

**MINUTES OF THE SPECIAL CALLED
SELMA CITY COUNCIL
OCTOBER 13, 2011
5:00 P.M.**

Call to Order

Invocation: Councilman Greg J. Bjelke,
Ward 3

Pledge of Allegiance

ROLL CALL

The Selma City Council met in a Special Called Session in the Council Chambers of City Hall on Thursday, October 13, 2011, at 5:00 p.m., with the following Council Members present during roll call: Council President Dr. Cecil Williamson and Council Members: Susan Keith, Greg J. Bjelke, Angela Benjamin, Benny L. Tucker, Bennie R. Crenshaw, and Corey Bowie. Others present were City Clerk Ivy S. Harrison and City Attorney Jimmy Nunn. Councilman Thomas Atchison and Councilman Samuel Randolph were absent from the Special Called Meeting.

President Williamson stated the purpose of this Special Called Meeting is To Continue and Conclude the Hearing related to the Revocation of the Business License of Mr. Colvin Thomas (12th Stone); To Vote on the Revocation of the Business License of Mr. Colvin Thomas (12th Stone); and To Take any Other Action Related to the above.

I. TO CONTINUE AND CONCLUDE THE HEARING RELATED TO THE REVOCATION OF THE BUSINESS LICENSE OF MR. CARVIN THOMAS (12TH STONE), AND TO VOTE ON THE REVOCATION OF THE BUSINESS LICENSE OF MR. CARVIN THOMAS (12TH STONE).

Attorney Nunn asked Chief Riley to come forward and address the Council. Attorney Nunn asked Chief Riley if anything had changed since the last time we met as it relates to the Hearing on this matter? Chief Riley answered, and stated that, nothing has changed. Attorney Nunn asked Chief Riley, other than the shooting at the Club, had there been any other occurrences? Chief Riley answered and stated that "dope" was found inside of the Club; "dope" was found on a person at the time that he was being taken out of the Club. Chief Riley further stated that there is a murder charge, and Four (4) attempted murder charges placed on both of the Suspects that they arrested. Chief Riley further stated that we are looking at additional charges for the Two (2) Suspects, and the investigation continues. Councilwoman Crenshaw asked, what is the legal age to enter into a Club where alcohol is sold? Attorney Nunn answered, and stated the legal age is 19. Chief Riley stated that he is glad she asked that question, because in the latest report we have a Witness who was inside the Club, 17 years of age, at the time of the shooting. Attorney Nunn asked if that was for this latest incident? Chief Riley answered, and stated during this latest incident that occurred on October 7th, a Minor was in the Club at the time of the shooting; 17 years of age. President Williamson asked Attorney Wooten if he had any questions? Attorney Wooten answered, and stated that he does not have any questions for Chief Riley, but that he would like to make a short statement. Attorney Wooten addressed the Council and stated that his position has been unyielded throughout these proceedings. Attorney Wooten further stated that he thinks that we have a Constitution here in America for a reason; we have Ordinances and By-Laws within the City of Selma. Attorney Wooten stated that nowhere in those By-Laws or the Ordinances does he see anything that Mr. Thomas, himself, did wrong. Attorney Wooten further stated that there is crime that happened in the Club; there is crime that happened outside of the Club, and there is crime that happens throughout the City of Selma. Attorney Wooten stated that he feels that he has been unfairly victimized and "railroaded" here, and he does not think that there is any Law to justify any decisions that have been made. President Williamson asked Attorney Nunn if there are any other Witnesses to testify? Attorney Nunn answered, and stated that those were the only Witnesses. Attorney Nunn stated at this point and time he would like to do a summary. Attorney Nunn stated to Council that during our last Hearing in which we

Continued the Hearing, there is an Ordinance which is Ordinance #O109-03/04, passed by the Council which has been Codified in our Code of Ordinances, in which they are empowered as a Governing Body to Revoke the Business License of any Business, Trade or Profession, operating in violation of our zoning or any of our Laws in which we find out that a Business may be operating in: (1) an illegal manner; or (2) in such a manner as to be detrimental to the public, morals or health whereas to constitute a nuisance within the City. Attorney Nunn stated to Council that they have heard testimony from our Chief of Police: On June 5, 2011, Sargeant Neely was doing a walk-through at 12th Stone Club and while inside the Club he observed a Black female smoking a marijuana "blunt" cigarette, which was testimony that was given to them. Attorney Nunn further stated that the last time he checked, smoking marijuana inside a Club is illegal activity and that is within the Ordinance, #O109-03/04, that they have before them, that they passed. Attorney Nunn stated during that same incident, Sargeant Neely did another walk-through at same Club, and while inside the Club, observed a Black male smoking a marijuana "blunt" cigarette; "that's illegal activity". Attorney Nunn further stated that he was arrested and charged with unlawful Possession of Marijuana, just as the Black female was also charged. Attorney Nunn further stated once on the outside of the Club, he was "padded" down, and it was discovered that he had a .38 handgun in his right-front pocket, which he did not have a Pistol Permit to carry. Attorney Nunn stated that said Individual admitted to the Police, that he had passed through Security at 1402 Water Avenue, 12th Stone, with the handgun in his possession. Attorney Nunn further stated that we have a Resolution that was passed in 1994 as it relates to Security in a Club which states that Security Guards should have something in place on each entrance door entering a club/lounge, a type of metal detector, to maintain and insure the safety of all Citizens inside the club/lounge. Attorney Nunn stated that that was not done, and that is in direct violation of an Ordinance that the Council has before them. Attorney Nunn further stated on tonight that Chief Riley has given testimony that a 17-year-old was inside of the Club. Attorney Nunn stated that that is illegal activity; allowing minors to come inside the Club, under the age of 19. Attorney Nunn stated that we have seen that before in the past with other Clubs that have been brought before the Council, and we have had Hearings on such, and now we have the same illegal activity being held within the 12th Stone Club. Attorney Nunn stated that it is his recommendation, along with Police Chief Riley, that we have presented enough evidence to the Council for the Council to consider the Revocation of the Business License of the 12th Stone that is located at 1402 Water Avenue. Councilwoman Benjamin asked if anyone knows whether or not there are surveillance cameras within the 12th Stone Club? Chief Riley answered, and stated that they have a surveillance camera at the corridor when you walk inside of the Club, and they have an additional camera inside of the Club. Councilwoman Benjamin asked Chief Riley had it been reviewed? Chief Riley answered, and stated that it has been reviewed. Chief Riley further stated that that is how they knew that someone came through the door, and fired inside of the Club. Councilman Tucker asked Attorney Nunn if the Council had given 12th Stone any type of Warning? Attorney Nunn answered, and stated that he does not think that the Council has given them any type of Warning through his office. Councilwoman Crenshaw stated that some situations are very sensitive to her because it deals with young people. Councilwoman Crenshaw further stated that she is not saying that this would happen anywhere else, but when she starts to think about young people wearing pajamas and lingerie anywhere other than at home . . . and, if this is a misconception and it's now true, then she needs to know. Councilwoman Crenshaw stated if there is a situation where there is "Phase II - Sex Night, and Phase III" . . ., and this kind of conduct, that's hard for her. Councilwoman Crenshaw further stated that a lot of problems for young people are brought on by those kinds of things. Councilwoman Crenshaw stated that she did not know that anything like that in this town existed like that until this incident happened and a young woman brought her a "flyer" with the different "Phases" of Sex, and the lingerie, and she does not know whether that was within the Law. Councilwoman Crenshaw stated if that is not true, she needs that to be said, "that it's not". Councilwoman Crenshaw further stated that she is making that statement for anywhere in this town, that if we have "Strawberry Night" and "Chocolate Night", we really need to send a message to our young folks; this is a lot of the reason for why they do the things they do. Councilwoman Crenshaw stated if it is not true, then it can be defended because that would be a vote for her right now by herself if she had to stand for that. Councilwoman Crenshaw stated she wanted to make that statement that if it is not true, then speak, but if it is true, just leave it where it is for her. Councilman Bowie stated to Councilman Tucker, to follow-up on his question, that the Council did meet here on Three (3) occasions with all of the Club Owners in Ward 8. Councilman Bowie further stated that we had Police Chief Riley, Fire Chief Stokes, and that we also passed out the Ordinance as it relates to Security and Metal Detectors. Councilman Bowie stated that they were aware of that on Three (3) different occasions. Mr. Carvin Thomas addressed the Council, and asked had there been any other incidents to happen at any other place since the time that they had warned Club Owners? "Has anybody got shot anywhere else at any other Club? Does anybody know that answer?" Mr. Thomas stated someone got shot at a Club, a Security Guard, around the corner, and someone got shot at the Elks Club, but nothing has been said about that. President Williamson asked Attorney Wooten if he wanted to say anything else? Attorney Wooten answered "No", and stated that he does not have anything else to say. Councilwoman Crenshaw stated that she did not get any defense on the different "Phases" of "Sex Night", and the Lingerie, and if that didn't happen then she could probably look at it realistically and say something else; but, that the killing bothered her. Councilwoman Crenshaw further stated if no one can defend young girls standing up on tables with lingerie on in their pajamas, and the "Chocolate and the Strawberry Night", "I'm making that motion!" President Williamson asked Councilwoman Crenshaw if she was making the motion to Revoke the Business License, and Councilwoman Crenshaw answered, and stated yes, and a second, was made by Councilwoman Keith. During discussion, Councilwoman Crenshaw stated, "you either want to speak to something, and if you are afraid of it, then you don't need to sit here; because,

you talk with each other. You need to talk loud, so that it can be heard. The killing part I really hate, I really do. Killings are brought on for a lot of reasons, and when I find out that nobody can defend or tell me that young girls are not standing up on tables with lingerie on, or something like that, then I want to talk about that". Mr. Thomas addressed the Council, and stated, "in answer to your question, none of that happened; you might have seen a 'flyer' with that but none of that happened . . . nobody got up on any tables, and if anybody said that, that is a lie." Councilwoman Crenshaw stated to Mr. Thomas that the only thing she is saying is that the College Students that she talked with came back and said that is what they do. Councilwoman Crenshaw further stated that she does not take everything that she hears for granted; she investigated that herself, and when she talked with the Students they said that they could wear the pajamas and the lingerie in the place (Club). Mr. Thomas stated to Councilwoman Crenshaw that this was the second time that he had "College Night" since he's been down there, and that "College Night is usually around the corner". Councilwoman Benjamin stated that she does not know the age of the girls who were supposed to be dancing and all those type of things but the truth of the matter is, she is not comparing his Club to other Clubs; she is just going with what has been presented. Councilwoman Benjamin further stated that we are only here for one Club tonight, and if anything is going on in the other Clubs, then everybody will have their "day" but today we're talking about 12th Stone. Councilwoman Benjamin stated this is what she hates, "Mr. Thomas has been here as a Businessman forever"; she was there at "Top Class" in her late 20's, but it is unfortunate, the turn of events that have been happening. Councilwoman Benjamin further stated she wishes that he could have moved to another location, that was not controversial, or to an area where he could have had mature adults, maybe 30 and up. Councilwoman Benjamin stated that the only thing she is looking at is what has been presented by Attorney Wooten and Chief of Police Riley. Councilwoman Benjamin further stated that there is a "person" missing from Selma now, and she will never return. Councilwoman Benjamin stated that what she knows concerning the 12th Stone, is what has been presented to them, and that they had more time to present anything new if they wanted to, and she thinks that "time" was today. Councilwoman Benjamin stated that it is very, very unfortunate the things that have happened and she hopes to see Mr. Thomas again in another arena. Councilwoman Crenshaw stated to Mr. Thomas that she just wants to say to him that she does not choose to be appeasing with him; that he needs to make some money, and they just need to "get on down to that". Councilwoman Crenshaw further stated that it is nothing that they can say to him, to go through some motions to make him feel good about what's going to happen, she feels, right now. Councilwoman Crenshaw stated what he needs to do with something like that is to be very real with it because there is nothing that they can say to him. Councilwoman Crenshaw stated to Mr. Thomas that she has known he and his family for the "longest" and he knows how she feels about this whole situation. Councilwoman Crenshaw further stated she is not going to play that game about appeasing him right now because he feels terribly bad. Councilwoman Crenshaw stated that there are a lot of things that are going with this, and to be truthful about it, she is passionate about it because young people are dying every day; there are young people who are doing certain things and we don't even know what's going on in the City. Councilwoman Crenshaw stated that she understands that he does need to make money and she is hoping that he will find something to do with that, but she has a true passion for our young people getting to understand the real things about life, real life, and not killing themselves, and killing each other. Councilman Bjelke stated that marijuana is really strong, and if the Two (2) incidents happened in the Club where was security? Councilman Bjelke further stated that security and management appear to be extremely lacking. Councilwoman Benjamin stated to Mr. Thomas that she meant what she said to him, and there was no appeasing done here. Councilwoman Benjamin further stated to Mr. Thomas that she enjoyed him in her late 20's, and he knows that, and again, she does hope that Mr. Thomas is still around, and, "that's from Councilwoman Benjamin". **A roll call vote was taken on whether to Revoke the Business License of 12th Stone and the motion passed with a unanimous vote of the Council Members present.**

II. TO TAKE ANY OTHER ACTION RELATED TO THE ABOVE.

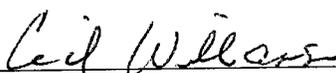
President Williamson stated to Attorney Nunn that Mr. Roosevelt Goldsby, Tax & License Collector, says that they still have a business license for the restaurant, and asked Attorney Nunn if they have a liquor license for the restaurant? Attorney Nunn answered, no, and stated that the restaurant is not a "sit down" restaurant; sandwiches and dinners are picked up. President Williamson stated, per Attorney Nunn, now that they have Revoked the Business License, they can not have liquor sales in the restaurant, and not in the Club.

Councilwoman Crenshaw stated that she thinks that what they need to make plain and clear to Mr. Thomas is, his right to apply for a license, and that this does not mean that he cannot apply again; it's just the locations right now, and the incidents that have happened. President Williamson stated to Councilwoman Crenshaw that he appreciates what she has said tonight and he certainly agrees with it. President Williamson further stated that we have some major problems in this City and our young people don't really seem to realize it; that there is a better life than "clubbing and partying" all the time, and it seems like we need to be emphasizing a better life for our young people; for all of our people here in Selma. President Williamson stated he is not saying this about all of our young people, but most of them do seem to have a problem with this. Councilwoman Crenshaw stated when young people are young they need something to do; actually some where to go. Councilwoman Crenshaw stated she thinks that they need to stress and find something that they can do that's healthy and productive on the line of socializing, and she thinks it's very important

how they do it, but we've got to find some place for them to be able to do that, because to hold them "hostage" is a lot of their frustration. Councilwoman Crenshaw stated that she does not think a 17-year-old should be able to go out, but for young people such as our College Students we have got to be able to find something for them to do because they like to have fun. Councilwoman Crenshaw stated she does not think they should be able to have fun with alcohol but that's going to happen; so, we need to really work on something for the young people, and she thinks at some point and time, the City, itself, needs to find some place or something that they can be able to do.

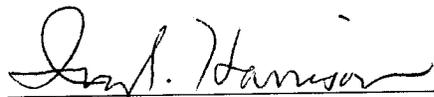
ADJOURNMENT

There being no further business to come before the Council, a motion was made by Councilwoman Crenshaw, and seconded by President Williamson, to adjourn, and by unanimous consent of the Council, this meeting adjourned at 5:36 p.m.



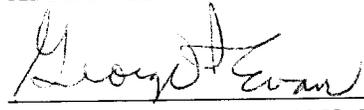
DR. CECIL WILLIAMSON, *Council President*

ATTEST:



IVY S. HARRISON, *City Clerk*

APPROVED:



GEORGE PATRICK EVANS, *Mayor*