

**MINUTES OF THE
SELMA CITY COUNCIL
NOVEMBER 23, 2010
12:00 NOON**

Call to Order

Invocation: Reverend Bailey Dawson, Pastor
Eaglegrove Baptist Church

Pledge of Allegiance

The Selma City Council met in a regular session in the Council Chambers of City Hall on Tuesday, November 23, 2010 at Twelve O'Clock Noon.

ROLL CALL

The following members were present during roll call: Council President Dr. Cecil Williamson and Council Members Councilman Thomas Atchison, Councilman Benny L. Tucker, Councilwoman Bennie R. Crenshaw, and Councilman 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, Ms. Brenda Smothers. Councilwoman Angela Benjamin was absent during roll call, but arrived at 12:24 p.m. Councilwoman Dr. Monica Newton was absent during roll call, but arrived at 12:37 p.m. Councilwoman Susan Keith and Councilman Samuel Randolph were absent from the Council Meeting.

APPROVAL OF AGENDA

President Williamson 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. **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 October 26, 2010 regular meeting minutes. A motion was made by Councilman Bowie, and seconded by Councilman Tucker, to approve the minutes of October 26, 2010. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.** President Williamson asked for the approval of the minutes of November 9, 2010 regular meeting minutes. A motion was made by Councilman Tucker, and seconded by Councilman Bowie, to approve the minutes of November 9, 2010. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

CITIZENS' REQUEST

Mr. Toriano Harrell (Sprit of Comfort Kingdom Ministries)

Re: Waiver of Building Usage Fee (*Carl Morgan Convention Center*)

Mr. Harrell stated that he was before the Council, seeking approval from the Council for the fee to be waived at the Carl Morgan Convention Center, for an Explosive Gospel Showcase, to be held on Monday, December 20, 2010. A motion was made by Councilman

Bowie, and seconded by Councilwoman Crenshaw, to waive the Building Usage Fee at the Carl Morgan Convention Center, to allow for the "Explosive Gospel Showcase", on Monday, December 20, 2010. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

Attorney Faya Rose Toure'
Re: Proposal of Two Ordinances

Mr. Willie Chappell
Re: National Antlered Guard Department of Elks

Mr. Tom Glaze, Jr.
Re: Red Light (Traffic) Cameras

MAYOR'S REPORT

LONGEVITY PIN AND CERTIFICATE

Mayor Evans stated he would like to present a Certificate of Service and Longevity Pin in recognition of the following employee: Assistant Fire Chief Mark Walker, Selma Fire Department, *Twenty-Five Years of Service* to the City of Selma. Mayor Evans stated he would like to thank Assistant Fire Chief Walker for his Years of Dedicated Service to the City of Selma, and he, along with the City Council, acknowledged him with Appreciation and Gratitude, and he was given a "Round of Applause".

A. Dr. Donald Jefferson, Superintendent of Selma City Schools - Request to Waive Building Permit Fees for the New High School. Mayor Evans stated to Council if they recall, Mr. Donald Jefferson came before the Council during last night's Work Session, and appealed to the Council for a waiver of the permit fees, in excess of \$50,000.00, for the purpose of building the new high school. Mayor Evans stated he is recommending to the Council that the building permit fees are waived, with the understanding that the demolished material will be taken to our Landfill, so that we can possibly recoup some of the monies back. A motion was made by Councilwoman Benjamin, and seconded by Councilman Bowie, to waive the building permit fees for the building of the new high school, in excess of \$50,000.00. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

B. Police Report - October, 2010. Mayor Evans stated to Council that they should have within their information a copy of the Police Report for the Month of October, 2010, which gives a breakdown of each Ward, along with the Ward Incident Percentages. Mayor Evans further stated if they have questions, Chief Riley is here at tonight's Council Meeting, to come forward to address those questions and concerns. Chief Riley addressed the Council, to offer an explanation as it relates to the Police Report.

C. Update on Etheridge Avenue - Update. Mayor Evans stated to Council that they should have within their packets, information as it relates to the most recent "timeline" from Mr. Josh Pierce, P.E., of Goodwyn, Mills and Cawood, who is here to discuss the same with the Council. Mayor Evans further stated that now that the "drawings" have been completed, we are going to be moving forward with getting the new street in, and that we are still waiting to hear from the Railroad Company. Mr. Pierce addressed the Council with an update, and stated that Mayor Evans had just summarized to them what he had planned to say, and asked if they had any questions. President Williamson asked whether or not they had advertised for bids? Mr. Pierce answered, and stated that the advertisement for bids had gone out, and the bid date for opening is set for December 10, 2010 at 10:00 a.m. Mr. Pierce further stated, as Mayor Evans stated, he has been coordinating with Norfolk Southern, and is presently awaiting some information regarding the grade crossing. Mr. Pierce stated construction should probably start mid-to-late January, 2011, and should be completed probably the end of April, or first of May, 2011, and that the street will be constructed by the first part of the summer, at the latest.

D. Landfill - Update. Mayor Evans stated to Council that if they recall there was discussion about the Landfill during last night's Work Session, and that Mr. Larry Friday was present to answer questions from the Council, as it relates to the Landfill. Ms. Griffeth was asked to come forward to address the Council, to offer an explanation as to the Community Reinvestment Account, and accounts allocated to be spent for pending projects. Ms. Griffeth stated to President Williamson that she will have for him a copy of the Money Market Account Spreadsheet, and he stated once that is done, he will forward a copy to the Council Members. Councilwoman Newton passed out some information sent by Mr. Kelly, to the Council Members, as it relates to some resources on Landfill re-vegetation. Councilwoman Newton further stated that the Landfill that we have has a "CAP", and that nothing can be planted on the Landfill, but the flat area around the Landfill can be re-vegetated. Councilwoman Newton stated these are some good resources that she thought was worth looking at, and that it shows some species of plants that thrive and do well in these types of environments. Councilwoman Newton further stated that she will give a copy to the City Clerk, and she can give it to Mr. Larry Friday, and maybe that will help to facilitate discussion that we will have, when Councilwoman Crenshaw and she meet with Mr. Kelly, on December 7th. Councilwoman Newton stated to Mayor Evans that he is welcome to join them, so that he can add his "input", and be part of seeing this come to fruition. Mayor Evans stated to Councilwoman Newton and Councilwoman Crenshaw that he will be glad to be there, to meet with them on December 7th.

E. Update on Bid Process. Mayor Evans stated to Council that he gave to them on last night during the Work Session, a copy of the Bid Process; the procedure by which we "Let" bids go from the City. Mayor Evans further stated that he was not here at the last meeting, and that a lot of things were said that were incorrect. Mayor Evans stated that the "Gentleman" who came before the Council, and gave information was incorrect, that was not true about himself and about his ability to do work with us. Mayor Evans further stated that he gave each of them a copy of some information as it relates to the fact that he has bid on projects, but he has always been the "highest" bidder; and also, the fact that he did not have license when he bid on some projects. Mayor Evans stated the Gentleman made some statements that were incorrect, to the extent that it was "said that bids were being handled in his office". Mayor Evans further stated that he wanted to assure the City, and everybody else, that he does not handle bids in his office, and never has, and has asked if there is a bid that he has handled within his office, that it "please" be given to him. Mayor Evans stated that the point he is making is that he has never opened a bid in his office, and that no bid has ever come through his office, and he does not know why Mr. Walter McKee, the Project Manager for the City's Bond Projects, placed his name in the newspaper, as being the one who will be reading the bids in the Council Chamber for the Bond Projects. Mayor Evans further stated that that information is incorrect, and he has also spoken with Mr. McKee as it relates to that newspaper advertisement. Mayor Evans stated that this was a sad occasion for him to hear that he was "running bids" out of his office, and that he has never done that, and he wanted to clear this up with the Council and the Citizens. Mayor Evans stated the Gentleman is trying to work through this, and he will also work with him. Councilwoman Crenshaw stated to Mayor Evans that she thinks this whole issue started with the fact of African-American Men working, and that she has been talking about that even before the Bond, and that she thinks when the young man came up there he was frustrated. Councilwoman Crenshaw further stated all he said was that he could not get any of the major money; the \$12 Million, and that was all that was stated. Councilwoman Crenshaw stated that she had talked with some people in the Community Development office, and she was told that they do not handle bids. Councilwoman Crenshaw stated after that statement was made, she stated that she had addressed the City Clerk, and had also sent some people to the City Clerk for information. Councilwoman Crenshaw further stated she asked the City Clerk, but at the time, she did not have a bid package. Councilwoman Crenshaw stated she did state that she could probably get some information from the Mayor's office. Councilwoman Crenshaw further stated to Mayor Evans that she asked him during one of the City Council Meetings, who was handling the bids for the Public Buildings, and he responded and stated that Mr. Walter McKee would be accepting the bids on these projects, and that "threw her off" because she thought the contracts, and the bid process would go through the City Clerk. During discussion, Mayor Evans asked Mrs. Ivy Harrison to come forward and address the Council, with an explanation as to inquiries received within the City Clerk's office, as to bidding on the Bond Projects. Mrs. Harrison addressed the Council and stated that some time just after Mr. Walter McKee was approved by the Council as Project Manager for the City's Bond Projects, she received a couple of calls inquiring about the Bond Projects and what they would need to do, to submit a bid on a Bond Project. Mrs. Harrison further stated at the time of the calls, Bid Opening Dates had not been set for any of the Bond Projects, and she had not been forwarded any information with regard to Bid Packages as of then. Mrs. Harrison stated she received a call from an individual who stated to her that he was interested in bidding on a Bond Project. Mrs. Harrison stated at the time since she did not have the Bid Packages, she advised him that Mr. Walter McKee, the Project Manager, was coordinating these Projects, and that he could get information from him, as it relates to when he could submit a bid, and so forth. Mrs. Harrison stated since Mr. McKee was coordinating this as Project Manager, she did not see anything wrong with referring individuals to the Mayor's office, because after all, he was the Project Manager, and felt the Mayor's office would have his contact information. Mrs. Harrison stated she transferred the individual to Ms. B.J. Smothers, the Mayor's Executive Assistant, and explained to her that the individual needed information on how to contact Mr. Walter McKee, and how to bid on the Bond Projects. Mrs. Harrison stated Ms. Smothers took the call via transfer, and gave him the contact information needed to get in touch with Mr. McKee. Mrs. Harrison stated about a week later, she received a call from Councilwoman Crenshaw, who stated that she was calling on behalf of someone who had contacted her about the Bond Projects, who was interested in bidding on a Bond Project. Mrs. Harrison stated, she explained to Councilwoman Crenshaw that Mr. Walter McKee, the Project Manager, was coordinating the Bond Projects, and that she could get information as to how to contact Mr. Walter McKee, through the Mayor's Office, and as far as she knew, Councilwoman Crenshaw was going to follow-up with a call to his office, to obtain information. Mrs. Harrison stated, as stated before, at the time of those calls and inquiries, bidding dates had not been set, and therefore, she did not have any bidding documents for anyone to bid on, nor times that they could bid, and since Mr. McKee was the Project Manager, she did not see anything wrong with individuals contacting Mr. Walter McKee, and information being gotten from the Mayor's office, as to how to contact Mr. Walter McKee, since he was the Project Manager, and Coordinator, for handling those Bond Project items; further, Mrs. Harrison stated that she only referred individuals to the Mayor's office for contact information on Mr. Walter McKee, as Project Manager, for the Bond Projects, and how to bid on items. Mayor Evans stated that Mr. Josh Pierce is here today, and has come and shared with the Council what is going to go out for bid. Mayor Evans further stated she has nothing pertaining to that, and she will not get anything until the bids are set to go out, and that is the process. Mayor Evans stated to Council that he has given them a Step-By-Step Process of the Bid Process, to try and minimize the misunderstanding and the misinformation. Councilwoman Crenshaw stated, for the record, "it was not about proving whether you were "in" on the bids, only you and the person

who was there would know that; I don't know that. The only thing I wanted to know, was to make sure that we have something in place, so we will know who to go to, when there is a bid process. Thank you, Mayor."

F. Resolution #R120-10/11 - Appointment of Mr. Edgar W. Greene, Jr., - Part-Time City Prosecuting Attorney. Mayor Evans stated to Council that during last night's Work Session he passed out information to them as it relates to his recommendation to appoint Mr. Edgar W. Greene, Jr., as a Part-Time City Prosecuting Attorney. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Bowie, to approve the Appointment of Mr. Edgar W. Greene, Jr., as one of the Part-Time City Prosecuting Attorneys, to be paid at \$6,000.00 per year, which is one-half of what the former City Prosecuting Attorney, Mr. Alston Keith, was paid, effective Tuesday, November 30th. **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 one nay vote. Councilwoman Benjamin cast a nay vote.**

G. Resolution #R121-10/11 - Appointment of Mr. Major Madison, Jr. - Part-Time City Prosecuting Attorney. Mayor Evans stated to Council that during last night's Work Session he also passed out information to them as it relates to his recommendation to appoint Mr. Major Madison, Jr., as a Part-Time City Prosecuting Attorney. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Bowie, to approve the Appointment of Mr. Major Madison, as one of the Part-Time City Prosecuting Attorneys, to be paid at \$6,000.00 per year, which is one-half of what the former City Prosecuting Attorney, Mr. Alston Keith, was paid, effective Tuesday, November 30th. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

H. Change in Required Residence for Firefighters. Mayor Evans stated to Council that he did mention to them last night during the Work Session, about a requirement to change the residence of Firefighters. Mayor Evans further stated over 75% of the Firefighters who are currently on our Staff live outside of Dallas County. Mayor Evans stated it is his recommendation to the Council to make it effective for any new Firefighters hired within the City of Selma, that they be residents of Dallas County. During discussion, a motion was made by Councilwoman Newton, and seconded by Councilwoman Crenshaw, to adopt the policy of requiring any new Firefighters hired to be residents of Dallas County. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

I. Title Change from Fire Engineer to Fire Sergeant. Mayor Evans stated to Council that they discussed this Item during last night's Work Session, and, as was discussed last night, there will not be a change in salary, nor will there be a change in responsibilities and duties, to change the title from Fire Engineer to Fire Sergeant. A motion was made by Councilman Bowie, and seconded by Councilman Atchison, to approve the Title Change from Fire Engineer to Fire Sergeant. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

J. Resolution #R111-10/11 - Award of Contract for Fire Department Uniforms to McCain Uniform Company. Mayor Evans stated to Council that during last night's Work Session they did discuss this Item, and he would like to recommend that they approve the Award of Contract for Fire Department Uniforms to McCain Uniform Company. A motion was made by Councilman Tucker, and seconded by Councilwoman Newton, to approve the Award of Contract for Fire Department Uniforms to McCain Uniform Company, in the amount of Five Hundred Twenty-Seven Dollars and Fifty Cents (\$527.50) per complete unit for a Fireman. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

K. Resolution #R116-10/11 - Award of Contract for the Purchase of Two (2) Sports Utility Trucks for the Fire Department to Turner Chevrolet Buick Company (Bond Project). Mayor Evans stated to Council that they should have within their packet, information as it relates to the purchase of Two (2) Sports Utility Trucks for the Fire Department to Turner Chevrolet Buick Company, which is a much-needed Bond Project Item. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Bowie, to approve the Award of Contract for the Purchase of Two (2) Sports Utility Trucks for the Fire Department to Turner Chevrolet Buick Company, in the amount of Fifty-Three Thousand and Sixty-Four Dollars and Eighty Cents (\$53,064.80), via the Bond Account in the amount of Forty Three Thousand Five Hundred Five Dollars and Forty Cents (\$43,505.40), and the remaining balance of Nine Thousand Five Hundred Fifty-Nine Dollars and Forty Cents (\$9,559.40), from Account Number 1.6500 530-4. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

L. Resolution #R112-10/11 - Award of Contract for Police Department Uniforms to McCain Uniform Company. Mayor Evans stated to Council that during last night's Work Session they also discussed this Item, and he would like to recommend that they approve the Award of Contract for Police Department Uniforms to McCain Uniform Company. A motion was made by Councilman Bowie, and seconded by Councilman Tucker, to approve the Award of Contract for Police Department Uniforms to McCain Uniform Company, in the amount of Two Thousand Five Hundred Forty-Nine and No/Dollars (\$2,549.00) per complete unit for a Policeman, School Crossing Guard, and Jailer. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

M. Resolution #R117-10/11 – Award of Contract for the Purchase of In-Car Camera System for the Police Department to AllComm Wireless, Incorporated (Bond Project). Mayor Evans stated to Council that they should have information as it relates to the purchase of an In-Car Camera System for the Police Department, to AllComm Wireless, Incorporated, which is a Bond Project Item. During discussion, a motion was made by Councilwoman Newton, and seconded by Councilman Tucker, to approve the Award of Contract for the Purchase of an In-Car Camera System for the Police Department to AllComm Wireless, Incorporated, in the amount of One Hundred Thirty-Two Thousand Four Hundred Ten and No/Dollars (\$132,410.00), to be paid from Bond Account, #35 6100 508 403-4. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

N. Resolution #R119-10/11 – Approval of Grant Agreement Between the City of Selma and A.L.D.O.T. for the Safe Routes to School Project. Mayor Evans stated to Council that he believes this Item was discussed during last night's Work Session, and that Councilwoman Newton is involved with this, and he would like to move forward with it. During discussion, a motion was made by Councilwoman Newton, and seconded by Councilman Tucker, to approve Resolution #R119-10/11, Approval of Grant Agreement Between the City of Selma and A.L.D.O.T. for the Safe Routes to School Project. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

O. Approval of Contract with McKee and Associates for Renovations to Memorial Stadium, Bloch Park and the Marina. Mayor Evans stated to Council that he would like to recommend the approval of the Contract with McKee and Associates for Renovations to Memorial Stadium, Bloch Park and the Marina. Mayor Evans further stated that there will be a complete renovation of the rest rooms, painting of the hallways, restoration of the concession stand and painting in that area, replacement of windows, sandblasting and painting of the bleachers out front, renovation and painting of the "Press Box", and enlargement of the dressing rooms. Mayor Evans stated that it will not be a completely "new" Stadium, but it will be "new" to us from the standpoint that we will see new lighting, along with the renovations that will be made to the Stadium, and he thinks it will look good. A motion was made by Councilwoman Newton, and seconded by Councilman Tucker, to approve the Contract with McKee and Associates for Renovations to Memorial Stadium, Bloch Park, and the Marina. 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 one nay vote. Councilwoman Crenshaw cast a nay vote. During roll call, Councilwoman Crenshaw stated to Mayor Evans that she has asked about African-Americans being given work, and she chooses not to vote on any contracts until she is given that information, and that some emphasis needs to be put on that; "it's a lot of money involved in that", and they are getting criticized right now for them not being there; so, she votes "no" on this Item. Mayor Evans responded and stated, in the information that goes out to every bidder and every contractor, we specify and encourage them to use Minorities in every Project. Mayor Evans further stated he is also asking them to list the number of Minorities in the future, so that he will be able to pass it on to the Council; information about who is working on the Projects.

P. Update on City Council Questions from Work Session. Mayor Evans stated to Council that he would like to respond to the questions that were asked of him during last night's Work Session:

- Update on Franklin Street Sewer Project – Mayor Evans stated he visited that site this morning, and that they have run into some concerns in that area, and that they have now had to begin work on Jerome Street. Mayor Evans stated that he will keep them "posted".
- List of Historic Commission Members – Mayor Evans stated to Council that he thinks he gave each of them a copy of the list of Historic Commission Members. President Williamson stated that he would like to get a list of the Terms, and Mayor Evans stated he will get that to him.
- Mayor Evans stated to Council that they should have information he passed out to them as it relates to the "language" that was on the Ballot with reference to the Landfill Bond Project. Mayor Evans further stated Bond Projects are underway with the exception of the renovations to Memorial Stadium, Bloch Park, and the Marina.

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

(1) Mayor Evans stated he would like to thank the Players, Sponsors and Donors for a tremendously successful Mayor's Charity Golf Classic, which was held on Wednesday, November 17th. Mayor Evans further stated all proceeds will benefit the Special Needs' Children of Selma and Dallas County.

(2) City Offices will be closed on Thursday, November 25th and Friday, November 26th, in observance of the Thanksgiving Holidays.

(3) Christmas Parade – Saturday, December 4, 2010, at 9:00 a.m.

CITY ATTORNEY'S REPORT

A. Resolution #R114-10/11 - Appointment of Mr. Roderick West to the Selma Water Works and Sewer Board. Attorney Nunn stated to Council that they should have before them Resolution #R114-10/11, Appointment of Mr. Roderick West to the Selma Water Works and Sewer Board. Attorney Nunn further stated to Council if they recall, during the last Council Meeting, the Council appointed Mr. Roderick West to the Selma Water Works and Sewer Board, and he has prepared a Resolution; namely, Resolution #R114-10/11 to reflect the action taken, and asked Council's favorable consideration of the same. A motion was made by Councilwoman Crenshaw, and seconded by Councilman Tucker, to approve Resolution #R114-10/11, Appointment of Mr. Roderick West to the Selma Water Works and Sewer Board; Term Effective November 11, 2010 - November 10, 2016. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

B. Resolution #R115-10/11 - Re-Appointment of Mr. Lee Goodwin to the Selma Water Works and Sewer Board. Attorney Nunn stated to Council that they should also have before them Resolution #R115-10/11, Re-Appointment of Mr. Lee Goodwin to the Selma Water Works and Sewer Board. Attorney Nunn further stated to Council, as was previously stated, during the last Council Meeting, the Council re-appointed Mr. Lee Goodwin to the Selma Water Works and Sewer Board, and he has prepared a Resolution; namely, Resolution #R115-10/11 to reflect the action taken, and asked Council's favorable consideration of the same. A motion was made by Councilman Bowie, and seconded by Councilman Tucker, to approve Resolution #R115-10/11, Re-Appointment of Mr. Lee Goodwin to the Selma Water Works and Sewer Board; Term Effective August 12, 2010 - August 11, 2016. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

C. Resolution #R118-10/11 - Special Use Permit to Co-Locate on an Existing Tower - Verizon Wireless, Incorporated at 1518 River Road. Attorney Nunn stated to Council that they should have before them Resolution #R118-10/11, Special Use Permit to Co-Locate on an Existing Tower - Verizon Wireless, Incorporated at 1518 River Road. Attorney Nunn further stated that Verizon Wireless has requested modification of telecommunication facilities located at 1518 River Road here in Selma, to provide improved wireless services essentially within the corporate limits and police jurisdiction of the City of Selma. Attorney Nunn stated that Ms. Mignon Bowers is present at tonight's Council Meeting and asked that she come forward to address the Council in the event they had questions. Ms. Bowers, as the City's Consultant for Wireless Telecommunications, stated that Verizon Wireless has complied with the City's Ordinance, and has demonstrated the need for modification of this wireless facility to deliver consistently reliable services in the identified area. Ms. Bowers further stated that both the City and Verizon Wireless customers in Selma will benefit from the improved service. Ms. Bowers stated it is their recommendation to grant the Special Use Permit for modification of this facility located at 1518 River Road, which consists of a 290' guy tower. A motion was made by Councilman Tucker, and seconded by Councilwoman Newton, to approve Resolution #R118-10/11, Special Use Permit to Co-Locate on an Existing Tower - Verizon Wireless, Incorporated at 1518 River Road. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

D. Alcoholic Beverage License - Darrell Steward d/b/a - The Fish House - 8 Mulberry Road. Attorney Nunn stated to Council that they should have before them an Alcoholic Beverage License Application as it relates to Darrell Steward d/b/a The Fish House, for a Restaurant Retail Liquor License, which is located at 8 Mulberry Road. Attorney Nunn further stated that said Alcoholic Beverage License Application was placed on 1st Reading during last Council Meeting, and is up for Council's consideration for approval tonight. A motion was made by Councilman Atchison, and seconded by Councilman Tucker, to approve said Alcoholic Beverage License of Darrell Steward d/b/a The Fish House, for a Restaurant Retail Liquor License, located at 8 Mulberry Road. 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 one abstention. President Williamson abstained from voting.

E. Ordinance #O103-10/11 - Alcoholic Beverage Ordinance Redact (Annual & Monthly Tax). Attorney Nunn stated to Council that they should have before them Ordinance #O103-10/11 - Alcoholic Beverage Ordinance Redact (Annual & Monthly Tax). Attorney Nunn further stated that this is an Ordinance as it relates to amending Section 4-49-A of Ordinance #80-16, Alcoholic Beverage Retailers and Wholesalers of Liquor and Wine Annual and Monthly Taxes. Attorney Nunn stated to Council that if they recall, this matter came back up in 2009. Attorney Nunn further stated a letter was presented to Council from Ms. Diane Smitherman, Owner of Restaurant on Grumbles Alley, as it relates to 4% tax on alcohol beverages to the Retailers, and a moratorium was placed on this by the Council. Attorney Nunn stated the recommendation from the Public Safety Committee was that this Ordinance should be repealed. Attorney Nunn further stated to Council that they have already taken a vote on this, but he has prepared an Ordinance, #O103-10/11, to that effect, and that the new language has been added to it. A motion was made by Councilman Tucker, and seconded by Councilman Atchison, to approve Ordinance #O103-10/11, Alcoholic Beverage Ordinance Redact (Annual and Monthly Tax). A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

F. **Resolution #R108-10/11 - Public Buildings Usage Policy.** Attorney Nunn stated to Council that this Item was previously distributed to them, but if they are in need of copies, he has copies. Attorney Nunn further stated that this Item was discussed in detail during last night's Work Session, and that it includes the language that . . . "All renters including, but not limited to, elected officials, employees and schools shall pay full price and not receive a discount for the rental and use of City-Owned facilities when an admission fee and/or entry fee is charged at the door prior to entering the facility for an event sponsored by the renter(s). Attorney Nunn further stated from the recommendation of the Committee, "all non-profit organizations should not have to pay the full price, and would also be entitled to one annual event free. Exception: Any non-profit organization presenting proof of its 501©(3) status to the City Council, and at the discretion of the Council may be allowed one free rental and waiver per year of the fee for the rental and use of any herein above-mentioned City-owned facility for its annual event". Attorney Nunn stated that the language has been added, and it is up for consideration by the Council for approval. A motion was made by Councilwoman Newton, and seconded by Councilman Tucker, to approve Resolution #R108-10/11, Public Buildings Usage Policy. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

G. **Ordinance #O110-09/10 - Sagging Pants Ordinance, An Ordinance Relative to Appropriate Dress for Persons in Certain Attire; Providing for Fines, Civil Penalties, and Other Related Matters.** Attorney Nunn stated to Council if they recall, the Sagging Pants Ordinance, #O110-09/10, was discussed during last night's Work Session. Attorney Nunn stated that they should have copies of the Sagging Pants Ordinance for the Cities of Lanett, Marion and Demopolis, for their reference. President Williamson stated that this Item will be placed into the hands of the Public Safety Committee, and asked that the Committee review the same, and bring back a recommendation to the Council.

H. **Bid Law Questions.** Attorney Nunn stated to Council that the question was asked as to whether or not Bids should come out of the City Clerk's Office, and he thinks he answered it during last night's Work Session, but, for the record, all Bids must be "Let" out of the City Clerk's office.

I. **Westlaw Update.** Attorney Nunn stated to Council that the question was asked by Councilman Atchison, as it relates to trying to seek another Vendor, concerning our Legal Research, that would be a little less costly. Attorney Nunn further stated in researching this matter, it was found that the existing Contract with Westlaw does not end until March of 2012, and at that point in time, this Item will be reviewed again.

J. **Resolution #R109-10/11 - Request for Audit by Examiners of Public Accounts.** Attorney Nunn stated to Council that they should have Resolution #R109-10/11, Request for Audit by Examiners of Public Accounts, which was previously distributed to them. Attorney Nunn further stated that President Williamson requested that he prepare a Resolution going back three (3) years prior to the Audit that was performed by the Department this year, and that if they recall, the Audit was from October 1, 2008 through June 30, 2009, of the Municipal Court of the City of Selma. Attorney Nunn stated this Audit is requesting the Department, since there were monies that were found and reported, but not deposited into the accounts, go back and conduct an Audit of the books, accounts, and records of the Municipal Court for a period of three (3) years, prior to October 1, 2008, which shall include the fiscal years of October 1, 2005 - September 30, 2008. During discussion, a motion was made by Councilman Tucker, and seconded by President Williamson, to approve Resolution #R109-10/11, Request for Audit by Examiners of Public Accounts. **A roll call vote was taken and the motion failed due to a lack of a majority vote of the Council Members present. There were three affirmative votes and four nay votes. Councilwoman Newton, Councilwoman Benjamin, Councilwoman Crenshaw, and Councilman Bowie each cast a nay vote.**

K. **Ordinance #O104-10/11 - City Council Rules and Procedures, An Ordinance Amending Ordinance No. 102-04/05.** Attorney Nunn stated to Council that they should have before them Ordinance #O104-10/11, City Council Rules and Procedures, which is amending Ordinance No. 102-04/05, as it relates to requesting to be placed on the Council Meeting Agenda, and completing the "Request Form". Attorney Nunn stated this amendment allows the requesting person to come by the Council's office to sign and date the form, **prior to speaking before the City Council.** A motion was made by Councilwoman Newton, and seconded by Councilman Tucker, to approve Ordinance #O104-10/11, City Council Rules and Procedures, An Ordinance Amending Ordinance No. 102-04/05. **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 one nay vote. Councilwoman Crenshaw cast a nay vote.**

BUSINESS ITEMS:

I. **NOISE ORDINANCE**

President Williamson stated this Item is listed as a "reminder" to everyone, that we still have a Noise Ordinance in place.

II. CITY OF SELMA YOUTH CONFERENCE, 2011

Councilwoman Benjamin stated that the Youth Conference, 2011, is scheduled for July 27th - July 30th, and that they are all invited, and asked that they "save" the date. Councilwoman Benjamin further stated that she would appreciate it, if Mayor Evans and each Council Member could "match" their contributions from last year.

III. WARD 4 PUBLIC WORKS AND CODE ENFORCEMENT UPDATE AND REPORT

Councilwoman Benjamin asked Mayor Evans to "check" his List, and provide her with a "status" of each of the Items listed there, and he did. Councilwoman Benjamin thanked Mayor Evans for providing her with an update.

IV. WARD 4 END-OF-YEAR CELEBRATION UPDATE AND REPORT

Councilwoman Benjamin stated that the Ward 4 "End-of-Year" Celebration will be on Monday, December 13th, from 4:00 p.m. until 6:00 p.m. Councilwoman Benjamin asked that everyone "please come".

V. COUNCIL TRAVEL

President Williamson stated that they have \$18,000.00 for Travel, and that it had been discussed during a couple of Work Sessions to divide that amount equally, to each Council Member. During discussion, a motion was made by Councilman Atchison, and seconded by Councilman Bowie, to divide the amount of \$18,000.00 equally amongst all of the Council Members; \$2,000.00 per each Council Member. 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 one nay vote. Councilwoman Crenshaw cast a nay vote. During roll call, Councilwoman Crenshaw stated "she knows what that is about", and her vote is no.

VI. TEPPER'S BUILDING

President Williamson asked Attorney Nunn to research this Item, and bring back a report to the Council.

VII. WARD 3 VACANCY

President Williamson stated, for the record, he wanted to officially Poll the Council Members as to whether or not they would like to have an Election or an Appointment to fill the Seat of Ward 3, once it becomes vacant. A roll call vote was taken to Poll the Council Members for an Appointment or an Election for Ward 3; President Williamson - Election; Councilman Atchison - Election; Councilwoman Newton - Election; Councilwoman Benjamin - Election; Councilman Tucker - Election; Councilwoman Crenshaw - Appointment; and Councilman Bowie - Election. President Williamson stated he thinks the majority of the Council is in favor of having an Election. Councilwoman Newton stated since they are polling the Council Members, that is what she thinks her Ward would want, and she would of course go with what the majority of what the people in the Ward would want. Councilman Atchison stated he is for an Election, and that he thinks we should do everything legally possible to expedite the process. Councilwoman Crenshaw stated she thinks if there are people who are interested, she thinks that the Council should take a vote, and that we should give that some consideration, because we are talking about maybe \$15,000.00 for the cost of an Election, and they would only have about a year and a half to serve. Councilwoman Crenshaw further stated that she was not in favor of an Election, to fill the Ward 1 Vacancy, and that she voted for an Appointment before. Councilwoman Benjamin stated she is for an Election, because she can not do an Election for Ward 1, and then nominate someone for Ward 3. Councilman Bowie stated he is in favor of an Election, also, because he has to be consistent. Mayor Evans stated to Council that he would like to remind them of the Election costs, and that it would probably be in the "neighborhood" of \$15,000.00. During discussion, a motion was made by Councilwoman Crenshaw to appoint someone to the Seat of Ward 3, once it becomes vacant, but the motion failed due to lack of a second. A motion was made by Councilwoman Newton, and seconded by Councilman Tucker, to have an Election to fill the Seat of Ward 3, once it becomes vacant. 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 one nay vote. Councilwoman Crenshaw cast a nay vote.

VIII. PLAQUE COMMEMORATING BENJAMIN STERLING TURNER

President Williamson stated this Item will be Continued.

IX. PLAYGROUND REHABILITATION

Councilwoman Newton stated that they worked very hard on Valley Creek Park to "Rehab" the Playground, and make improvements to not only make it safer, but also to make it handicap accessible, and

she thinks that most, if not all of them contributed, along with Mayor Evans, the Rotary Club, and Strategic Alliance for Health. Councilwoman Newton further stated that they had a great turn-out at the Playground Rehab., and that President Williamson, Councilman Atchison, Councilman Randolph, and Councilwoman Crenshaw came, and brought along some people to assist them, as well, along with Mrs. Bates from the Selma Disability Advocacy Center. Councilwoman Newton stated that it is coming along very well, and she thinks that it will be completed in the next week or so. Councilwoman Newton thanked everybody who participated in this Project, and expressed her appreciation to everyone.

X. MUNICIPAL IMPROVEMENT ACT

Councilwoman Newton stated that it came to her attention as a suggestion from Office Planning and Development during the discussion of the Y.M.C.A. Building, to address the issue that there is a provision, under the Law, that says that we can invoke a Municipal Improvement Act, and bring our historic structures into safety, and up to Code, and use a revolving loan fund within ourselves from the Municipal Improvement Act to improve structures. President Williamson asked Attorney Nunn to research this, and bring back an update at the next Council Meeting, as to whether or not the City can do this.

XI. SALVATION ARMY BELL RINGING

President Williamson stated that the List to serve for the Salvation Army Bell Ringing is being passed around to the Council, and that we still need a couple of more hours to serve, on Saturday, December 9th.

XII. DECEMBER CITY COUNCIL MEETING

President Williamson stated that traditionally in December, we have only met one time, and asked the Council's pleasure for our December Council Meeting this year? A motion was made by Councilman Bowie, and seconded by Councilwoman Benjamin, to meet only once for our December Council Meeting, on Tuesday, December 14th, unless there is an emergency. 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

No Report.

ADMINISTRATIVE COMMITTEE - Councilman Corey Bowie, Chairman

No Report.

PUBLIC SAFETY COMMITTEE - Councilwoman Monica Newton, Chairman

No Report.

COMMUNITY DEVELOPMENT - Councilwoman Susan Keith, Chairman

Councilwoman Keith was absent from the Council Meeting.

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

Councilman Randolph was absent from the Council Meeting.

DISCRETIONARY COMMITTEE - President Cecil Williamson, Chairperson

President Williamson stated that we had Eighteen (18) Requests from last Council Meeting, and we gave a total of \$17,000.00, and we have a total of Eight (8) for this Council Meeting, and he will get them a total later.

CHILDREN AND FAMILIES - Councilwoman Angela Benjamin, Chairperson

No 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 Councilman Bowie, and seconded by Councilwoman Benjamin, to adjourn, and by unanimous consent of the Council, this meeting adjourned at 3:00 p.m.



DR. CECIL WILLIAMSON, *Council President*

ATTEST:



IVY S. HARRISON, *City Clerk*

APPROVED:



GEORGE PATRICK EVANS, *Mayor*