

**MINUTES OF THE  
SELMA CITY COUNCIL  
OCTOBER 13, 2009  
5:00 P.M.**

Call to Order

Invocation: Reverend George Jones, Pastor  
Fairview Baptist Church

Pledge of Allegiance

The Selma City Council met in a regular session in the Council Chambers of City Hall on Tuesday, October 13, 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, Susan Keith, 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.

**APPROVAL OF AGENDA**

President Allen asked for the approval of the agenda items. A motion was made by Councilman Bowie, and seconded by Councilwoman Keith, 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 September 22, 2009 regular meeting minutes. President Allen asked that the record again reflect that the Council thanks City Clerk, Ivy Harrison, for her expedience in getting the minutes to them on time. A motion was made by Councilman Tucker, and seconded by Councilman Bowie, to approve the minutes of September 22, 2009. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

**CITIZENS' REQUEST**

Mr. Marvin Hobson and Mrs. Diane Murray  
Re: Dollars for Scholars

Mr. Bruce Holmes, Sr.  
Re: Billboard Bearing the Name of Mr. Ben Obomanu

Mr. Jason Easter and Ms. Susan Hunter  
Re: Teen Challenge

Mrs. Nancy Sewell  
Re: Reading Is Fundamental (RIF)

A. Proclamation - "Henry O. 'Hank' Nichols Day". Mayor Evans asked the Council and Citizens of Selma to join him in recognizing and honoring Mr. Henry O. "Hank" Nichols for his outstanding professional achievements, and pioneering spirit which led college basketball officiating into the 21<sup>st</sup> Century, to proclaim *Monday, October 19, 2009*, as "*Henry O. 'Hank' Nichols Day*", in the City of Selma. During discussion, a motion was made by Councilwoman Keith, and seconded by Councilman Williamson, to support and proclaim *October 19, 2009*, as "*Henry O. 'Hank' Nichols Day*" in the City of Selma. 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.

B. Proclamation - "National Domestic Abuse Awareness Month". Mayor Evans asked the Council and Citizens of Selma to join him in recognizing and honoring the *Month of October, 2009*, as "*National Domestic Abuse Awareness Month*", in the City of Selma, and also ask that all Citizens recognize the contributions, support and assistance of SABRA Sanctuary to our community, and become more conscious and sensitive to domestic violence, and its effects on every Citizen. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Tucker, to support and proclaim the *Month of October, 2009*, as "*National Domestic Abuse Awareness Month*", in the City of Selma. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

C. Proclamation - "Family History Month". Mayor Evans asked the Council and Citizens of Selma to join him in recognizing and honoring the *Month of October, 2009*, as "*Family History Month*", in the City of Selma, and also ask that all Citizens research, share and observe the month with activities that celebrate their unique family histories. A motion was made by Councilwoman Benjamin, and seconded by Councilman Randolph, to support and proclaim the *Month of October, 2009*, as "*Family History Month*", in the City of Selma. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

D. Recognition and Plaques in Honor of Employees Who Have Retired Within the Past Year. Mayor Evans stated he would like to present and honor Appreciation of Service to the following employees who have retired within the past year. Those employees are as follow: Ms. Diane Collins, Finance Department, Fifteen Years of Service to the City of Selma; Mr. Ernest Jones, Public Works Department, Twenty-Five Years of Service to the City of Selma; Mrs. Alice Wooten, Selma Police Department, Thirteen Years of Service to the City of Selma; Mr. John Smith, Public Works Department, Twenty-One Years of Service to the City of Selma; Mr. Cleophus Polnitz, Public Works Department, Ten Years of Service to the City of Selma; Mr. Jerry Longcrier, Selma Fire Department, Thirty-Two Years of Service to the City of Selma; and Mr. Thomas Johnson, Recreation Department, Twenty-Nine Years of Service to the City of Selma. Mayor Evans stated he would like to thank them for their years of dedicated service to the City of Selma, and wished them the "Best for a Long and Happy Retirement". They were also presented with a Plaque in Honor of Appreciation to them, as well.

E. Resolution Honoring The Honorable Marshall Alston Keith, Jr. - Forty Years As Prosecutor for the City of Selma. Mayor Evans asked the Council and Citizens of Selma to join him in recognizing and honoring The Honorable Marshall Alston Keith, Jr., for Forty (40) Years of Dedicated Service to the City of Selma, as the City's Prosecutor. A motion was made by Councilman Bowie, and seconded by Councilwoman Newton, to support said Resolution honoring The Honorable Marshall Alston Keith, Jr., in Recognition and Appreciation for his Forty Years of Dedication and Service for a job well done, as Prosecutor for the City of Selma. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

**REMARKS FROM DR. I. M. SPENCE-LEWIS, SENIOR INTERNATIONAL RESEARCH FELLOW AND BOARD MEMBER OF THE COMMUNITY DIRECTED DEVELOPMENT FOUNDATION OF AFRICA**

F. Monthly Financial Report - September, 2009. Mayor Evans stated to Council that they should have before them a copy of the Monthly Financial Report for the Month of September. Mayor Evans further stated as can be seen, the Monthly Financial Report reveals that our sales tax collection is about \$65,000.00 less than we had last year this time, and under "Y-T-D" Totals based on last year's "Y-T-D" Totals, we are approximately \$490,801.36 less than we had last year this time. Mayor Evans stated even though we are short about \$490,801.36 in tax revenue, based on the savings we did last year as a Council and Mayor, we actually accrued about \$800,000.00 in savings this year to our Budget in a positive side. Mayor Evans further stated he wanted to thank everybody for working to make that possible. Mayor Evans stated as of October 12, 2009, we have collected \$227,194.94 in Restitution Payments. Mayor Evans further stated he has included in their packets a list of the City's Bank Accounts, an Open Invoice Aging Report, an Open Invoice Report, a Check Register, a Budget-to-Actual Report, along with a copy of the Final Budget, for their records. Mayor Evans stated he has also included a copy of the Overtime Report, which has been cut back at least by 3/4ths during the last year, and that it is still being monitored.

G. Police Department Reports - September, 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 September, 2009. Mayor Evans further stated as seen by Wards, the total of incidents that have been reported for the month are 57 in the various Wards, and outside of the Wards was 51%, with a total of 115. Mayor Evans stated the Loud Noise Statistics reflects, in the Loud Noise Incident report, a report of 5 Loud Music Incident Reports, and the Issuance of 4 Loud Noise Citations. During discussion, Mayor Evans asked Chief Riley to come forward and address the Council with answers to questions that they may have had.

**H. Code Enforcement Reports - September, 2009.** Mayor Evans stated to Council that they should each have before them now a copy of all of the identified properties in the City, for the Month of September. President Allen stated to Council that the report shows that there were 10 abandoned vehicles reported, 6 citations issued as it relates to burned properties, 7 dilapidated properties identified, 46 over-grown lots identified; the total identified for the month of September was 69.

**I. Update - FY 2009 and FY 2010 - Audits.** Mayor Evans stated to Council that the Audits done by the State of Alabama found the Budget and the City of Selma's General Government to be in order and proper, and no areas of fraudulent information was found. Mayor Evans further stated he was not provided a written report which is their policy, unless there was something found illegal or fraudulent. Mayor Evans stated that they are currently completing the Audit on the Court System and the Magistrate's office, and once that it is completed it will be forwarded to him in writing, which is required by Law. Mayor Evans further stated when he receives that report, he will be passing it on to the Council. Mayor Evans stated the other Audit on the City will be taking place by Wilson Price, of Montgomery, Alabama, and that this Company did the City's Audit two years ago.

**J. Update - Fire Chief Appointment.** Mayor Evans stated to Council that he would like to update the Council on the Fire Chief Appointment, and that he is appointing Battalion Chief Michael Elton Stokes, as the new Fire Chief, Interim, for the City of Selma. Mayor Evans read a brief biography of the newly appointed Interim Fire Chief, and stated he is convinced he will do a good job for us. Mayor Evans asked the newly appointed Fire Chief Michael Elton Stokes to stand, and he was applauded and congratulated for his new appointment. Councilman Randolph stated to Mayor Evans that he knows that this is his appointment power, but it seems they are not being consistent. Councilman Randolph further stated that they have Laws that state that a Department Head must live in the City but it seems they want to break the Law when they are using the word "Interim", and they need to be consistent. Councilman Randolph stated if they need to re-do the Law, then he is fine with that but they should not go around the Law with the word "Interim" when they want to go around the Law. Councilman Randolph congratulated the newly appointed Interim Fire Chief Stokes, and further stated, "we have got to be fair and follow the Law". Mayor Evans stated he has followed the Law, and the Law has not been broken, and that people are always appointed as "Interim" for a given length of time, and there is nothing illegal about that. Mayor Evans further stated that before his time there were several people who were appointed as department heads who did not live in the City of Selma, and were not appointed as "interim" but as department heads. Mayor Evans stated that there were people who were appointed by "us and you" who were department heads, who did not live in the County of Dallas, but at no point was anything said about those individuals during the past administrations and the former Mayor, but now everything is aiming at him. Mayor Evans stated that he could come by his office to discuss those individuals because he did not want to embarrass anybody. Mayor Evans further stated he has chosen the position to name individuals on an "Interim" basis but that the Council has the authority to revise its Ordinance to say that no appointment can be made in the City of Selma by means of "Interim" or any other way, and he will abide by that but at this point that does not exist, and he has used the procedure to do it in the best interest of moving people forward. Councilman Randolph stated to Mayor Evans, "Again, Mr. Mayor, I said in my opening statement if the Council wants to take that position that does not require a department head to live in the City, I'm all for it". Councilman Randolph further stated he really wish they would stop using the word "interim". Councilman Randolph asked President Allen, if in the near future they could maybe re-visit that Ordinance, and change it, if necessary. Mayor Evans stated to Councilman Randolph, "the point he makes is that I was on the Council for 8 years and I can count the number of times that you actually denounced anything that the former Mayor did, for whatever it may be; I wish you'd give me that same honor and privilege, and come by and see me. I will work with you like I have always". Councilman Randolph stated, "Mr. Mayor, I'm not fighting you; I'm not disagreeing with your appointment; I'm just trying to follow the Law". Mayor Evans stated to Councilman Randolph, "the Law was not followed prior to that; did you contest the previous situation?" Councilman Randolph replied and stated, "Mr. Mayor, we sent Ivy through this rigor, requiring her to prove to be a resident of the City, and we were unfair to her requiring her to do that, and I'm just saying, 'be fair' with it. And, Ivy, I want to apologize to you making you go through all of that". Councilman Williamson stated he would like to do what has been suggested here because the Codes and Ordinances are somewhat confusing. Councilman Williamson further stated, in the Code it says that the department heads should be residents of the City but then they passed an Ordinance giving these appointment powers to the Mayor, and in the Ordinance, the only ones that are required to be residents of the City are the Clerk, the Treasurer and the Attorney which seems to be contradictory. Councilman Williamson stated he would like to ask Mr. Nunn to draw up an Ordinance so that Department Heads have to be residents of Dallas County. Attorney Nunn stated to Council that the Ordinance referenced

has already been drafted. Councilman Williamson asked if the Council could get another copy of that Ordinance. Mayor Evans congratulated Interim Fire Chief Stokes, and stated to him that he was looking forward to working with he and the Staff, and thanked him for accepting this position.

**K. Update - Businesses Operating Without a License.** Mayor Evans reported to Council that they have inspected 152 businesses, and that 24 were found to be operating without a license. Mayor Evans further stated that 15 of those businesses have now come into compliance, and that they working on this to bring all the remaining ones into compliance.

**L. Update - Garbage Collection Fees.** Mayor Evans stated to the Council that they have found approximately Twenty-One (21) more residents who have not been paying garbage bills, and the total now is 189 who have been identified as not paying garbage fees currently, but will be in the future. Mayor Evans stated that they will continue to canvass neighborhoods to assess individuals who are not paying garbage fees.

**M. Update - ABI Investigation of Selma Police Officer.** Mayor Evans stated to Council that the ABI Investigation has been completed as it relates to the allegation against a particular Police Officer, and it has been turned over to the office of the District Attorney.

**N. Movie Theater - Update.** Mayor Evans stated to Council that it looks like we are going to lose the Movie Theater, and it is evident that Aronov and the Private Enterprise have not been able to reach a "happy medium", and have not been able to establish a dialogue from the standpoint of continuation of that Movie Theater. Mayor Evans stated it seems everything has "stalled", and he is already looking at other options, and he will follow-up with a report some time later.

**O. Khafra Engineering Consultants - Settlement.** Mayor Evans stated to Council that he gave the Council some time ago information as it relates to a settlement with Khafra, in the amount of \$18,658.44. Mayor Evans further stated he is asking Council's approval of said settlement amount, after the Budget has been approved, and after the Special Election on October 27th.

**P. Charter Communications - Agreement.** Mayor Evans stated Mr. Greg Fender with Local Government Services, LLC, met with the Administrative Committee about the possibility of getting an audit done with Charter with the possibility of finding out whether we and the Citizens have gotten all of what we are entitled to as a City from Charter Communications. Mayor Evans further stated he would like to recommend that we permit that Audit, and authorize Mr. Greg Fender of Local Government Services, LLC, to move forward with this. During discussion, a motion was made by Councilwoman Newton, and seconded by Councilman Tucker, to approve the Agreement between the City of Selma and Local Government Services, LLC, for Cable Television Franchise Management Services, in the amount of Sixteen Thousand and No/100 Dollars (\$16,000.00), which said Agreement will not obligate the City to renew its Franchise Agreement with Charter Communications. 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 Williamson and Councilwoman Crenshaw each cast a nay vote.

**Q. Employee Healthcare Plan.** Mayor Evans stated to Council that he and President Allen had met as it relates to the Employee Healthcare Plan. President Allen stated that she would like to place the Employee Healthcare Plan into the hands of the Administrative Committee, which is "Chaired" by Councilman Bowie. President Allen further stated she is asking that the Administrative Committee meet with the Representatives of Blue Cross Blue Shield, along with Ms. Pauline Williams, and come back to the Council with a recommendation. Mayor Evans stated we must approve a Health Plan at the next Council meeting, because the current one expires at the end of this month.

**R. Update - Welcome Center.** Mayor Evans stated to Council that what they have before them is a proposal as it relates to the "Selma Welcome Center", and he would like the Council to join him and make this happen. Mayor Evans further stated we already have a building that is available to us, and the proposed cost will be \$19,000.00, which he is recommending for approval by the Council to be a budgeted item. Mayor Evans stated he is not asking the Council to take any action at tonight's Council meeting. Mayor Evans further stated to Council that what they have within their packet is a proposed budget for the "Selma Welcome Center", which outlines what will happen monthly, as well as, annually for the benefit of us opening up a Welcome Center.

**S. Alamo Group Letter - Public Access Road Improvements - Bush Hog.** Mayor Evans stated to Council that each of them should have received a copy of the Alamo Group Letter, as it relates to requests made by the Alamo Group with regard to street closings, and road improvements. Mayor Evans further stated he realizes this is not something that the Council can take action at tonight's meeting. President Allen stated she would like to place this in the hands of the Public Safety Committee, and asked Councilman Randolph to discuss this during the Public Safety Committee meeting, and bring back a report to the Council.

T. Resolution #R107-09/10 - Acceptance of Bid for Reconstruction of J. L. Chestnut, Jr. Boulevard. Mayor Evans stated he has some wonderful news to report as it relates to this item. Mayor Evans further stated that we were able to gain more funds, and more streets will be paved based upon the bids coming in. Ms. Charlotte Griffeth was asked to come forward and address the Council. Ms. Griffeth read Resolution #R107-09/10 in its entirety. Ms. Griffeth also stated that the bids came in about \$54,000.00 under budget. During discussion, a motion was made by Councilman Randolph, and seconded by Councilman Tucker, to approve Resolution #R107-09/10 as it relates to the Contract Award to Tri-County Construction Company, in the amount of \$358,540.00 for Reconstruction of J. L. Chestnut, Jr. Boulevard, pending certification of the bids by Goodwyn, Mills and Cawood, Inc. During construction, a motion was made by Councilman Williamson, and seconded by Councilman Randolph, to approve Resolution #R107-09/10 for the Acceptance of Bid for Reconstruction of J. L. Chestnut, Jr. Boulevard, in the amount of \$358,540.00, via the FY 2009 CDBG-4 ADECA Stimulus Grant. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

U. Resolution #R110-09/10 - FY 2009/2010 Brownfield Assessment Grant. Ms. Griffeth addressed the Council as it relates Resolution #R110-09/10, which authorizes the City to apply for a Brownfield Assessment Grant through the Environmental Protection Agency (EPA), which does not include a requirement for a non-federal cash match. During discussion, a motion was made by Councilwoman Keith, and seconded by Councilman Randolph, to approve Resolution #R110-09/10, as it relates to authorization of the City to apply for a Brownfield Assessment Grant via the Environmental Protection Agency, with no required non-federal cash match. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

V. Resolution #R109-09/10 - Alabama Strategic Alliance for Health Program Grant. Ms. Griffeth addressed the Council as it relates to Resolution #R109-09/10, which she states was brought to them by Councilwoman Keith, and that Councilwoman Newton has been working with them on it, also. Ms. Griffeth further stated that they have been communicating with the Alabama Strategic Alliance, and would like to submit this Grant Application in the amount of \$30,000.00, for decorative lighting for the Riverfront Walking Trail. Ms. Griffeth stated for any amount over \$20,000.00 there is a required 20% match, and she is requesting that the costs be incurred via the Community Reinvestment Account (#19-1010-143) for the match, as well as, \$1,124.00 for the in-kind with the City's Public Works Department. A motion was made by Councilwoman Keith, and seconded by Councilman Randolph, to approve Resolution #R109-09/10 as it relates to authorization for an Alabama Strategic Alliance Grant for decorative lighting for the Riverfront Walking Trail, in the amount of \$30,000.00, via the Community Reinvestment Account (#19-1010-143) for the match and in-kind expenses. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

W. Landfill - Update. Mayor Evans stated he had just received some information, and wanted to pass it on to the Council that we are on target, and that the new Landfill is scheduled for Certification during the week of October 19<sup>th</sup>. Mayor Evans further stated it is looking great, and it is not going to cost us any additional funds to complete. Mayor Evans stated he just wanted to inform the Council that it is a work-in-progress, and is looking good. Mayor Evans further stated the old Landfill is scheduled to be officially closed at the end of the month. Ms. Griffeth also addressed the Council, and stated that CDG will handle the Certification with ADEM.

X. Resolution #R111-09/10. Mayor Evans stated to Council that Resolution #R111-09/10 represents a Resolution to Separate the Tax and License Department from the Treasurer's Department. Mayor Evans further stated during the re-engineering phase in 2005, the City's Tax and License Department was combined with the City's Treasurer's Department. Mayor Evans stated he feels it would be in the best interest of the City for the Two (2) Departments to be separated, for the future Budget year. A motion was made by Councilman Tucker, and seconded by Councilman Bowie, to approve said Resolution #R111-09/10, which separates the City's Tax and License Department from the City's Treasurer's Department. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

Y. FY 2010 - Proposed Budget - Discussion. Mayor Evans stated we had a long Work Session as it relates to discussion of the Budget, and he thanked the Council for enduring the approximately 3-hour long Work Session. Mayor Evans further stated we have a Budget that actually gives back a lot of things that we had reduced in our Budget in the past year, and one of those things was the 12.5 reduction in salaries of our Employees. Mayor Evans stated if the new Budget passes he is hoping that they can give that back to Employees, keeping in mind if the economy falls then we may have to re-visit this item again in the future. Mayor Evans further stated he hopes that the Citizens of Selma will support this Bond because it is needed, and if this Bond fails, then we will have to go back to the "drawing board" and produce a new Budget, which will be a reduction in some things. During discussion of the Budget, Mr. Robert Thomas, was asked to come forward and address the Council who may have had questions as it relates to the Bond. Mr. Thomas stated part of what Mayor Evans asked them to do was to look at re-structuring the debt as it relates to when the Bonds are issued, and the net savings to the City. Mr. Thomas further stated the Bond Issue is separate from the re-funding and re-structuring of the two (2) current Warrant Issues that are currently on the City's Books. Mr. Thomas stated that they are going to reduce our annual debt service on those issues, which would in

MAYOR'S REPORT

effect give us some positive revenue cash flows. Mr. Thomas further stated that they are going to refund two (2) Warrant Issues and Issue the Bonds if the Voters approve it. Mr. Thomas stated this Budget does contain savings that will be realized from the refunding of those two (2) current Warrant Issues that are on the City's Books. Ms. Cynthia Mitchell was also asked to come forward and address the Council who may have had questions as it relates to the Budget. Mayor Evans stated if the Budget passes, the 12.5% can be given back to the Employees beginning with the November pay period. President Allen stated to Council we had a Three (3) hour meeting about this, and she thanked Ms. Mitchell for bringing to them the FY 2009/2010 Proposed Budget Changes, where the only change was that the Council had increased the Travel by amending it to \$27,311.00, which they took for the Selma Youth Ambassadors, and the only hire is for a Part-Time position for a Custodian in the Public Buildings' Department. President Allen further stated in the Police Department, two (2) more positions were added so that they could fill all of the Police Department positions, which will come to Sixty (60). President Allen stated to Council that they have the Proposed 2009/2010 Budget changes that she had gone over with them, and if there are any other changes, they need to come before them now before they vote on the Budget.

Changes to the Proposed 2009/2010 Budget are as follow:

a. Councilman Tucker stated he would like the Discretionary Funds increased from \$8,000.00 to \$15,000.00 for each Council Member. A motion was made by Councilman Tucker, and seconded by Councilman Randolph, to increase the Discretionary Funds increased from \$8,000.00 to \$15,000.00 for each Council Member. A roll call vote was taken and the motion failed due to a tie vote of the Council. There were four affirmative votes and four nay votes. President Allen, Councilman Williamson, Councilwoman Keith, and Councilwoman Newton each cast a nay vote.

b. Councilwoman Benjamin stated she had asked during the Work Session to have the Youth Conference considered as a Line Item within the Budget, in the amount of \$7,000.00. A motion was made by Councilwoman Benjamin, and seconded by Councilman Tucker, to consider the Youth Conference as a General Government Line Item in the Budget. President Allen asked Councilwoman Benjamin if she would consider reducing that amount to \$3,500.00, and promised her that she would hold out some funds from her Discretionary Funds to assist her, and asked every Council Member to do the same, so that they can assist Councilwoman Benjamin. Mayor Evans stated, for the record, that Councilwoman Benjamin will get the funds for the Youth Conference. Therefore, an amended motion was made by Councilwoman Benjamin, and seconded by Councilman Tucker, to include the Youth Conference as a General Government Line Item in the Budget, in the amount of \$3,500.00. A roll call vote was taken and the motion passed by a unanimous vote of the Council Members present.

c. Councilwoman Newton stated she would like to increase the Budget in the amount of \$1,500.00 for additional funds for Mosquito spraying, for the Public Works Department. A motion was made by Councilwoman Newton, and seconded by Councilman Williamson, to increase the Public Works Department Budget by \$1,500.00 for insecticide. A roll call vote was taken and the motion passed by a unanimous vote of the Council Members present.

FY 2009/2010 - Proposed Budget. President Allen stated she wanted to commend all of the Department Heads who were as lean as they could be, in every one of these Departments, and only put in the Budget items that were necessary. President Allen further stated this is one of the leanest Budgets that they have had as a Council to vote on, and she is very pleased, and also wants to commend this Council because she thinks they, too, stood up to the "test", to say that they would take their monies and do as Leaders should do, and "give, too". President Allen stated this has been a tremendous effort of everyone to ensure that our City is fiscally sound, financial Budget and she does believe that when they vote this Budget, that it will be financially sound, too. President Allen further stated she commends the Mayor, the Department Heads, and this Council because they have worked on this quite hard, and that they were there three hours, and went page by page through this entire Budget, in order to review it, and they reviewed it in a very strong manner as it relates to what would be good for this City because she thinks all of them do care about our City. President Allen stated that we want to see the best for Selma, and she believes there are great things that are going to occur for Selma. President Allen further stated she, too, supports the Mayor, in saying we really need to "turn that corner", and on October 27<sup>th</sup> vote this Bond, so that "corner will be turned". Mayor Evans stated he wanted to thank President Allen for her leadership, and the Council Members for all of the cooperation they have offered him. Mayor Evans further stated he wanted to thank the Department Heads who have done an outstanding job, as we have tried to make these cuts, and he thanks them and everybody so much for everything that they have done in making this transition, and stated we will continue working through it. During discussion, a motion was made by Councilman Bowie, and seconded by Councilman Tucker, to approve and adopt the Proposed Budget Changes for FY 2009/2010. A roll call vote was taken and the motion passed by a unanimous vote of the Council Members present.

Z. Census Day, April 1, 2010. Mayor Evans stated he wanted to remind everybody of "Census Day, April 1, 2010", which is critical to our success as a City and County, to make sure that all Citizens are counted. Mayor Evans further stated we receive revenues based on our population. Mayor Evans encouraged all of our Citizens to encourage each and everyone of their Neighbors to complete the Census Reports so that we can have more revenue in our City.

CITY ATTORNEY'S REPORT

A. Resolution #R102-09/10 - Resolution Declaring Public Nuisance and Immediate Abatement. Attorney Nunn stated Resolution #R102-09/10 represents properties which Code Enforcement have identified as properties declared to be public nuisances, and that are in violation of Ordinance #O118-06/07. Attorney Nunn further stated to Council that they should have an Attachment to said Resolution, which lists the 37 properties that are in violation, and asked Council's consideration of Resolution #R102-09/10. A motion was made by Councilman Bowie, and seconded by Councilman Tucker, to approve Resolution #R102-09/10, to approve immediate abatement by the listed property owners. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

B. Resolution #R101-09/10 - Authority to Abate and Remove Weeds Declared a Public Nuisance. Attorney Nunn stated to Council that they should have before them Resolution #R101-09/10, which identified the described properties in said Resolution as being a nuisance, and on this date of October 13, 2009 at 5:00 p.m., we did not have any objections as it relate to abatement of weeds on these properties. Attorney Nunn further stated certified letters were forwarded to the property owners, requesting them to abate and remove the weeds, and that the same was published in the Selma Times-Journal Newspaper, and all of the requirements have been met. Attorney Nunn further stated Resolution #R101-09/10, 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. During discussion, a motion was made by Councilman Bowie, and seconded by Councilman Tucker, to approve Resolution #R101-09/10, which gives the Authority to Abate and Remove Weeds Declared a Public Nuisance in the identified and described properties. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

C. Resolution #R108-09/10 - Resolution To Place Lien On Property For Abating Weeds. Attorney Nunn stated Resolution #R108-09/10, Resolution to Place Lien on Property for Abating Weeds is the next step in the process for weed abatements. Attorney Nunn further stated these are the properties that the Council gave authority to Public Works to cut the grass, and the Property Owners were invoiced the cost to do so, and have failed to pay the amount that was due to the City of Selma. Attorney Nunn stated those properties are as follow: 410 Second Avenue - \$277.18, 1712 Church Street - \$517.78, and 1613 Lauderdale Street - \$136.33. Attorney Nunn further stated as of today the payments have not been made, and via Resolution #R108-09/10 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 Bowie, and seconded by Councilwoman Keith, to approve Resolution #R108-09/10. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

D. Alcoholic Beverage License Application - St. James Hotel, 1200 Water Avenue. Attorney Nunn stated to Council if they recall they had had discussion as it relates to the Alcoholic Beverage License Application that had not been completed on behalf of the St. James Hotel, due to them not getting the paperwork to the Council in time to be considered with the others at the last Council Meeting. Attorney Nunn further stated said Alcoholic Beverage License Application of St. James Hotel represents a renewal of Restaurant Retail Liquor License Application, and the Application is attached. During discussion, a motion was made by Councilwoman Keith, and seconded by Councilman Randolph, to suspend the rules, in order to take action and approve the Alcoholic Beverage License Application of St. James Hotel, and, further, that the St. James Hotel was included in the action that was taken during last Council Meeting, whereby the rules were suspended and action taken but the Council did not have all of the paperwork on behalf of the St. James Hotel, at that time. A roll call vote was taken and the motion passed with a majority vote of the Council Members present. There were seven affirmative votes and one abstention. Councilman Williamson abstained from voting.

E. Alcoholic Beverage License Application - First Avenue Mini-Mart. Attorney Nunn stated to Council that the Alcoholic Beverage License Application of First Avenue Mini-Mart was not part of the five (5) applications that were presented during the last Council Meeting, whereby the rules were suspended and action taken. Attorney Nunn further stated he spoke with Mr. Mark Barber, ABC Field Agent, on today, along with Mrs. Ivy Harrison. Attorney Nunn stated that said Alcoholic Beverage License Application the First Avenue Mini Mart somehow failed to go through the new process of filing on-line, due to failure of

communicating, and that Mr. Barber stated to him that at this point he would like for it to be considered just as the other ones were, but it is left up to the Council's discretion. During discussion, a motion was made by Councilwoman Keith, and seconded by Councilman Randolph, to suspend the rules, and take action at tonight's Council Meeting. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.** A motion was made by Councilwoman Keith, and seconded by Councilman Bowie, to approve the Alcoholic Beverage License Application of First Avenue Mini-Mart. **A roll call vote was taken and the motion passed with a majority vote of the Council Members present. There were seven affirmative votes and one abstention. Councilman Williamson abstained from voting.**

**F. Petition to Install Speed Breakers on a Street/Alley Within the City Limits of the City of Selma.** Attorney Nunn stated to Council that he had just passed out to the Council, per Councilman Tucker, a Petition to Install Speed Breakers, as it relates to the 2000 Block of Eugene Avenue, from Marie Foster Street to Mechanic Street, due to a high rate of speed. Attorney Nunn further stated he passed out to President Allen and Mayor Evans the Procedures, which state that the Petition is presented to the Council, and then the Council assigns it to the Mayor, who then forwards it to the Chief of Police with the directive to do a comprehensive study, and afterwards it is forwarded to the Public Safety Committee.

**G. Resolution #R103-09/10 - Awarding of Fuel Bid Contract.** Attorney Nunn stated to Council that they should have before them Resolution #R103-09/10, which represents awarding of the Fuel Bid Contract. Attorney Nunn further stated the City of Selma invited and accepted bids on September 23, 2009, as it relates to bid proposals on Gasoline and Diesel Fuel. Attorney Nunn stated the City Clerk has complied with the State Law, opening sealed bids on September 23, 2009, and Cougar Oil Company was the lowest responsible bidder. Attorney Nunn stated the contract states the following for the Gasoline and Diesel Fuel: the amount of 1.8299 per gallon for Regular Unleaded Gasoline, 1.9369 per gall for Unleaded Midgrade Gasoline, 1.9988 per gallon for Unleaded Premium Gasoline, and 1.9357 per gallon for Diesel Fuel, to Cougar Oil Company. Attorney Nunn asked Council's consideration of the same. During discussion, Mrs. Ivy Harrison, City Clerk, was asked to come forward to address the Council with questions that they had with regard o the Fuel Bid. Following discussion, it was the consensus of the Council to table this item until the next Council Meeting, pending additional information as it relates to the Fuel Bid.

**H. Resolution #R104-09/10 - Awarding of Pest Control Services' Contract.** Attorney Nunn stated to Council that they should have before them Resolution #R104-09/10, which represents awarding of the Pest Control Services' Contract. Attorney Nunn further stated the City of Selma invited and accepted bids on September 23, 2009, as it relates to bid proposals on Pest Control Services. Attorney Nunn stated the City Clerk has complied with the State Law, opening sealed bids on September 23, 2009, and Terminix International Company, was the lowest responsible bidder. Attorney Nunn asked Council's consideration of the same, in the amount of Three Thousand Five Hundred Thirty-Nine Dollars and Fifty-Two Cents (\$3,539.52), for Twenty-Four (24) Facilities. During discussion, a motion was made by Councilwoman Newton, and seconded by Councilwoman Keith, to approve Resolution #R104-09/10, awarding the Pest Control Services' Contract to Terminix International Company. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

**I. Resolution #R105-09/10 - Awarding of Fire Department Uniform Contract.** Attorney Nunn stated to Council that they should have before them Resolution #R105-09/10, which represents awarding of the Fire Department Uniform Contract. Attorney Nunn further stated the City of Selma invited and accepted bids on September 30, 2009, as it relates to bid proposals on Uniforms for the Fire Department. Attorney Nunn stated the City Clerk has complied with the State Law, opening sealed bids on September 30, 2009, and McCain Uniform Company was the only responsible bidder, in the amount of Four Hundred Fifteen and No/100 Dollars (\$415.00), per complete unit for a Fireman. Attorney Nunn asked Council's consideration of the same. During discussion, a motion was made by Councilwoman Benjamin, and seconded by Councilman Bowie, to approve Resolution #R105-09/10, awarding the Fire Department Uniform Contract to McCain Uniform Company. **A roll call vote was taken and the motion passed with a majority vote of the Council Members present. There were seven affirmative votes and one nay vote. Councilman Williamson cast a nay vote.**

**J. Resolution #R106-09/10 - Awarding of Police Department Uniform Contract.** Attorney Nunn stated to Council that they should have before them Resolution #R106-09/10, which represents awarding of the Police Department Uniform Contract. Attorney Nunn further stated the City of Selma invited and accepted bids on September 30, 2009, as it relates to bid proposals on Uniforms for the Police Department. Attorney Nunn stated the City Clerk has complied with State Law, opening sealed bids on September 30, 2009, and McCain Uniform Company was the only responsible bidder, in the amount of One Thousand Seven Hundred Thirty and No/100 Dollars (\$1,730.00), per complete unit for a Policeman. Attorney Nunn asked Council's consideration of the same. During discussion, Mrs. Ivy Harrison was asked to address the Council with questions that they may have had as it relates to the Police Department Uniform Bid. During discussion, a motion was made by Councilman Bowie, and seconded by Councilman Tucker, to approve Resolution #R106-09/10, awarding the Police Department Uniform Contract to McCain Uniform Company. **A roll call vote was taken and the motion failed due to a tie vote of the Council Members**

present. There were four affirmative votes and four nay votes. President Allen, Councilman Williamson, Councilwoman Newton, and Councilwoman Benjamin each cast a nay vote. An amended motion was then made by Councilwoman Newton, and seconded by Councilwoman Benjamin, to reject the Police Department Uniform Bid Awarding the Contract to McCain Uniform Company, and offering to re-bid the item of the Police Department Uniform again. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

K. Election - Update. Attorney Nunn stated to Council to please be mindful that the City Clerk does have "sample" ballots to share within her office, and if they should need extra copies of the "sample" ballots they can stop by the City Clerk's office and get copies. Attorney Nunn further stated the Election Officials will be published this week in the newspaper, via the City Clerk. Attorney Nunn stated that there will be an Election School on next Thursday, October 22<sup>nd</sup>, at 4:00 p.m., in the Council Chambers, and a Testing of the Voting Machines on Thursday, October 22<sup>nd</sup>, at 2:30 p.m., at the Dallas County Courthouse. President Allen stated to Council that since they are discussing the Election, the Election date of October 27<sup>th</sup> is also the date of the next Council Meeting. President Allen further stated she wanted the Council to consider having their next Council Meeting either that Monday, October 26<sup>th</sup>, or Tuesday, November 2<sup>nd</sup>, when they canvass the Election results. During discussion, Councilwoman Benjamin stated if possible she would like to recommend that they have the next Council Meeting set for the day that the Council canvasses the Election, on Tuesday, November 3<sup>rd</sup>. A motion was made by Councilwoman Keith, and seconded by Councilwoman Benjamin, to re-schedule the next Council Meeting for Tuesday, November 3<sup>rd</sup>. Councilwoman Newton stated that during the Office of Planning & Development Meeting it was mentioned that they have some Grants that need to be brought before the Council for consideration, and November 2<sup>nd</sup> is the deadline. An amended motion was then made by Councilwoman Keith, and seconded by Councilman Williamson, to schedule the next Council Meeting for Thursday, October 29, 2009, at 5:00 p.m. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present. President Allen stated the Council will canvass the Election results on Tuesday, November 3, 2009, at 11:00 a.m. Attorney Nunn stated in the event of a Run-Off for the Special Election, the scheduled date for the Run-Off will be Tuesday, December 8, 2009.

**BUSINESS ITEMS:**

**I. NOISE ORDINANCE**

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

**II. LIQUOR LICENSE MORATORIUM**

Councilman Randolph stated the Public Safety Committee met on October 8<sup>th</sup>, and he made a report on this meeting, and those present were: Councilman Randolph, Councilwoman Crenshaw, Councilwoman Keith, Mr. Roosevelt Goldsby, and Mrs. Lynecia Steele. Councilman Randolph stated the issue of the Liquor License Moratorium was discussed, along with the Ordinance that authorizes the Liquor Tax to be collected. Councilman Randolph further stated a total of \$37,000.00 was projected for collection, with only a total of \$16,000.00 collected. Councilman Randolph stated Private Clubs have been exempt from paying, i.e. Clubs that have memberships. Councilman Randolph further stated it was the consensus of the Committee to recommend lifting the Moratorium of the Liquor Tax, and begin collecting again, along with waiving penalties for delinquent tax until the present time, due to the Moratorium imposed by the Council. A motion was made by Councilman Randolph, and seconded by Councilwoman Tucker, to lift the Liquor License Moratorium at this time. During discussion, an amended motion was made by Councilwoman Keith, and seconded by Councilwoman Newton, to allow Attorney Nunn to draft an Ordinance where the clubs are no longer exempt from the Liquor Tax, and everybody will pay the Liquor Tax, including the Private Clubs. A roll call vote was taken and the motion passed with a majority vote of the Council Members present. There were seven affirmative votes and one nay vote. Councilman Williamson cast a nay vote. President Allen stated this item will be brought back for discussion after Attorney Nunn has drafted an Ordinance for review by the Council, and the Liquor License Moratorium will be left in place until such time that the Ordinance is drafted. President Allen asked Councilman Randolph if he would allow the Individuals that brought this forth, and others, the opportunity to meet with Public Safety Committee, and Councilman Randolph stated he would. Councilman Randolph also reported that the Public Safety Committee discussed the Computerized Red Light Ticket Process, and the consensus of the Committee is to not recommend passage at this time. A motion was made by Councilman Randolph, and seconded by Councilwoman Keith, to not recommend the Computerized Red Light Ticket Process at this time. During discussion, Mayor Evans addressed the Council and stated it is his hope that the Council will re-visit this item, and look at the data that reflects what the difference it makes in terms of those cameras in our City that have been identified, but have saved the Citizens who plan to follow the Law and not run lights, as opposed to those who are in a hurry for whatever reason, and chooses to run the lights. A roll call vote was taken and the motion passed with a majority vote of the Council Members present. There were six affirmative votes and two nay votes. Councilman Williamson and Councilman Bowie each cast a nay vote. President Allen asked the Public Safety Committee to re-visit this item, with the additional information that Mayor Evans will be giving to them.

**III. UPDATE ON OLD AGENDA ITEMS**

President Allen stated to Council that she wanted to read a letter that has been forwarded to the Council on behalf of Residents of Bienville Street, which is within Councilman Randolph's Ward (Five), as it relates to Neighbors within that Ward. President Allen further stated that she is going to put the issues of these concerns into the hands of Councilman Randolph, as Chairman of the Public Safety Committee. Chief Riley addressed the Council as it relates to this matter. Following discussion, President Allen asked that letters such as these, be forwarded to Councilman Randolph, as Chairperson, of the Public Safety Committee who will receive them, and bring back a report to the Council. Mayor Evans asked the Council if there are problems within the Neighborhoods, to please call him and report those problems, to allow him the opportunity to see what he can do about it. Mayor Evans stated to Council and the Citizens that his goal is to "rid the City of this type of mess", and he assured them that if they tell him what is going on, he will work hard to get back with them on it, and do what needs to be done, to get it done. President Allen asked Councilman Randolph to forward a copy of these-type letters to Mayor Evans, as well.

**STANDING COMMITTEE REPORTS**

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

Councilwoman Newton made a report.

**ADMINISTRATIVE COMMITTEE - Councilman Corey Bowie, Chairman**

No Report.

**PUBLIC SAFETY COMMITTEE - Councilman Samuel Randolph, Chairman**

Councilman Randolph made a report.

**COMMUNITY DEVELOPMENT COMMITTEE - Councilman Cecil Williamson, Chairperson**

No Report.

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

Councilwoman Keith made a report.

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

Councilwoman Benjamin made a report.

**SELMA-DALLAS YOUTH AMBASSADORS - Councilman Corey Bowie, Chairperson**

Councilman Bowie made a report.

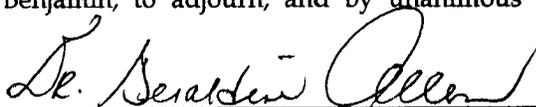
**DISCRETIONARY COMMITTEE - President Geraldine Allen, Chairperson**

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

**CLOSING REMARKS BY EACH COUNCIL MEMBER.**

**ADJOURNMENT**

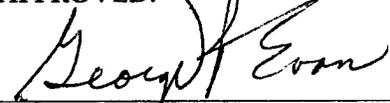
There being no further business to come before the Council, a motion was made by Councilman Williamson, and seconded by Councilwoman Benjamin, to adjourn, and by unanimous consent of the Council, this meeting adjourned at 9:30 p.m.

  
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DR. GERALDINE ALLEN, *Council President*

ATTEST:

  
\_\_\_\_\_  
IVY S. HARRISON, *City Clerk*

APPROVED:

  
\_\_\_\_\_  
GEORGE PATRICK EVANS, *Mayor*