

**MINUTES OF THE  
SELMA CITY COUNCIL  
OCTOBER 12, 2010  
5:00 P.M.**

**Call to Order**

Invocation: Bishop Patrick Bonner, Pastor  
The Potter's Place Church

**Pledge of Allegiance**

The Selma City Council met in a regular session in the Council Chambers of City Hall on Tuesday, October 12, 2010 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 Dr. Monica Newton, Councilwoman Angela Benjamin, Councilman Samuel Randolph, 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 Susan Keith was 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.

**CITIZENS' REQUEST**

Attorney Faya Rose Toure'  
Re: Arrest Procedures for Protesters

Mr. John Jowers  
Re: Noise Ordinance, Speed Limit Fines, and Citizens' Rules of Ordinance

Mr. Kurt Marks  
Re: Update on Griffin Avenue

Mr. Willie Houston  
Re: Update on Griffin Avenue

Mr. Bruce Holmes  
Re: Honoring Our Hometown Heroes

Mr. Brandon Williams  
Re: Selma High School Band Proposal

*Proclamation Honoring Jai Miller, Outfielder for the Kansas City Royals.*

Mayor Evans asked Mr. Jai Miller if he would come forward to be presented with a Proclamation in his Honor. Mayor Evans read a Proclamation in Honor of "Jai Miller" in its entirety, "Outfielder for the Kansas City Royals". Mayor Evans and the City Council acknowledged Jai Miller for his outstanding achievements, and urged all of the Citizens of the City of Selma to join them in recognizing Jai Miller for his tremendous talents, skills, and accomplishments. Jai was "Congratulated" and given a "Round of Applause", and Wished the Best in his Major League Baseball Career, and all Future Endeavors!

*Proclamation Declaring "Family History Month, October, 2010" in the City of Selma, Alabama.*

Mayor Evans read a Proclamation in Honor of "Family History Month, October, 2010" in the City of Selma, Alabama in its entirety. Mayor Evans, on behalf of himself as Mayor, the City Council, and the City of Selma proclaim the Month of October, 2010 as "Family History Month" in the City. Further, Mayor Evans urged all Citizens to proclaim the Month of October, 2010, as "Family History Month, October, 2010", in the City of Selma and encouraged all Citizens to research, share and observe the Month with activities that celebrate their unique family histories.

**RECOGNITION OF NEW EMPLOYEES**

Mayor Evans stated he would like to recognize and introduce several new Employees hired between the Months of June, and September, 2010. Mayor Evans further stated he is proud to have all of these individuals with us, and wanted the Council to meet them. They were each introduced to the Council, and were received with a "Warm Welcome", and a "Round of Applause"!

A. **Monthly Financial Report - September, 2010.** Mayor Evans stated to Council that they should each have before them a copy of the Monthly Financial Report for the Month of September, 2010. Mayor Evans stated as can be seen, as of September, we had a deficit in terms of overall revenue for the Fiscal Year. President Williamson stated that the sales tax collections were \$141,086.18 less than we estimated last year for the fiscal year ending September 30<sup>th</sup>. Mayor Evans stated that the greatest majority of our revenue comes from sales tax collections, and appealed to all Citizens to please "shop" in Selma, as much as you can. President Williamson stated to Mayor Evans that the encouragement in this is that Tourism, Lodging Tax, is up by \$14,476.61, and that people are still coming here. President Williamson further stated he thinks Tourism can be the "economic salvation" of the City, and Mayor Evans concurred, and stated we do appreciate that very much, and will continue to invite Visitors to come.

B. **Code Enforcement Report - September, 2010.** Mayor Evans stated to Council that they should each have before them a copy of the Code Enforcement Report. Mayor Evans further stated there is still a lot going on in terms of demolishing condemned structures, and he is pleased with the progress made so far. Mayor Evans stated it is still a Work-in-Progress.

C. **FY 2010 - 2011 Budget Discussion.** Mayor Evans stated to Council that he believes that we had a long discussion of the Budget during last night's Work Session, and that, as they know, he is not asking the Council to pass the Budget tonight, as there are still some things that they talked about in terms of cuts that are going to be necessary, in order to balance the Budget. Mayor Evans further stated that we need some cuts and reductions to try to get a balanced budget roughly in the amount of \$16.5 Million, in order to have a balanced Budget, and that we are presently \$115,000.00 off, in terms of having a balanced Budget, based on projected revenue. For the record, Mayor Evans stated that Leadership Selma-Dallas County, Selma Disabilities Advocacy Program, and ArtsRevive have requested to be included the Budget. Mayor Evans stated that he hopes between now and the next Council Meeting we will have some meetings to discuss the Budget.

D. **Approval of Employee Health Plan - Option 2.** Mayor Evans stated to Council that he will need the Council to vote to approve the Employee's Health Plan, Option 2. Mayor Evans further stated that we are going to have to come up with more money; 21.6% increase because of claims that we have had this year. Mayor Evans stated he is asking the Council to pay \$43.00 from our Budget, and asking the Employees to pay \$21.00, in order to keep the Health Insurance where it is in terms of the benefits, effective November 1st. A motion was made by Councilwoman Crenshaw, and seconded by Councilwoman Newton, to approve the Employee Health Plan, Option 2. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

E. **Update on Etheridge and Griffin Avenues.** Mayor Evans stated to Council that he gave them the most recent communication that he had received from Mr. Josh Pierce, of Goodwyn Mills and Cawood, as it relates to Griffin Avenue and Etheridge Avenue, in terms of trying to get Norfolk Southern Railroad to come on in and do what it is that they need to, so that we can move forward with this Project. Mayor Evans further stated that it is so unfortunate that this has not progressed as he, as well as, the Council Members, and the Citizens in that area, had hoped it would have. Mayor Evans stated that they assured him that by the first or second week of next month, Plans are set to go out for Bid. Mayor Evans stated all he can

say to everybody is that it is going to be done, and he hopes that it is sooner than they would hope, so that they can move forward on something else.

F. Update on Riverfront Park, Water Avenue, Interpretive Center, and Bond Projects. Mayor Evans asked Ms. Charlotte Griffeth to come forward, to offer an explanation as it relates to the Projects. Mayor Evans further stated to Council, as they know the Interpretive Center and Bond Projects are in the "making". Mayor Evans stated the Interpretive Center is in the process of being constructed, and that there will be a Memorandum circulating to the Council, asking them to give some of their Oil Lease Money to do the front of the "Stucco" that is on the Interpretive Center, in the amount of approximately \$14,000.00. Mayor Evans further stated that that part of the Interpretive Center was never a part of the Bid process. Ms. Griffeth addressed the Council with an explanation, and stated what it will entail as to do the Project, with regard to the "Stucco". Ms. Griffeth further stated that the Interpretive Center should be complete sometime between Mid - Late November of this year.

G. Update on Unveiling of "History Lives in Selma" Historic Marker. Mayor Evans stated to Council that we had a great "Market Day" on this past Saturday; great attendance. Mayor Evans further stated that the "History Lives in Selma" Historic Marker was unveiled. Mayor Evans stated he wanted to thank all of the Departments who worked to make that happen; Tourism, Chamber of Commerce, E.D.A., Office of Planning & Development, and all of the other Departments who worked with us on this. Mayor Evans stated the "Marker" will be placed on Water Avenue, between Broad Street and Franklin Street, in one of those "blocks".

H. Update on Monthly Column in the Selma Times-Journal. Mayor Evans stated to Council that he will be placing an article in the newspaper on a monthly basis, to try and update the Citizens about what has transpired. Mayor Evans further stated that he will continue to try and update them on a regular basis, as to what is going on in Selma.

I. Water Board - Update. Mayor Evans stated to Council, as Superintendent of the Water Board, that he will be giving the Council updates as they become necessary, as it relates to the Water Board, in the future .

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

- (1) *Farmers' Market Schedule - Every Tuesday, Thursday, and Saturday through December - 6:00 a.m. - 2:00 p.m. - Valley Creek Park Pavilion*
- (2) *Free Flu Shots by the Public Health Department (City Employees and the Public) - Thursday, October 14<sup>th</sup>, 8:00 a.m. - 10:00 a.m. - Convention Center*
- (3) *National Weather Service Storm Spotter's Training - Monday, October 18<sup>th</sup> at 6:00 p.m., Wallace Community College, Selma*
- (4) *The Innovation Centre 2010 Entrepreneurial & Small Business Summit - October 21<sup>st</sup>, 8:00 a.m. - 5:00 p.m., at the Convention Center*
- (5) *Friends of the Selma-to-Montgomery National Historic Trail Annual Meeting - October 21<sup>st</sup>, at 7:00 p.m., at the Performing Arts Center*
- (6) *Haunted History Tours - Friday and Saturday, October 22<sup>nd</sup> and October 23<sup>rd</sup>, at the Performing Arts Center*
- (7) *African Extravaganza - Friday and Saturday, October 22<sup>nd</sup> and 23<sup>rd</sup>, at the Performing Arts Center*

K. Update On the Proposed Amelia Boynton Wax Museum. Mayor Evans stated to Council that unfortunately he was not able to attend the Proposed "Amelia Boynton Wax Museum" Presentation on Friday. Mayor Evans further stated that he received a call on Thursday, the day before, from Mr. Jim Brown asking him to be there on Friday. Mayor Evans stated he said to him that he was not sure if he could be there on Friday at 2:00 p.m., due to him having a previous engagement, but that he would have someone to come and represent him there, if he was not able to. Mayor Evans further stated he was not able to be there, but that Ms. Brenda (B.J.) Smothers was there and that she expressed his regrets to everyone that he wanted to be there, but could not be there due to a previous engagement. Mayor Evans stated had he known a week in advance maybe, something could have been arranged, but he only had a 24-hour day notice, and he just was not able to attend. Mayor Evans further stated that he has attended several events in recognition and honor of Mrs. Amelia Boynton, and that he has tried his best to reach out to be every where he can be when asked to come, but he is only one person, and he cannot be every where, in spite of the fact that everyone would like for him to, in order to make remarks; but, it is just not humanly possible. Mayor Evans stated that he tried to

call Ambassador Young to make him aware of the fact that he would have loved to have been there, but could not, and did not have notice of the event until the day before. Mayor Evans publicly apologized to Mrs. Amelia Boynton, and her Family, for not being able to attend.

**L. Update on Department of Examiners of Public Accounts' Report on the Municipal Court.**

Mayor Evans stated to Council that three (3) of our Employees have been identified as having funds missing from the Court System, and the Finance Department. Mayor Evans further stated to Council, as they are aware, present Council Members, and the former Mayor and former Council Members, along with himself, were invited to a meeting to hear a breakdown of the "charges". Mayor Evans stated at that time, the State Auditors presented a preliminary report, and asked all of them, to not make any statements about it until the final reporting was complete. Mayor Evans further stated to Council that as they all know, one of the things he wanted to do was to have an independent audit for the purpose of trying to find "bench markers" that would help him to be on target, as to where he should go from here, when he took office as Mayor. Mayor Evans stated he asked Senator Sanders to help him with a request of the State Auditors to come. Mayor Evans further stated that the State Auditors waited until the Auditing Firm had completed their audit, and then they came in and did an audit of the City's finances, and that came out fine, and then they went over to the Court System, to audit those records, and in doing so they found some discrepancies in terms of how monies were possibly moved from one department to another department, and that possibly monies were not being accounted for, according to the guidelines as outlined by the State of Alabama. Mayor Evans stated that they took a lot of time to investigate, and they were trying to find a way for the individuals involved to go back and find any "paper trail" of where monies may have not been deposited in the Bank. Mayor Evans further stated everything that was charged to the Individuals named were claims made by those Individuals who signed for receipt of those funds, and it was on record that they signed for receipt of the funds. Mayor Evans stated they looked and the Individuals tried to find where the monies could have gotten placed in another fund, and not been noted as coming from the Court System. Mayor Evans further stated in doing so, they were not able to substantiate that as being the case. Mayor Evans stated sometime last month, he and the Individuals went to Montgomery, to meet with the State Auditors to hear the results of their report, and for them to bring more information as to why these funds cannot be accounted for, before they made their final ruling. Mayor Evans further stated that the Individuals did go, and two of them carried their Lawyers with them, and one of the Individuals did not. Mayor Evans stated to Council that they should have a copy of the Lawyer's letter to them, and that that particular Lawyer represents two (2) of the Employees, and the other Employee has not retained a Lawyer, but has been in dialogue with one, for the purpose of trying to get this cleared. Mayor Evans stated that they left the meeting that day with the State Auditors saying to them that they would take the new information, and would get back with them. Mayor Evans stated until last week on Thursday when the report came out, that was his first knowledge as to the findings, that they were not going to dismiss it, but would be forwarding it on to the Attorney General. Mayor Evans further stated he accepted that, and as a result of that, he wrote a letter to the Individuals, based on the findings of that particular claim, to ask them what were their plans in terms of the next step, in trying to resolve this matter. Mayor Evans stated they should each have a copy of the letter from their Lawyer, as to what they plan to do. Mayor Evans further stated "that is where it is right now", and that there were 12 questions asked of them by the State Auditors, and he has given them a copy of his responses to those questions, as to the corrective actions being in place. Mayor Evans stated in the report received from the State Auditors, there are still some issues in the Report that they gave him that he is going to ask the Auditors to come back over, and make him aware of whether or not we have covered the recommendations that they have cited us for. Mayor Evans further stated that at the next Council Meeting he wants to be able to tell the Council Members that he has had a meeting with the Auditors, hopefully they will be available to meet to respond to our corrective action piece, and to make sure that what they said as a recommendation in terms of what they interpreted as being a problem, and whether or not we have gotten that in place. Mayor Evans stated it is regrettable that this has happened and he has certainly tried to find a way to work through this, and will continue to do that. Mayor Evans stated "that's the nuts and bolts" of what transpired with the Audit from the State Examiners, which was based upon one (1) year. Mayor Evans further stated at this point this report has been turned over to the State of Alabama Attorney General, who will give us a ruling as to whether or not charges will be filed against these Individuals, but at this point, the Attorney General has not given us a ruling as to whether or not charges will be filed. Councilwoman Newton stated to Mayor Evans, for the record, "as a Citizen and a Council Person who has a fiduciary responsibility to the City that it's a little bit different to have a personal employee of mines mishandle or not be able to account for money; but, these people are dealing with the people whom I'm looking at in the audience's money and unfortunately the Individuals involved could be in this room; I do not know these Individuals. Unfortunately the findings of our Highest Authority says that either they were in a position to mishandle money, or they were not qualified to be handling money to begin with, and that's just the way it is. I want to go on record in saying, that I no longer have confidence in these Employees handling and depositing money." Councilwoman Crenshaw asked Mayor Evans is it true that he is receiving the same salary of \$25,000.00 that the previous Mayor Perkins received? Mayor Evans stated he would like to respond, for the record, and stated, "the former Mayor was paid according to the Board's approval, and the salaries of the other individuals was based upon the Law that said the Council of the City of Selma would set salaries for individuals on the Water Board, and shall not exceed the amount approved by the Council for the Board Members and the Mayor, and that it was also mandated by Law. Mayor Evans further stated the Auditors stated that since the Council did not approve the salary for those Board Members,

**MAYOR'S REPORT**

that they owed that money back, because they could not exceed that amount." Councilwoman Crenshaw asked Mayor Evans if he was receiving the same salary of \$25,000.00, and Mayor Evans responded, and stated that he is.

**CITY ATTORNEY'S REPORT**

A. **#O101-10/11 - An Ordinance Amending Ordinance No. COS21-01/02, As It Relates to Excessive and Loud Noise.** Attorney Nunn stated to Council that they were handed out last night during the Work Session, a copy of the Noise Ordinance that was passed in 2002. Attorney Nunn further stated that Ordinance #O101-10/11 is still on 1<sup>st</sup> Reading, and that he is still researching this item. Attorney Nunn stated that said Ordinance #O101-10/11 is being continued until the next Council Meeting, to be brought back before the Council for consideration.

B. **#Ordinance #O113-09/10 - City Council Rules and Procedures: An Ordinance Amending Ordinance No. O102-04/05.** Attorney Nunn stated that they should have before them Ordinance #O113-09/10, City Council Rules and Procedures: An Ordinance Amending Ordinance No. O102-04/05, which deals with the Council's rules and procedures. A motion was made by Councilwoman Newton, and seconded by Councilman Atchison, to approve Ordinance #O113-09/10 - City Council Rules and Procedures: An Ordinance Amending Ordinance No. O102-04/05. During discussion, an amended motion was made by Councilwoman Crenshaw, and seconded by Councilman Randolph, to allow Five (5) minutes of time for a Citizen to speak to the Council, rather than 3 minutes. 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. President Williamson cast a nay vote. A motion was made by Councilwoman Newton, and seconded by Councilman Tucker, to approve Ordinance #O113-09/10 - City Council Rules and Procedures: An Ordinance Amending Ordinance No. O102-04/05. 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 two nay votes. Councilman Randolph and Councilwoman Crenshaw each cast a nay vote.

C. **Notice of Allocation.** Attorney Nunn stated to Council that if they recall this matter came up from International Paper, and that they do have an allocation whereby they received \$50 Million Dollars, for the Issuance of Bonds. Attorney Nunn further stated that the start date is October 8, 2010, and the expiration date is December 31, 2010.

D. **Update on Litigation.** Attorney Nunn stated to Council, per request made by President Williamson, that they should have before them an update on Pending Litigation against the City of Selma, which also includes updates from the Law Firm of Nix Holtsford.

**BUSINESS ITEMS:**

**I. COMMITTEE ASSIGNMENTS, EFFECTIVE OCTOBER 1ST**

President Williamson stated that he thinks he has assigned each Council Member to the Committee that they asked to be placed on. Councilman Randolph stated to President Williamson that he would like to be placed on the Children and Families' Committee as an "Honorary Member", and President Williamson stated to him, to consider himself already on that Committee.

**II. HALLOWEEN OBSERVANCE**

President Williamson stated to Council that Halloween is on a Sunday this year, and he thinks in the past whenever Halloween fell on a Sunday, they would ask Citizens to "Trick or Treat" on that Saturday night. A motion was made by Councilwoman Newton, and seconded by Councilman Randolph, to observe Halloween on Saturday, October 30<sup>th</sup>, from 5:00 p.m. until 8:00 p.m. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

**III. CONGRESS OF CITIES & EXPOSITION, DENVER, COLORADO, NOVEMBER 30<sup>TH</sup> - DECEMBER 4<sup>TH</sup>**

President Williamson stated he thinks they initially spoke about Mayor Evans being their Delegate but he is not going to be able to be there on that day, and that on last night they discussed perhaps Councilwoman Benjamin being the Delegate, if she was going to be able to. During discussion, a motion was made by Councilwoman Newton, and seconded by Councilman Tucker, to elect Councilwoman Benjamin as their Voting Delegate, and Councilwoman Keith, as Alternative Voting Delegate. A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.

**IV. WARD 4 STREETS, CURBS AND GUTTERS REPORT**

Councilwoman Benjamin stated since the last report, she has done a walk-through in that area that they have been asking about for quite some time. Councilwoman Benjamin further stated that they met on-site with Mr. Tommy Smith, Public Works Director, in the Columbus, Agee, Montague, Church and Dawson Avenue areas, just to be clear about exactly what they were asking. Councilwoman Benjamin stated the work was supposed to begin on the next day, and hopefully when they go back for a walk-through, most of it, if not all of it, will be done.

**STANDING COMMITTEE REPORTS**

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

No Report.

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

No Report.

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

No Report.

**COMMUNITY DEVELOPMENT - Councilwoman Susan Keith, Chairman**

Councilwoman Keith was absent from the Council Meeting.

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

Councilwoman Keith was absent from the Council Meeting.

**DISCRETIONARY COMMITTEE - President Cecil Williamson, Chairperson**

President Williamson stated that we have collected \$3,000.00 in Oil Lease Monies so far, and that once Councilman Tucker finds out how much he has in his Oil Lease Money, he is planning to make up a big part of it; at least \$7,000.00. Mayor Evans stated that he would be contributing some from his Oil Lease Money, as well.

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

Councilwoman Benjamin made a report.

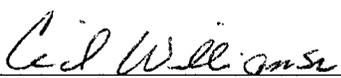
**SELMA-DALLAS YOUTH AMBASSADORS - Councilman Corey Bowie, Chairperson**

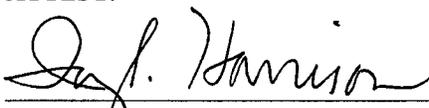
No Report.

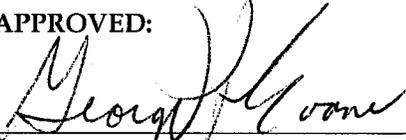
**CLOSING REMARKS BY EACH COUNCIL MEMBER.**

**ADJOURNMENT**

There being no further business to come before the Council, a motion was made by Councilwoman Crenshaw, and seconded by Councilwoman Benjamin, to adjourn, and by unanimous consent of the Council, this meeting adjourned at 8:30 p.m.

  
\_\_\_\_\_  
DR. CECIL WILLIAMSON, *Council President*

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

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