Mayor Evans stated that he had met with Attorney Nunn, and Judge Chestnut and Judge Hagood, to address this matter, to seek information as to how to proceed legally with this, and the option of community service is being reviewed and studied, as to how to proceed with this. Councilwoman Keith stated Environmental Courts are not just courts where people just go and pay fines, but that Environmental Courts are community courts where they are worked with the communities; they are integrated in the communities and they work with the community to help clean up and improve the community. Councilwoman Keith further stated to Mayor Evans, that it is a "community-building thing", and that it is important for an environmental court to work, and that specific personnel needs to be trained in specific ways that it is to be handled if it is going to be a true community-effort to beautify the community, and instill pride in the participants of the Court and the people; it is a "win-win situation all the way around". Councilwoman Keith stated in their last Sub-Committee Meeting, Rev. Williamson and Rev. Tucker are the ones who will be coming to him about those issues and further development of that, but it may be that he does not want that, and if so, that will be fine, but it can work, and Selma can be better, and "I just wanted to say that". President Allen stated we have developed a Sub-Committee that relates to Environmental Court and she was hoping that this Sub-Committee would work with Judge Hagood and all of those involved in the Municipal Court System, and come up with recommendations to bring back to this Council, and that is what she is asking at this point. President Allen further stated to Councilwoman Keith that she is still asking that the Sub-Committee bring back to the Council recommendations. Mayor Evans stated to Councilwoman Keith that he believes that they are on the "same page" as it relates to the Environmental Court. Mayor Evans further stated he took the liberty some months ago to talk with the Judges and the Magistrate, as to how they could handle those issues without charging any more money, and they basically said to him that they could handle it without hiring any new personnel. Mayor Evans stated he took the liberty of saying to them to go ahead and move forward on it. Mayor Evans further stated if there is more training that they need, he has no problem with that, and that the problem he was concerned with was, how could they do what they needed to do without taxing the taxpayer any more money. Mayor Evans stated he is not against what they are trying to do, and will be happy to sit down and discuss this further with them. President Allen stated to Mayor Evans that she is asking that the Sub-Committee as a "whole", sit down with the entities that are involved in this, and that a recommendation come back that is shared by all.

H. Public Works Department - Holiday Pick-Up Schedule. Mayor Evans stated he would like to announce to the Council and to the Citizens that due to the Labor Day Holiday, the garbage pick-up schedule is going to fall behind by one (1) day; in other words, if your garbage was scheduled to be picked up today, it will be picked up on tomorrow, and so on. Mayor Evans further stated if there are any questions or problems, please call Mr. Tommy Smith at his office at 874-2165, or call him, at 874-2101.

I. Recognition of Chief William T. Riley - Completion of 40 Hours - Certified Law Enforcement Executive Program. Mayor Evans stated to Council that the University Partnerships for Alabama for Continuing Education has recognized that Chief William T. Riley, III has completed the first 40 hours of training in Certified Law Enforcement Executive Program. Chief Riley was applauded and congratulated by Mayor Evans and the Council on behalf of his achievements.

J. Youth Football League Opening Ceremony - Saturday, September 12, 2009. Mayor Evans stated to Council that they should each have a copy of the Youth Football Jamboree scheduled for Saturday, September 12, 2009. Mayor Evans asked Coach Reece to come forward and address the Council. Coach Reece stated to the Council Members that they are invited to the Youth Football Jamboree, which starts at 9:00 on Saturday morning. Mayor Evans and Coach Reece stated that the problem with the lighting from last Friday night is being addressed by the Alabama Power Company, and currently being repaired. Mayor Evans stated the situation with the lighting is a "work-in-progress". Coach Reece also stated he applauds Alabama Power Company for coming to our "rescue".

K. Comprehensive Plan Implementation Teams - Kick-Off. Mayor Evans stated to Council that each of them should have received a copy of the Comprehensive Plan Implementation Teams, and that the kick-off is this Thursday, September 10th, at 5:00 p.m., at the Convention Center. Mayor Evans asked the Council Members to please try and come for the Kick-Off on this Thursday, September 10th, at the Convention Center.

L. Bush Hog - Acquisition by Alamo Group. Mayor Evans stated to Council that he had a meeting with Bush Hog on today, as it relates to the fact that Bush Hog has been sold to Alamo, and that it will remain in Selma, and that he was excited about that. Mayor Evans further stated he was asked to be part of a meeting today with Mr. Wayne Vardaman, Judge Ballard, and Senator Sanders, to give an update about the sale of Bush Hog to the Alamo Group. Mayor Evans stated that this Company will be coming before the Council later, because there are some things that they would like to bring before the Council as it relates to this new Acquisition. Mayor Evans further stated he thinks this is a "plus" for Selma; Citizens can look to be back at work soon.

M. Movie Theater - Update. Mayor Evans stated to Council that as they know already the Movie Theater was scheduled to be opened some time in July or August, and has not been opened as of yet. Mayor Evans further stated that he has spoken with representatives of Aronov about this, and they have indicated to him that there is a question of litigation of what the "private enterprise" is supposed to do, and what they are supposed to do, and they have not been able to resolve the issues surrounding the financial arrangements that are important for this movie theater project to be carried out. Mayor Evans stated he tried to contact the two men who came before the Council as it relates to this project on a couple of occasions, to see if it was anything that we as a City, could do to help, but they have not returned his phone calls as of yet.

N. Accused Police Officer - Update. Mayor Evans stated to Council that he has spoken with Chief Riley, as it relates to this allegation. Mayor Evans further stated this case is still being investigated by A.B.I., and there has not been a report back to the Police Department as to their findings as of yet. Mayor Evans stated the Police Officer is still on "Desk Duty".

O. Resolution #R242-08/09 - Agreement with Goodwyn, Mills and Cawood, Incorporated - Contract Award for Engineering Services - J. L. Chestnut, Jr. Boulevard - Street Reconstruction Project. Mayor Evans stated to Council that he would like to ask Ms. Charlotte Griffeth to come and address the Council as it relates to Resolution #R242-08/09, Authorization to Enter into an Agreement with Goodwyn, Mills and Cawood, Incorporated for Engineering Services as it relates to the J. L. Chestnut, Jr. Boulevard - Street Reconstruction Project. Ms. Griffeth addressed the Council and read Resolution #R242-08/09 in its entirety. During discussion, a motion was made by Councilman Bowie, and seconded by Councilman Randolph, to approve Resolution #R242-08/09 as it relates to the Contract Award for Engineering Services with Goodwyn, Mills and Cawood, Incorporated, in the amount of \$54,600.00 for the J. L. Chestnut, Jr. Boulevard-Street Reconstruction Project. 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.

P. Resolution #R241-08/09 - Agreement with Galbraith and Associates, LLC, - Contract Award for Program Administration Services - J. L. Chestnut, Jr. Boulevard - Street Reconstruction Project. Ms. Griffeth read Resolution #R241-08/09 in its entirety, as it relates to an Authorization to enter into an Agreement with Galbraith and Associates, LLC for Program Administration Services, with regard to J. L. Chestnut, Jr. Boulevard - Street Reconstruction Project. During discussion, a motion was made by Councilman Randolph, and seconded by Councilman Tucker, to approve Resolution #R241-08/09 as it relates to the Contract Award for Program Administration Services with Galbraith and Associates, LLC, in the amount of \$32,000.00 for the J. L. Chestnut, Jr. Boulevard-Street Reconstruction Project. 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.

Q. Selma-Dallas County Public Library - Utilities. Mayor Evans stated to Council that Mrs. Becky Nichols of the Selma-Dallas County Public Library was present and wanted to speak to the Council. Mrs. Nichols addressed the Council, and stated to Council Members that she was inviting them to meet their "Bus" Load of First Graders tomorrow morning, and that it would mean a lot to the Kids to see their Representative there at the designated time. Mrs. Nichols passed out to Council Members a packet with Coloring Books and Crayons, as it relates to a meeting tomorrow morning with about 600 First Graders at the Library. Mrs. Nichols further stated this program is a partnership with Vaughan Community Health Services, and this is just her "little" invitation, to "Please Come and Join Them". Mayor Evans stated he is in receipt of a bill for the Library's Utilities (Gas, Water, and Lights), and it is our responsibility through August, 2009, to pay the Library's Utilities but we do not have enough money in that account to take care of it; the total amount for the Utilities for the month of August is \$8,171.19, but we only have \$2,104.87 in the account. Mayor Evans further stated Ms. Cynthia Mitchell, City Treasurer, has asked him to bring this before the Council for approval, to allow her to find a line item to pay it from, at a later date. President Allen stated she has also spoken with Ms. Mitchell about this, and she says that she will find the money but she needs to wait until the end of this month. During discussion, a motion was made by Councilman Bowie, and seconded by Councilwoman Newton, to approve payment of the Library's Utilities in the amount of \$8,171.19, and allow Ms. Mitchell to find the additional amount of \$2,104.87 in the budget, that we are short of. A roll call vote was taken and the motion passed with a unanimous vote of the Council. Mrs. Nichols was asked by the Council to communicate to the Dallas County Commission at their next Commissioner's Meeting, Monday, September 14th, that the City has paid all of the Four (4) agreed-upon monthly payments; February, 2009, April, 2009, June, 2009, and just recently, the one for August, 2009, in the amount of \$8,171.19.

CITY ATTORNEY'S REPORT

A. R#238-08/09 - Use of Automated Traffic Law Enforcement. Attorney Nunn stated to Council that Mr. Graham Champion was present, and asked him to come forward to address the Council as it relates to the Use of Automated Traffic Law Enforcement. Mr. Champion stated to Council that the Resolution that was presented to them last week in "draft" form, in working with the City Attorney, has been revised in the form of Resolution #R238-08/09, which provides for a R.F.P. Mr. Champion further stated to

Council that he suggests that the RFP's go out, and preliminary work be done at the same time of getting local Legislation passed. Mr. Champion stated once Legislation is passed the Council would then come back and adopt an ordinance, implementing the Legislation. Attorney Nunn stated to Council that what they have before them is Resolution #R238-08/09, which states the Council supports the initiative of implementing an automated red light photo enforcement system, and that it authorizes the Mayor to contact our local legislators for their support and assistance in introducing and enacting enabling legislation that would allow the City the legal authority and right to use an automated traffic enforcement system within the City. Attorney Nunn further stated Resolution #R238-08/09 will enhance the City of Selma and Public Safety in trying to reduce traffic light violations and injuries. Attorney Nunn stated this process will be similar with what we did with our School Board, in trying to get local delegation, and getting a Bill drawn up for approval and passage at the State House. Attorney Nunn further stated he does not think that this will have to go before the people for a vote, however, but we would then come back and draw up an ordinance to support the Bill. During discussion, a motion was made by Councilwoman Keith, and seconded by Councilman Williamson, to table Resolution #R238-08/09, and place said Resolution #R238-08/09 into the hands of the Public Safety Committee, to be reviewed and brought back to the Council with a recommendation. A roll call vote was taken and the motion passed with a majority vote of the Council. There were six affirmative votes and three nay votes. Councilwoman Newton, Councilman Randolph, and Councilman Tucker each cast a nay vote.

B. Resolution #R235-08/09 - Public Hearing Assenting of Vacation of Road. Attorney Nunn stated Resolution #R235-08/09 represents the Public Hearing earlier that we had Assenting of Vacation of Road, located off of Dallas Avenue. Attorney Nunn further stated Resolution #R235-08/09 states that the road is hereby vacated by the Council, and that any and all entities and public utilities that are located over or across this unopened road will be maintained as it is. Attorney Nunn stated in Resolution #R235-08/09 is a description of the piece of the property which is a 20 foot road, and asked Council's consideration of the same. A motion was made by Councilman Williamson, and seconded by Councilwoman Newton, to approve Resolution #R235-08/09. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

C. Resolution #R234-08/09 - Authority to Abate and Remove Weeds. Attorney Nunn stated that the Council identified the described properties in Resolution #R234-08/09 as being a nuisance. Attorney Nunn further stated certified letters were forwarded to the property owners, requesting them to abate and remove the weeds. Attorney Nunn stated no objections were filed with the City Clerk five (5) days before today's Council Meeting. Attorney Nunn further stated Resolution #R234-08/09, gives the Code Enforcement Office and the Public Works Department authority to abate the nuisance, and remove weeds from the properties, and if Public Works Employees cannot abate the nuisance, then the same shall be abated by a private contractor, with the lowest quote. A motion was made by Councilman Bowie, and seconded by Councilman Tucker, to approve said Resolution #R234-08/09. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

D. Resolution #R239-08/09 - Resolution Declaring Public Nuisance and Immediate Abatement. Attorney Nunn stated to Council that Resolution #R239-08/09, Resolution Declaring Public Nuisance and Immediate Abatement, is the initial step of Code Enforcement identifying properties that have been classified as a nuisance, via the Tax Assessor's Office. Attorney Nunn further stated approximately 33 properties that have been identified, and is up for Council's consideration at tonight's meeting. A motion was made by Councilwoman Newton, and seconded by Councilman Tucker, to approve Resolution #R239-08/09. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

E. Resolution #R237-08/09 - Resolution To Place Lien On Property For Abating Weeds. Attorney Nunn stated Resolution #R237-08/09, Resolution to Place Lien on Property for Abating Weeds is the next step in the process for weed abatements. Attorney Nunn further stated to Council after Public Works goes on the property and cuts the grass, the City Clerk prepares a Weed Report which is posted at City Hall Five (5) days prior to the Council Meeting. Attorney Nunn stated invoices were also forwarded to the property owners requesting them to pay the assessment cost of abating the nuisance; 437 Pettus St. - \$148.82 and 1408 Martin L. King, Jr. St. - \$145.40. Attorney Nunn further stated as of today the payments have not been made, and via Resolution #R237-08/09 it is placing a lien on the properties listed, and authorizing the City Tax Collector to levy this amount of such assessment against the properties indicated, and collect the same in the same manner as any other assessment is collected; such as, taxes. Attorney Nunn stated if the Property Owners do not pay the amount with their taxes, then the property is put up for sale just as they sell the property for taxes not being paid. A motion was made by Councilman Randolph, and seconded by Councilman Tucker, to approve Resolution #R237-08/09. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

F. Resolution #R236-08/09 - Resolution Identifying Properties To Be Condemned and Demolished. Attorney Nunn stated to Council that Resolution #R236-08/09 represents properties that have been identified as "dangerous buildings" and/or a "nuisance" within the meaning of §6-101 of the Code of Ordinances of the City of Selma. Attorney Nunn further stated that there are a total of four (4) properties which Code Enforcement has identified as being dangerous buildings and/or a nuisance; namely, one (1)

each in Wards 7, 4, 8, and 5. Attorney Nunn stated Resolution #R236-08/09 will direct the City Clerk to proceed to forward certified letters to the property owners, requesting them to correct the problem by rectifying the condition of the property or demolishing it within forty-five (45) days, and if they fail to do the same, then the Code Enforcement is authorized to proceed in rectifying the "dangerous" building in accordance with the Law. Attorney Nunn further stated he is asking Council's consideration of the same. A motion was made by Councilwoman Benjamin, and seconded by Councilman Tucker, to approve said Resolution #R236-08/09. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

G. Ordinance #O119-08/09 - Ordinance Amending Ordinance #O111-08/09 - Parking Of Motor Vehicles In Front Yards. Attorney Nunn stated to Council that Ordinance #O119-08/09 is an Ordinance Amending Ordinance #O111-08/09 as it relates to Parking of Motor Vehicles in Front Yards. A motion was made by Councilwoman Newton, and seconded by Councilman Williamson, to place Ordinance #O119-08/09 on 1st Reading, Amending Ordinance #O111-08/09 as it relates to the Parking of Motor Vehicles in Front Yards, and making an exception and not applying to vehicles parked in the front or back yard with an issued handicap license plate on the vehicle, or a placard located on the front dashboard or hanging from the rear view mirror inside the vehicle. A roll call vote was taken and the motion passed with a majority vote of the Council. There were seven affirmative votes and two nay votes. Councilman Randolph and Councilwoman Crenshaw each cast a nay vote. During roll call, Councilman Randolph stated, "I am going to vote no and my reason is because I am against this whole Ordinance altogether; I'm not against handicap people parking on the yards; I'm against the whole thing".

H. Tax Enhancement Agreements. Attorney Nunn stated to Council that they should have before them two (2) Agreements; namely, Tax Revenue Enhancement Agreement - Revenue Administration, Tax Revenue Enhancement Agreement - Business License Discovery/Recovery, known also as AlaTax, and that AlaTax collects sales taxes for the City of Selma. Attorney Nunn further stated we are in contract with AlaTax, who is now RDS, and that we enter into an agreement every year. Attorney Nunn stated he is asking Council to take it for review, to be brought back for discussion at the next Council Meeting.

I. A.M.I.C. Statement. Attorney Nunn stated to Council that they should have a copy of the A.M.I.C. Statement within their packets, in the amount of \$16,567.84. Attorney Nunn further stated the statement amount of \$16,567.84 represents claims that have been paid through our Insurance Company. During discussion, this item was tabled until the next Council Meeting.

J. Liquor License - Discussion and Review. Attorney Nunn stated to Council that Mr. Mark Barber, local ABC Control Agent, contacted his office on last week, stating that there were five (5) businesses who failed to apply for their Alcoholic Beverage Licenses. Attorney Nunn further stated that Mr. Barber stated that there is a new procedure in place, in which applications can be mailed along with the renewal fee but this year, applicants have to apply on-line, and there were five (5) businesses who failed to apply on-line, and there appears to have been some type of "mix-up" and confusion, and they did not apply on time; namely, City Marina, St. James Hotel, 12th Stone, Junction Amoco, and Edwards BP. Attorney Nunn stated Mr. Barber asked him to come before the Council, as it relates to finding out if there was a way these businesses would not have to go through the whole application process, because had they renewed their licenses they would be operational today. Attorney Nunn further stated, he stated to Mr. Barber that he would bring it before the Council to ascertain whether or not they want to make an exception for these five (5) businesses. A motion was made by Councilwoman Keith, and seconded by Councilman Randolph, that the Council makes an exception and not require the above-named businesses to go through the liquor license application process. An amended motion was made by Councilwoman Keith, and again seconded by Councilman Randolph, that the Council makes an exception and not require the above-named businesses, City Marina, St. James Hotel, 12th Stone, Junction Amoco, and Edwards BP, to go through the liquor license application process, based on the fact that the State of Alabama has changed the procedure for renewing licenses this year, and due to the new on-line process. A roll call vote was taken and the motion passed with a majority vote of the Council. There were seven affirmative votes, one nay vote, and one abstention. Councilwoman Newton cast a nay vote. Councilman Williamson abstained from voting.

K. Resolution #R240-08/09 - Resolution Supporting the Establishment of an Environmental Court Within the City of Selma. Attorney Nunn stated Resolution #R240-08/09, Resolution Supporting the Establishment of an Environmental Court Within the City of Selma, has already been discussed. Attorney Nunn further stated said Resolution #R240-08/09 is Tabled, and will go into the hands of the Public Safety Committee, and will be brought back to the Council with a recommendation.

L. #O121-08/09 - Issuance of Municipal Bonds - Additions/Deletions and Changes. Attorney Nunn stated to Council that what they have before them is Ordinance #O121-08/09, Issuance of Municipal Bonds. President Allen stated Ordinance #O121-08/09, Issuance of Municipal Bonds, is already on 1st Reading, and if there are any changes, additions or deletions, that she would like for the Council to vote on those changes first, before taking action to vote on the Bond Ordinance. Attorney Nunn stated to Council in the Ordinance, on Page 3, is the "Notice of Special Municipal Election" and that is what will run in the newspaper, and on page 8, that is what starts the "Official Ballot". Attorney Nunn further stated if an

individual votes "for all" propositions then that vote will count "in favor" of all the propositions that are contained, unless the individual votes specifically against one of the Propositions within 2 through 13. President Allen stated she would like the Council to proceed to vote on any changes, additions or deletions first.

Changes, Additions, and/or Deletions were as follow:

- a. Councilman Bowie stated he has some concerns about the \$350,000.00 for the Landfill Facilities, and that \$314,000.00 has already been allocated to the Landfill. A motion was made by Councilman Bowie, and seconded by Councilman Tucker, to delete Proposition 13, Landfill Facilities, from the Bond. An amended motion was made by Councilwoman Newton to allow Proposition 13, Landfill Facilities, to remain in the Bond, and be reduced to an amount of \$100,000.00. The motion failed due to lack of a second. A roll call vote was taken on the original motion and the motion passed with a majority vote of the Council. There were five affirmative votes and four nay votes. Councilwoman Newton, Councilwoman Benjamin, Councilman Randolph, and Councilwoman Crenshaw each cast a nay vote.
- b. Councilwoman Crenshaw stated we have \$410,000.00 in Neighborhood Revitalization (Proposition 12) and she thinks it should be determined by the most needed areas, determined by the Citizens who will make their recommendations known to their respective Council Member. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Randolph, to allow the \$410,000.00 in the Bond for Neighborhood Revitalization, to be distributed in the areas most needed, as identified by the Council, with input from Citizens after the vote has been completed. A roll call vote was taken and the motion failed due to lack of a majority vote of the Council. There were two affirmative votes and seven nay votes. President Allen, Councilman Williamson, Councilwoman Keith, Councilwoman Newton, Councilwoman Benjamin, Councilman Tucker, and Councilman Bowie each cast a nay vote.
- c. Councilwoman Crenshaw stated we just paid out \$8,000.00 in Utilities to the Library, and we really needed to do that, and we have not asked the County for any money at all. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Randolph, that this amount of \$185,000.00 in the Bond be reduced by half of that in Proposition 10, with the understanding that possibly the County will pay the other part of the money, in all fairness to the Citizens, Selma and Dallas County. A roll call vote was taken and the motion failed due to lack of a majority vote of the Council. There were two affirmative votes and seven nay votes. President Allen, Councilman Williamson, Councilwoman Keith, Councilwoman Newton, Councilwoman Benjamin, Councilman Tucker, and Councilman Bowie each cast a nay vote.
- d. Councilwoman Crenshaw stated she thinks a lot of items that are included in Proposition 8 can actually be cut from this; \$1.5 million in Technology. Councilwoman Crenshaw stated basically the people will feel that they are a part of this but deep down people will not feel, as Citizens, that they would want to be a part of this because it is not tangible to them like the beautification of the Trashfill. Councilwoman Crenshaw further stated to spend \$1.5 million on something that people can not see tells her that we need to only spend \$1 million, and that a lot of people feel it is something to make the government look good. Councilwoman Crenshaw stated she thinks we need to reduce this amount to \$1 million, and if they want to move a half million to streets and infrastructure or whatever is deemed more important, they can choose. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Randolph, that we only spend \$1 million dollars on Information Technology, Proposition 8, in the Bond. A roll call vote was taken and the motion failed due to lack of a majority vote of the Council. There were two affirmative votes and seven nay votes. President Allen, Councilman Williamson, Councilwoman Keith, Councilwoman Newton, Councilwoman Benjamin, Councilman Tucker, and Councilman Bowie each cast a nay vote.
- e. Councilwoman Crenshaw stated the amount of \$555,000.00 for the Cemetery Department, Proposition 11, that people possibly can look at as making the government look good, that there is a connection between Business Application Upgrade and Information Technology. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Randolph, to delete \$555,000.00, Proposition 11, from the Bond. A roll call vote was taken and the motion failed due to lack of a majority vote of the Council. There were two affirmative votes and seven nay votes. President Allen, Councilman Williamson, Councilwoman Keith, Councilwoman Newton, Councilwoman Benjamin, Councilman Tucker, and Councilman Bowie each cast a nay vote.
- f. Councilwoman Crenshaw stated people cannot feel the Business Application Upgrade, and it possibly can be looked at by the people as making the government look good. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Randolph, to delete the Business Application Upgrade, Proposition 9, from the Bond. A roll call vote was taken and the motion failed due to lack of a majority vote of the Council. There were two affirmative votes and seven nay votes. President Allen, Councilman Williamson, Councilwoman Keith, Councilwoman Newton, Councilwoman Benjamin, Councilman Tucker, and Councilman Bowie each cast a nay vote.

g. Councilwoman Crenshaw stated people may assume that the Riverfront Park may be something more to beautify and bring in tax dollars to people that do not put a lot into the Community. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Randolph, to delete \$660,000.00 from the Riverfront Park Amphitheatre, Proposition 7, and place it in Proposition 2, for the Police Department, to create some programs to help revitalize the Community. A roll call vote was taken and the motion failed due to lack of a majority vote of the Council. There were two affirmative votes and seven nay votes. President Allen, Councilman Williamson, Councilwoman Keith, Councilwoman Newton, Councilwoman Benjamin, Councilman Tucker, and Councilman Bowie each cast a nay vote.

h. A motion was made by Councilwoman Newton, and seconded by Councilman Bowie, to adopt Ordinance #O121-08/09, with the deletion of Proposition 13. Councilman Williamson stated he is going to vote in favor of adopting the motion eventually but he believes it is wrong to cut off people who are making amendments; if Councilwoman Crenshaw has other amendments she should be allowed to make those, and he does not think that we ought to cut off a Council Member who is making a motion. President Allen stated to Councilman Williamson that she is in agreement with him, and that is why she does not have a problem. President Allen further stated her position is to do the process of this Council and every Council Member has that right. Councilwoman Crenshaw stated to Council, on that note, just remember that she has constituency that she represents and "you are basically cutting them off". During discussion, Councilwoman Newton withdrew her motion, and Councilman Bowie withdrew his second, to adopt Ordinance #O121-08/09, with the deletion of Proposition 13. During more discussion, Councilwoman Crenshaw stated people have issue with the \$600,000.00 in Public Buildings because they feel that we can go into General Fund and repair what we need to repair with Public Buildings. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Randolph, that the amount of \$610,000.00 in the Bond be reduced to \$400,000.00 for Public Buildings, Proposition 6, and place \$210,000.00 in Public Works, Proposition 5. A roll call vote was taken and the motion failed due to lack of a majority vote of the Council. There were two affirmative votes and seven nay votes. President Allen, Councilman Williamson, Councilwoman Keith, Councilwoman Newton, Councilwoman Benjamin, Councilman Tucker, and Councilman Bowie each cast a nay vote.

i. A motion was made by Councilwoman Keith, and seconded by Councilwoman Newton, to place Proposition 13 back into the Bond, in the amount of \$100,000.00. A roll call vote was taken and the motion passed with a majority vote of the Council. There were five affirmative votes and four nay votes. President Allen, Councilman Williamson, Councilman Tucker, and Councilman Bowie each cast a nay vote. During roll call, Councilwoman Crenshaw stated she thinks it is very compromising to come back with that \$100,000.00, and stated to Councilwoman Newton, "you fought very hard for something that was true and right to do; my vote would not be for the \$100,000.00 because I needed the \$360,000.00 to make sure that we got what we needed over there; I am only voting for you tonight for a yes vote but it is only because of the way that you presented this and the way that you know it is the right thing to do, but compromising I will vote yes, based upon 'you, Dr. Newton'".

j. Mayor Evans addressed the Council and asked that they consider the \$250,000.00 remaining from Proposition 13, to be put back into Public Buildings, or to Infrastructure. A motion was made by Councilman Williamson, and seconded by Councilman Tucker, to place the \$250,000.00 into the Bond for Public Buildings, or Infrastructure. The motion was amended by Councilman Williamson, and the second was amended by Councilman Bowie, to place the \$250,000.00 into Public Works, Proposition 5. A roll call vote was taken and the motion passed with a majority vote of the Council. There were seven affirmative votes, one nay vote, and one abstention. Councilwoman Crenshaw cast a nay vote. Councilman Randolph abstained from voting.

M. #O121-08/09 - Issuance of Municipal Bonds. A motion was made by Councilwoman Newton, and seconded by Councilwoman Keith, to approve Ordinance #O121-08/09 for the Bond. An amended motion was made by Councilwoman Crenshaw, and seconded by Councilman Randolph, to include "All or None" on one (1) ballot at \$16,000.00 instead of using two (2) pages at \$33,000.00. A roll call vote was taken and the motion failed due to lack of a majority vote of the Council. There were two affirmative votes and seven nay votes. President Allen, Councilman Williamson, Councilwoman Keith, Councilwoman Newton, Councilwoman Benjamin, Councilman Tucker, and Councilman Bowie each cast a nay vote. A roll call vote was then taken on the original motion 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. During roll call, Councilwoman Crenshaw stated her vote is no, based upon the fact that if we have to use the ballot here that is a divisive ballot in its nature, and she thinks the one (1) ballot, one (1) vote for one (1) community would have been consistent with the Council and the Constituents.

N. Election - Officials. Attorney Nunn stated to Council that they should have a copy of Resolution #193-08/09, for the Municipal Election held last August, 2008. Attorney Nunn further stated he is asking the Council to review, and if any changes need to be made, please let us know by the next Council Meeting, September 22nd. Attorney Nunn stated we would have to take a vote during our September 22nd Meeting. President Allen asked Council to call Attorney Nunn with any amendments, or Mrs. Ivy Harrison, and she will get with Attorney Nunn with those changes.

O. Election - Update. Attorney Nunn stated to Council that the Election of the School Board is also on October 27, 2009, which is also on the Ballot that they have before them. Attorney Nunn further stated that we have four (4) different Styles for the Ballot, for District 1, District 2, District 3, and District 4, and the Chairman will be on all four (4) Ballots. Attorney Nunn stated we have had about 15 Candidates to qualify, to-date, for the School Board, and they have until next Tuesday, September 15th, at 5:00 p.m., to qualify. Attorney Nunn stated on Tuesday, September 22nd, Absentee Voting begins.

BUSINESS ITEMS:

I. NOISE ORDINANCE

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

II. LIQUOR LICENSE MORATORIUM

President Allen stated she is requesting that the Public Safety Committee bring to the Council a recommendation by our next Council Meeting as it relates to this.

III. TOURISM APPRECIATION

Councilman Bowie asked if this can be done in a "Sub-Committee" with someone from the Mayor's Office, to come up with the Guidelines. President Allen asked Councilman Bowie if he would serve as Chairman of this Committee, and he agreed to serve. President Allen asked for Volunteers, and Councilwoman Keith and Councilman Randolph both agreed to serve on the Committee with him. President Allen asked if the Tourism Appreciation Sub-Committee would bring back a recommendation at the next Council Meeting.

IV. HISTORIC HIKE AND BIKE TRAIL

Councilwoman Newton stated she wanted to bring to the Public's attention that the Recreation Committee has been communicating with Planning and Development, and has become aware that there are grants available for a Recreational Trail, and one of the things that they are trying to do is become inclusive of historic sites in the town, and also be able to "connect-up" places with the Trail that will be useful to people. Councilwoman Newton further stated she is inviting people to join them, and a tentative meeting is set for Wednesday, September 23rd at 4:00 p.m., in the Council Chambers, for their input.

V. ENVIRONMENTAL COURT

Tabled, pending Sub-Committee Report.

VI. UPDATE ON RECYCLING

Councilwoman Keith stated Pepsi Cola and Holly's Recycling are private partners. Councilwoman Keith further stated Pepsi Cola has done some recycling cans that we are going to place at all of the schools, and Holly's is going to place some recycling bins in strategic places. Councilwoman Keith stated that Holly's is accepting newspapers, magazines and card board at their recycling center, as well as, aluminum cans and scrap iron and metal.

VII. UPDATE ON OLD AGENDA ITEMS

Beautification Committee - Update:

President Allen asked Mayor Evans if he could give the Council an update, as to whether or not they have met and if they have a "Chair" for that Committee. Mayor Evans stated to his knowledge that there has not been a meeting as it relates to the Beautification Committee. President Allen stated she thought this was something of great need, and she does not want to see it "dropped". President Allen further stated she was going to pass the names back to him, and if they could work together in getting the individuals contacted to see when they can meet, and also give information to the Council so that they can plan to be available at that meeting as well. Mayor Evans concurs with that, but also stated to the Council that he had just talked with Mr. Robert Thomas, and that he is really concerned about the 14 years for the Bond and wish that they could find a way to get it back to 12 years. Mayor Evans further stated he has asked him to try to find a way to get it reduced back down to 12 years. Mayor Evans stated this was surprising to him, as it was to the Council, and that bothers him, and he wants the Council to be cognizant of the fact that we still ought to be trying to search for the 12 years, instead of 14 years for the Bond, and he just wanted to voice that. Mayor Evans again stated he has asked Mr. Thomas to research it to find out what can happen to get it back to 12 years, which is originally what we had talked about. Mr. Thomas apologized for the mix-up he and his Colleagues caused in not getting that information to the Mayor prior to tonight's meeting, stating it was quite obvious that it was a

BUSINESS ITEMS:

surprise to the Mayor and he regretted that happening. Mr. Thomas addressed the Council to offer an explanation as to what was now happening, as it relates to the Bond. Mr. Thomas also stated that the Ordinance that the Council has adopted tonight, states that the Bond will not exceed 12 million dollars, and that this was all done in an effort to maintain the 2 million dollar balance in the debt service fund.

**Councilwoman Angela Benjamin -
End-of-Term Community Development Committee Report- Update:**

Councilwoman Benjamin stated that she and the Committee have compiled their End-of-Term Report to be forwarded to Councilman Williamson, as the new Chairperson of this Committee. Councilwoman Benjamin stated the summary was prepared to be passed on to the new incoming Committee, with recommendations. Councilwoman Benjamin made a report, and outlined recommendations and concerns that were made from the outgoing Committee. Councilwoman Crenshaw stated she does not know if anyone else has the same feeling as she does, but that this sounds like the Council is now the "micro manager" of the Community Development's office, and she asks if they as a Council are saying this is supposed to be directly reported to them from a Department that comes under the Mayor? Councilwoman Crenshaw stated she just needs that question answered. Mayor Evans addressed the Council and stated the point that Councilwoman Crenshaw mentioned does present a problem from the standpoint of day-to-day operations, and from a standpoint of a directive to Department Heads to carry something out, and that would be in violation of that particular procedure. Mayor Evans further stated his goal would always be to work with the Council with providing them with information as needed, but it would have to be directed to the Mayor to secure the information from the Department for the purpose of addressing their concerns. Mayor Evans stated he will be available to meet with the Committee to get some clarifications on the items listed. President Allen stated to the incoming Committee, to please make known to her a letter that she can give in direct response to the Mayor as it relates to this discussion.

STANDING COMMITTEE REPORTS

RECREATION COMMITTEE - Councilwoman Monica Newton, Chairman

Councilwoman Newton made a report.

ADMINISTRATIVE COMMITTEE - Councilman Corey Bowie, Chairman

Councilman Bowie made a report.

PUBLIC SAFETY COMMITTEE - Councilwoman Bennie R. Crenshaw, Chairman

Councilwoman Crenshaw is no longer in the Council Chambers, but President Allen has asked that the Committee Members who are on this Committee with Councilwoman Crenshaw, to bring back a recommendation as it relates to the liquor license moratorium, by the next Council Meeting.

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

No report.

SELMA-DALLAS YOUTH AMBASSADORS - Councilwoman Angela Benjamin, Chairperson

No report.

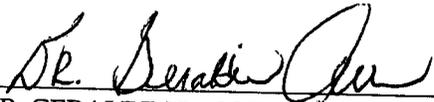
DISCRETIONARY COMMITTEE - President Geraldine Allen, Chairperson

President Allen stated that there are no funds at this time.

CLOSING REMARKS BY EACH COUNCIL MEMBER.

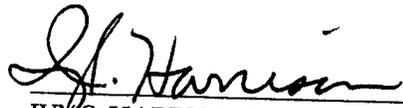
ADJOURNMENT

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 9:34 p.m.



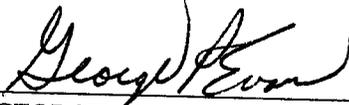
DR. GERALDINE ALLEN, *Council President*

ATTEST:



IVYS. HARRISON, *City Clerk*

APPROVED:



GEORGE PATRICK EVANS, *Mayor*