

**MINUTES OF THE
SELMA CITY COUNCIL
FEBRUARY 22, 2011
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, February 22, 2011 at 5:00 p.m.

ROLL CALL

The following members were present during roll call: Council President Dr. Cecil Williamson and Council Members Councilman Thomas Atchison, Councilwoman Susan Keith, Councilwoman Angela Benjamin, Councilwoman Bennie R. Crenshaw, and Councilman Corey Bowie. Others present were City Clerk Ivy S. Harrison, City Attorney Jimmy Nunn, City Treasurer Cynthia Mitchell, and the Mayor's Executive Assistant, Ms. Brenda Smothers. Councilman Samuel Randolph was absent from the Council Meeting. Councilman Benny L. Tucker was absent from the Council Meeting, due to the hospitalization of his wife. Mayor Evans was absent from the Council Meeting.

APPROVAL OF AGENDA

President Williamson asked for the approval of the agenda items. A motion was made by Councilwoman Benjamin, and seconded by Councilman Bowie, to approve the agenda items, with the addition of the "Relay for Life", for discussion under the Mayor's Report. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

APPROVAL OF MINUTES

After approval of the agenda, President Williamson asked for the approval of the minutes of February 8, 2011 regular meeting minutes. A motion was made by Councilman Bowie, and seconded by Councilwoman Keith, to approve the minutes of February 8, 2011. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

CITIZENS' REQUESTS

Mr. Dave Fulford
Re: Renaming of Philpot Avenue (Referred to City Attorney, for Procedures to Re-Name a Street)

Mr. Bill Potter
Re: 4th Annual Butterflies & Bridges

Mr. Robert Walker (Reverend Jim Johnson, Associate Pastor)
Re: Gateway Baptist Church - "*Annual Walk-To-Calvary*" March

Mr. Walker stated he and the Church are seeking approval from the Council for their "*Walk-To-Calvary*". Mr. Walker further stated this year makes their 19th Annual Presentation, and he would like to take this time to thank the Council for allowing them to have this Re-Enactment each year. Reverend Johnson further stated the Celebration begins on Thursday, April 21, 2011, at 7:00 p.m., but they are having to deviate this year from having it at the Songs of Selma Park for the Last Supper and the Garden of Gethsemane because of the construction that is going on, but would like to be able to use the sidewalk out front of City Hall, near the Fountain. On April 22nd, Good Friday, they will be on the steps of City Hall, to have the Trial, and then they will walk down Highway 22 to Valley Creek Park where the Crucifixion is Re-Enacted. And, on Sunday, April 24th, at 6:00 a.m., a Sunrise Service is scheduled at Valley Creek Park, to celebrate the Resurrection of Jesus Christ. Mr. Walker and Reverend Johnson invited the Mayor and Council, along with the Community and

everyone else, to come out and help with the Re-Enactment, in the Annual Celebration of the "Walk-To-Calvary". A motion was made by Councilwoman Crenshaw, and seconded by Councilwoman Benjamin, to grant Gateway Baptist Church the requested approval and permit for the "Walk-To-Calvary" March, beginning on Thursday, April 21, 2011, Good Friday, April 22, 2011, and ending on Sunday, April 24, 2011, with the Easter Sunrise Service. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

Mrs. Tanya S. Miles

Re: Relay for Life, April 29, 2011 at Bloch Park, 6:00 p.m.

Week of April 24, 2011- Kick-Off - Survivor's Banquet - April 25, 2011

MAYOR'S REPORT

(In the absence of Mayor Evans, the Mayor's Report was presented by the Mayor's Executive Assistant, Ms. Brenda Smothers.)

A. Proclamation - "Arbor Day". Ms. Smothers asked Ms. Charlotte Griffeth, Director of Planning and Development, to come forward and address the Council as it relates to a Proclamation in Honor of "Arbor Day". Ms. Griffeth addressed the Council, and read said Proclamation in Honor of "Arbor Day" in its entirety, and, on behalf of Mayor Evans, asked the Council and Citizens of Selma to join in, proclaiming February 25, 2011, as "Arbor Day" in the City of Selma, Alabama. And, further, encouraged all Citizens to celebrate "Arbor Day", supporting efforts to protect our trees and woodlands, and to plant trees to gladden the heart and promote the well-being of future generations. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Bowie, to approve the Proclamation in Honor of "Arbor Day" in the City of Selma, Alabama. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

B. Update on Phoenix Park Garden. Ms. Smothers stated to Council that they should have information within their packets as it relates to the Phoenix Park Garden, located across the street from the Historic St. James Hotel. Ms. Smothers asked Ms. Charlotte Griffeth to come forward and address the Council with an update as it relates to the Phoenix Park Garden. Ms. Griffeth addressed the Council, and stated she would also like to ask Ms. Nancy Smith, who has been working hard on this Project, to come forward and address the Council with an update. Ms. Smith addressed the Council, and stated that the idea is to create something pretty for people to see, as they are coming in to town, as well as, for people to see when they are having dinner at the St. James Hotel, and to provide a really lovely environment for people to come and see. Ms. Smith further stated that it is also for events there, whereby acoustics can be set up for someone to come and play the guitar, along with placing some art work there for an Art Show. Ms. Smith stated that there are a number of things that can be done in a smaller environment, that you cannot do in a larger park, and that is what they are trying to achieve; something that is multi-purpose for everybody to enjoy. Councilwoman Crenshaw asked Ms. Griffeth how much was budgeted for this Item? Ms. Griffeth answered and stated \$10,000.00, and that any monies and donations received would reduce the amount that the City spends out of the General Fund Budget for this Item. President Williamson thanked Ms. Griffeth and Ms. Smith for that update.

C. Code Enforcement Report - January, 2011. Ms. Smothers stated to Council that they should have before them a copy of the Code Enforcement Report, and asked Rev. Darryl Moore to come forward and address the Council, to answer questions that they may have. President Williamson thanked Rev. Moore for the answers he provided to the Council, with regard to the Report.

D. Resolution #R174-10/11 - Award of Contract for Concession Stand Rights for the Selma Softball/Baseball Complex, 2011 Season. Ms. Smothers stated to Council that they should have before them Resolution #R174-10/11, Concession Stand Rights Award for the Selma Softball/Baseball Complex, 2011 Season. Ms. Smothers further stated that Coach Reece, Director of the Recreations Department, is here and asked him to come forward and address the Council, as it relates to the Contract for Concession Stand Rights for the Selma Softball/Baseball Complex, 2011 Season. Coach Reece stated that L & S Snacks offered the most responsible Concession Bid, in the amount of \$6,600.00. A motion was made by Councilman Atchison, and seconded by Councilwoman Keith, to approve said Resolution #R174-10/11, Concession Stand Bid Award for the Softball/Baseball Complex, for the 2011 Season, in the amount of \$6,600.00. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

E. Reminder, and Announcements. Ms. Smothers stated she would like to announce and advise the Council of the following:

(1) "Soft Opening" of the Selma Interpretive Center - Visitors' Area - March 2, 2011 - 3:00 p.m. - Ms. Smothers stated that the Council and the Public are invited!

(2) "Bridge Crossing Jubilee - Welcome Reception - March 3, 2011 - 5:30 p.m. - Ms. Smothers stated that the Council and the Public are invited!

(3) Mayors of the Black Belt Charity Ball - March 31, 2011 (Ms. Smothers stated that more information will be forthcoming on this Item.)

MAYOR'S REPORT

(4) City of Selma - Open House - April 7, 2011 (Ms. Smothers stated that more information will be forthcoming on this Item.)

CITY ATTORNEY'S REPORT

A. Charter Communications Proposal - Update. Attorney Nunn stated that Mr. Greg Fender, of Local Government Services, the City's Consultant as it relates to Charter Communications, is here at tonight's Council Meeting. Attorney Nunn further stated to Council that, if they recall, on October 13, 2009, we contracted and hired a Consultant to give us advice, and to assist as we go through our renewal process with Charter Communications, which Franchise Agreement comes up in 2012. Attorney Nunn asked Mr. Fender to come forward and address the Council, to present an update as it relates to Charter Communications. Mr. Fender stated he wanted to give the Council an update, and a report of where we are, and to report some possible solutions that he would like to present for their consideration. Mr. Fender further stated that he has been working with the City Attorney's office and the Mayor's office, and would like the Council to give him some guidance as to how they would like to proceed further. Mr. Fender stated to Council that they should have within their packet, information as it relates to Charter Communications. Mr. Fender stated as part of assessing Charter's past performance, they performed a franchise fee compliance review audit, and did find some very nominal items that they felt that Charter owed the City which roughly was about \$4,000.00. Mr. Fender further stated in response to that review, Charter felt that they had overpaid the City on franchise fees over the past six (6) years, roughly \$68,000.00, which they disagree with Charter on that position. Mr. Fender stated that in an earlier franchise fee dispute with Charter in 2005 in which Charter paid the City an additional \$11,901.00 for franchise fees owed, Charter did not raise this issue with how it had remitted franchise fees to the City, and has paid the City franchise fees on these revenue sources for more than a decade now, which to him is another point of argument in our favor. Mr. Fender stated, in their discussions with Charter, as a possible solution to this they have discussed, and have agreed to settle the issue on franchise fees with the following possible offer of settlement: (1) amend the current franchise to extend the term an additional 5 years; (2) increase the franchise fee to 5% based on Gross Revenues, which will approximately double the City's annual franchise fee revenue; (3) change franchise fee payment to quarterly rather than annually; (4) provide the City with a dedicated digital tier PEG channel; (5) provide the City with a monthly \$0.25 cent per subscriber contribution to be used for capital equipment purchases; and (6) the cost of the monthly capital equipment contribution would not be passed on to cable subscribers for approximately 5 years; this particular item for a proposed offer has not be discussed with Charter, according to Mr. Fender, which he will make the argument to request that the subscriber not have to pay \$0.25 cent per subscriber, and have this waived for about 5 years. Mr. Fender stated he wanted to bring this to the Council, and would like to get some feedback on it from them. Following discussion, President Williamson stated we have not decided that we are going to renew their franchise agreement. Mr. Fender stated that he would recommend to the Council that if they were to renew the franchise agreement, that they set it up on a month-to-month basis, and there would not be guarantee of a renewal. President Williamson stated that he will be giving this Item to the Administrative Committee, and asked that they set up a meeting, and invite Mr. Fender back to meet and discuss this further. President Williamson and the Council thanked Mr. Fender for coming and bringing that report.

B. Resolution #R175-10/11 - Weed Abatement (Phase 3 - Weed Lien). Attorney Nunn stated to Council that they should have before them Resolution #R175-10/11, Weed Abatement (Phase 3 - Weed Lien), which consists of six (6) pieces of property; 2613 Summerfield Road, 120 Gregory Street, 1511 Mechanic Street, 1406 Green Street, 1214 Washington Street, and 114 Lindbergh Street. Attorney Nunn stated that we did find out that the property located at 1511 Mechanic Street, that the weeds have been abated by the owner; therefore, we do have to take it off of the Weed Lien List, #6, 114 Lindbergh Street. Attorney Nunn further stated this is the last procedure that comes before the Council for action, and after it is voted on at this time, we file a Notice of Property Assessment with the Probate Judge, and then it is placed as a lien and filed in the Tax Office. Attorney Nunn asked Council's consideration of the same. During discussion, a motion was made by Councilwoman Crenshaw, and seconded by Councilman Bowie, to approve Resolution #R175-10/11 - Weed Abatement (Phase 3 - Weed Lien). **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

C. Resolution #R176-10/11 - Weed Abatement (Phase 3 - Weed Lien). Attorney Nunn stated to Council that they should have before them Resolution #R176-10/11, Weed Abatement (Phase 3 - Weed Lien), which consists of four (4) pieces of property; 831 Philpot Avenue, 823 Philpot Avenue, 1615 Jerome Street, and 1617 Jerome Street. Attorney Nunn stated, again this is the last procedure that comes before the Council for action, and after it is voted on at this time, we file a Notice of Property Assessment with the Probate Judge, and then it is placed as a lien and filed in the Tax Office. Attorney Nunn asked Council's consideration of the same. A motion was made by Councilwoman Keith, and seconded by Councilman Atchison, to approve Resolution #R176-10/11 - Weed Abatement (Phase 3 - Weed Lien). **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

D. Security at Night Clubs. Attorney Nunn stated to Council that what they have before them is a copy of a Resolution that was passed by the Council in September of 1994, as it relates to security at the Lounges/Clubs. Attorney Nunn further stated that this Item was brought up at the last Council Meeting by Councilwoman Crenshaw, and had been discussed during a previous administration. Attorney Nunn stated that the Council did not take any action during that previous administration, but when they went back in 1994 there was a Resolution that was put into effect, and two things came out of that Resolution, which was namely; (1) That the City Council recommend that all club/lounge owners or operators who hold themselves open to the general public shall hire and keep on duty during the hours said club/lounge is open for business the number of Security Guards as determined by the Chief of Police, who shall take into consideration the size of the club/lounge, number of calls or complaints received and other relevant factors to be taken into consideration when considering the safety, welfare and health of individuals patronizing said club/lounge; (2) Security Guards hired must be "briefed" prior to assuming their duties by the Police Department, on procedures to follow and action to be taken when an incident occurs at said club/lounge; and (3) Security Guards and/or individuals operating said door to club/lounge are to make sure that all entry and exit doors remain unobstructed, also allow the doors to remain open. Attorney Nunn stated a few more things are in the Resolution, as it relates to what they should do in the event of an emergency. Attorney Nunn stated the other deals with metal detectors; that clubs and lounges must obtain medical detectors to be used on each entrance door entering the club/lounge which are to be used to maintain and insure the safety of all citizens inside the club/lounge, and for Police Officers who may be called to said club/lounge or who are on routine duty, and that when a call is received by the Selma Police Department which necessitates a Police Officer going to a club/lounge, management and/or Security Guards are to meet the said Police Officers at the front door of their building, and advise the Police Officers of the situation which is occurring or has occurred inside the club/lounge. Attorney Nunn stated during their meeting, which was sponsored by Councilman Bowie, with Club Owners, all of this was discussed with the Club Owners, and they have been notified, and he thinks they understand the "gist" of this Resolution; that they must abide by this Resolution at this point and time. President Williamson stated since this is still the Law, let us go by this said Resolution, and enforce it. The Council concurred. President Williamson stated to Councilwoman Crenshaw that he remembered discussion of it during the last Administration, but did not know whether we did, or not, and stated to her, that it was good that she remembered that, and thanked her for remembering that we did have something in place as it relates to security at Clubs and Lounges.

E. 1913 West Highland Avenue. Attorney Nunn stated to Council that if they recall, this Item is dealing with the Mobile Home, and that said Item was placed into the hands of Councilwoman Keith, and her Committee. Councilwoman Keith stated that this matter is still being researched, and she will have a report on it at the next Council Meeting. Councilwoman Keith further stated that she wanted to remind the Citizens of Selma that mobile homes cannot be placed within the City, without the permission of the Council.

F. Resolution #205-10/11 (#180-10/11) - Vacation of a Certain Alley within the City of Selma. Attorney Nunn stated to Council that he has just handed a copy of Resolution #R205-10/11 (#R180-10/11), Vacation of a Certain Alley Within the City of Selma. Attorney Nunn further stated that the property owners are doing some renovations to their Church, Morning Star Baptist Church, and they would like the City of Selma to Vacate the Alley, and in doing that, Resolution #R205-10/11 (#R180-10/11), gives the property owner the authority to begin the process, which would include publication in the newspaper four (4) times, at the cost of the property owner, have a public hearing, public utility companies would be notified, and adjoining property owners would be notified. Attorney Nunn further stated said Resolution #R205-10/11 (#R180-10/11) allows the Council to set the public hearing for April 12th, which will give us time to have the publications. A motion was made by Councilwoman Crenshaw, and seconded by, to approve Resolution #205-10/11, Vacation of a Certain Alley Within the City of Selma. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

BUSINESS ITEMS:

I. NOISE ORDINANCE

President Williamson stated we still have a few complaints about Noise, and he hopes that we will continue to give out citations.

II. 3RD ANNUAL BLACK HISTORY CELEBRATION - FEBRUARY 28TH - MARCH 1ST

Councilwoman Benjamin stated that the 3rd Annual Black History Celebration is scheduled for February 28th - March 1st, which is Monday and Tuesday coming, and she hopes to see everyone there. Councilwoman Benjamin further stated that the "Black Man Heal" Symposium will be February 28th, from 12:00 Noon until 3:15 p.m., and if they have any African-American Boys and Men that they are concerned about, please bring them to that Symposium; it was very, very good last year, and we are hoping for the same this year, and even better. March 1st is the Annual Black History Celebration, at 5:30 p.m., and both events are at the Performing Arts Center.

III. WARD 4 COMMUNITY DEVELOPMENT

Councilwoman Benjamin stated to Ms. Smothers that she would be giving the List to her, to give to Mayor Evans, and that they will talk about what they are going to work on at a later date.

IV. MARDI GRAS GALA - FUNDRAISER FOR THE BROWN Y.M.C.A. - FEBRUARY 25TH

Councilwoman Keith stated that she is real excited about the Mardi Gras Gala, which will be on this Friday, February 25th, at the Convention Center, to benefit the Brown Y.M.C.A. Councilwoman Keith further stated that they will start convening at about 6:30 p.m., in front of City Hall, and that we will, in a procession led by the Selma High School Band, move to the Carl Morgan Convention Center, where we will have a Mardi Gras Gala. Councilwoman Keith stated that the Brown Y.M.C.A. is important to us and our Community, and it does matter to Children and Families in our Community, and it matters to all of us because we are all a part of each other. Councilwoman Keith asked that we support the Mardi Gras Gala, and that the tickets are \$25.00 each, \$200.00 for a table to seat 8 people, and it will start at 7:00 p.m. Councilwoman Keith further stated that there will be music, food and fun, and invited everyone to come!

V. PAWS BALL

Councilwoman Keith stated that the Animal Shelter is having their Annual Fundraising, the Paws Ball on Saturday, February 26th, at the Convention Center. Councilwoman Keith further stated that the tickets are \$25.00 each, \$200.00 for a table to seat 8 people, and it will start at 7:00 p.m. Councilwoman Keith further stated that that is going to be a real fun event, that she went last year and had a lot fun. Councilwoman Keith stated we need money for the Animal Shelter. Councilwoman Keith asked that we please support the Paws Ball, and help our "Furry" Friends, and invited everyone to come!

VI. RECYCLING

Councilwoman Keith stated that she has been working with A.D.E.M. and a Consultation Group, along with E.P.A., about the Historic Trail Recycling Initiative. Councilwoman Keith further stated that she has spoken with Mayor Evans and the Council, and the City of Selma is taking the lead role for the City to be the Administering Agency to get an A.D.E.M. Grant, to have a Regional Recycling Initiative on the Civil Rights Trail. Councilwoman Keith stated that we will initially partner with White Hall and Hayneville. Councilwoman Keith stated that we have a grant deadline on Tuesday, March 1st, and she would like for us to move forward with it. Councilwoman Keith further stated that we need to do a Solid Waste Management Plan, to meet the guidelines by E.P.A. and A.D.E.M. for the Recycling Plan, and they should each have a copy which was just passed out by Attorney Nunn. During discussion, a motion was made by Councilwoman Crenshaw, and seconded by President Williamson, to approve the Historic Trail Recycling Initiative, with the City of Selma as the Administering Agency, partnering with the City of White Hall, and the City of Hayneville. A roll call vote was taken and the motion passed with a majority vote of the Council Members present. There were five affirmative votes and one nay vote. Councilwoman Benjamin cast a nay vote. During roll call, Councilwoman Benjamin stated she was unsure about that "one". During further discussion, a motion was made by Councilwoman Crenshaw, and seconded by President Williamson, to approve the Amendment to the Solid Waste Management Plan, contingent upon approval of the grant. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

STANDING COMMITTEE REPORTS

RECREATION COMMITTEE - Councilman Benny Tucker, Chairman

Per Councilwoman Keith, a report will be made at the next Council Meeting.

ADMINISTRATIVE COMMITTEE - Councilman Corey Bowie, Chairman

Councilman Bowie made a report.

PUBLIC SAFETY COMMITTEE - Chairperson To Be Announced (Councilwoman Benjamin, Acting Chairman)

No Report.

COMMUNITY DEVELOPMENT - Councilwoman Susan Keith, Chairman

No Report.

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

Councilman Randolph was absent from the meeting.

DISCRETIONARY COMMITTEE - President Cecil Williamson, Chairperson

President Williamson reported the following: Mardi Gras for Brown Y.M.C.A. - \$1,100.00; Karate World - \$205.00; Arts Revive Spring Art Show - \$850.00; Southside Choir Tour - \$200.00; and Butterflies and Bridges Run - \$300.00.

CHILDREN AND FAMILIES - Councilwoman Angela Benjamin, Chairperson

Councilwoman Benjamin made a report.

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

Councilwoman Crenshaw made a report.

CLOSING REMARKS BY EACH COUNCIL MEMBER.

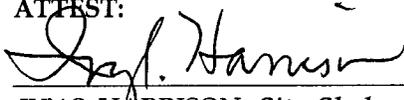
ADJOURNMENT

There being no further business to come before the Council, a motion was made by Councilwoman Benjamin, and seconded by Councilwoman Keith, to adjourn, and by unanimous consent of the Council, this meeting adjourned at 6:44 p.m.



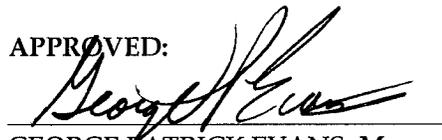
DR. CECIL WILLIAMSON, *Council President*

ATTEST:



IVY S. HARRISON, *City Clerk*

APPROVED:



GEORGE PATRICK EVANS, *Mayor*