

**MINUTES OF THE SPECIAL CALLED  
SELMA CITY COUNCIL  
JANUARY 17, 2012  
3:00 P.M.**

Call to Order

Invocation: Councilman Thomas Atchison,  
Ward 1

Pledge of Allegiance

**ROLL CALL**

The Selma City Council met in a Special Called Session in the Council Chambers of City Hall on Tuesday, January 17, 2012, at 3:00 p.m., with the following Council Members present during roll call: Council President Dr. Cecil Williamson and Council Members, Councilman Thomas Atchison, Councilman Greg J. Bjelke, Councilwoman Angela Benjamin, Councilman Benny L. Tucker, and Councilman Corey Bowie. Others present were Mayor George Evans, City Clerk Ivy S. Harrison and City Attorney Jimmy Nunn. Councilwoman Susan Keith was absent during roll call, but arrived at 3:08 p.m. Councilman Samuel Randolph was absent from the Special Called Council Meeting due to Military Duty. Councilwoman Bennie R. Crenshaw was absent from the Special Called Council Meeting.

President Williamson stated the purpose of this Special Called Council Meeting is To Hear Appeal by Owner of the Old Y.M.C.A. Building; For City Council to Take Any Action Related to That; and To Consider the Placement of a Temporary Portable Building.

**I. TO HEAR APPEAL BY OWNER OF THE OLD Y.M.C.A. BUILDING, AND FOR CITY COUNCIL TO TAKE ACTION RELATED TO THE SAME.**

President Williamson stated to Attorney Nunn that he would like for him to bring us up-to-date, and tell us how we got to this point. Attorney Nunn stated to Council that he has prepared a "Timeline of Events" as to how we got here, and they are as follow:

On November 4, 2009, a letter was served on Selma Baptist Church of Christ by our Code Enforcement Office, declaring the property a nuisance and dangerous building, and that the structure needed to be re-built or demolished.

On November 16, 2009, the City of Selma's Code Enforcement Office received a letter from the Chairman of the Deacon Board of the Church, stating that the property had been transferred to Sunrise Selma by deed on April 16, 2009.

On November 19, 2009, Mr. Tom Bolton made application to Selma's Historic Development Commission in accordance with the City of Selma's Historic Ordinance and Design Guidelines.

Mr. Bolton requested a demolition permit to demolish the structure located at 217 Broad Street, which is known as the Old YMCA Building. It appears that during the November 19, 2009 Hearing, the Commission decided to have an Engineering Report on the building's condition, and deferred action on the application.

On December 14, 2009, an Engineering Report was completed by Weatherford Associates in which the Report was a visual structural examination of the building. Mr. Danny Raines of Weatherford Associates performed the Report.

On December 28, 2009, the City of Selma did receive a letter from Weatherford Associates, confirming that it was their professional Engineering opinion in 2009, that the exterior three-story walls of the Old YMCA

structure could be braced to prevent any exterior (outward) collapse by using diagonal angles on the face of the brick masonry walls. The diagonally braces would be attached to the face of the walls and anchored at the ground. Mr. Weatherford explained that on the front side of the building the braces would have to extend toward the street as far as possible with the base footings being located in the parking spaces. On the north and west sides of the building, permission must be granted from the adjacent property owners (First Baptist Church) to install the braces on their property.

The Historic Development Commission did have a copy of the structural Engineering Report from Mr. Joe Weatherford and the Report confirmed that the interior of the building is beyond restoration, but the Report outlined methods in which the Façade walls could be salvaged. The Engineering Report stated that it would take approximately \$630,000.00 for this stabilization.

On December 29, 2009, the Historic Development Commission with a 7-2 vote *Denied* Mr. Bolton's application to demolish the structure. The Commission based their decision on this Report, and felt that any and all possibilities of preserving the Old YMCA should be pursued.

Thereafter, the Commission received a letter from Sunrise Selma, LLC, signed Mr. Bolton, stating that he disagreed with the decision, and felt that there comes a time when the protection of life outweighs any protection of historical integrity.

On February 8, 2011, the City of Selma, under the Municipal Improvement Act, served Mr. Bolton and his Attorney, notice that the building is a public nuisance, and is dangerous. The Notice required the Owner to remedy the unsafe/dangerous structure by stabilizing the structure in conformity, and in accordance with the Engineer's Report from Weatherford Associates (salvaging the Façade).

On March 9, 2011, Mr. Bolton, through his Attorney, Mr. John Calame, notified the City of Selma of their Appeal of the findings of the Code Enforcement Officer.

Attorney Nunn stated to Council that this is Mr. Tom Bolton's Appeal to the City Council, and that we will hear Mr. Tom Bolton's Appeal to the City Council, that the structure cannot be salvaged because of its deteriorating condition. Attorney Nunn further stated that this Appeal will be done via Mr. Bolton's Attorney, Mr. John Calame, his Engineer, and/or Mr. Tom Bolton. Attorney Nunn stated that this Appeal is by Mr. Tom Bolton to the City Council. Attorney Nunn further stated that Public Comments are not allowed. Attorney Nunn stated that the Rules of Evidence do not apply, and the Council is here to listen to the Appeal, and seek facts that will enable the Council to make a decision on the Appeal.

Attorney Nunn asked Mr. Danny Raines of Weatherford Associates, to come forward to address the Council, as it relates to his Report concerning the condition of the structure. Mr. Raines addressed the Council, and stated that what they discovered in 2009 is fairly simple; the structure, obviously, is an old structure, and the problem is the roof has been allowed to leak for a long period time, and we are losing the floors as a result of that, which is collapsing the building. Mr. Raines further stated in losing the floors, we are also losing the lateral stability of the exterior walls, and he feels that is the biggest concern at this point. Mr. Raines stated that it appears that there has been deterioration of those floors, and thus, we have lost more stability of those walls. Mr. Raines further stated at this point, to repair is going to be very difficult, because you could very easily cause a collapse of the building by attempting to do the repairs, which would have to be done very carefully. Mr. Raines stated at this point he again thinks that we have lost more lateral stability, and it would be more difficult. Mr. Raines stated that the estimate that they gave in this Report would probably go up as far as being able to salvage the exterior walls, and the risk would become higher, because of the condition of the building at this time.

Attorney Nunn stated to Council that at this point and time we have heard from the Engineer, Mr. Danny Raines of Weatherford Associates, in which we based our desire to send our Notice declaring a nuisance on said Property, and gave Notice to Mr. Bolton to stabilize the structure. At this point and time, Mr. Bolton and/or his Attorney will come forward, and state his Appeal to the Council.

Mr. John Calame, Attorney for Mr. Tom Bolton, addressed the Council, first by passing out another Engineer's Opinion as it relates to the Old YMCA Building. Attorney Calame thanked the Council for allowing he and his Client, Mr. Tom Bolton, the opportunity to come before the Council. Mr. Calame stated to Council that we have been going through this process for approximately 2½ years, and that they were ready for this Hearing some time ago, and they are glad it is to this "stage". Mr. Calame stated that there has been on-going effort by Sunrise Selma which is owned by Mr. Tom Bolton, his Client, to try and preserve this building. Mr. Calame further stated that this building was acquired from First Baptist Church at no purchase price, because Mr. Bolton had great preservation plans for numerous buildings in Selma. Mr. Calame stated, unfortunately, he did not find the support that he needed to restore the buildings. Mr. Calame further stated that this building is one that was given to Mr. Bolton as part of that process to try to preserve some buildings in Selma; that being said, "here we are". Mr. Calame stated that 2½ years have passed and nothing has been done. Mr. Calame stated that it is an expensive proposition. Mr. Calame further stated that they have been

waiting for several months for proposals, and that Mr. Bolton would like to sell this building, but there have been no "takers". Mr. Calame stated without the money, how long is it going to take? . . . in the risk of public safety and anyone else, who's willing to take that risk? Mr. Calame stated that he is not blaming anybody, that it just happens; if we had the money to preserve those buildings, it would be great. Attorney Calame stated that he is going to ask Mr. Tom Bolton to come forward to address the Council, but at this point the Appeal is of the stabilization of the building, simply because from a cost standpoint, and that is where they are.

Mr. Tom Bolton addressed the Council, and thanked the Council for allowing him to come before the Council. Mr. Bolton stated when he accepted this building, it was one of the "high points" of his life; it was middle of the beginning of Sunrise Selma, a community effort that they tried to put together to revitalize Downtown Selma, but unfortunately it failed for a number of reasons; one being lack of community support, and other was the economy, it crashed. Mr. Bolton stated that they came within a million dollars of putting that deal together, but they were unable to do that, and the person "left holding the bag" was him. Mr. Bolton stated that he signed the Notes, the Deeds, and he acquired the property. Mr. Bolton stated that everybody else is gone but that he is still here. Mr. Bolton stated he would like to clarify that the only person who has come to him about this is Councilman Greg Bjelke, and after about a month and a half, he quit talking to him, and only wanted to talk with his Attorney, and that he does not think he in any way suggested that he would not talk to Councilman Bjelke, or anybody else. Mr. Bolton stated the second thing that he would like to clarify is, on November 2, 2011, he offered to sell the property, and that he gave Councilman Bjelke and the Mayor a letter to that effect. Mr. Bolton stated that he has done everything that he said he would do, and offered to sell this building at a price far lower than its appraised value. Mr. Bolton stated that he is willing to work with anybody, and that nobody has come to see him from the Historical Society, the City Council, except Councilman Bjelke, and he has not moved in the last 10 years, that he is in the same place that he always was . . . that he'd like to make that point. Mr. Bolton stated when he was given that building, he was in the midst of raising funds for probably the most ambitious community development project ever attempted in this community. Mr. Bolton further stated when they saw that it had failed, the first thing he did was hire a Professional Engineer, to come and give him an assessment of that building, and another building that he owns that he had purchased. Mr. Bolton stated that the Engineer gave him two assessments; one was positive and one was negative, and that this is the one that was negative. Mr. Bolton further stated at that point he felt that he had done his due diligence; he checked out the building and determined what was wrong, and came to the City with a report. Mr. Bolton stated that they asked him if he would allow them to get another opinion, and he replied, "absolutely, no problem", and they did. Mr. Bolton stated that he did have some points of concern as it relates to their Engineer's report. Mr. Bolton further stated that he does not know how it is possible to stabilize that building without getting the cooperation of First Baptist Church, to go on their property to do so. Mr. Bolton stated that Mr. Buddy Swift has a Business here, a long-standing business, and that Business is in danger because of a building that he owns, and that bothers him, and that should bother "you", because that building is not worth one human life, and that's what we are talking about now; we're to that point. Mr. Bolton stated that he is asking the City to give him the right and the opportunity to spend another \$60,000.00 out of his pocket to make that Site safe, and the only way to do that is to demolish the building, and do it very carefully; that he is asking the City to allow him the right, to do the right thing. Mr. Bolton further stated that he would pay \$60,000.00 to make it safe, and to save a life. Mr. Bolton stated that he is not trying to keep anybody from doing anything; that he is just asking them to "put their money where their mouth is".

Mr. Calame addressed the Council and stated that there was delivered to his office a Conservation Easement with the Historic Preservation Society, but he is not aware that there are any funds available to maintain the Façade of this structure, and that it takes no liability off of Mr. Bolton as the Owner of the Property. President Williamson stated as a reminder to Councilman Bjelke, that this is an issue between Mr. Bolton and the Historic Preservation Society, and not the subject of today's Appeal Hearing. President Williamson further stated that we are here to determine whether we are going to grant Mr. Bolton's Appeal and give him permission to demolish, or whether we are going to tell him to repair the building, and if he does not do that the City will do it, and place a lien on it, and those are the only two (2) possibilities.

Mr. Calame stated to Council that they have several options here and that they can narrow it to two (2) options; one is to deny the appeal; the other is to stabilize the building but if the City chooses this option, does the City have a million dollars to stabilize the building with and, if so, how long is it going to take? Mr. Calame stated if the City does not now allow this Appeal, he is does not know where we are, and that he thinks that we will really be back at "square one". Mr. Calame stated that he thinks the City's best option at this point is to allow the Appeal, and allow the demolition, in the interest of public safety.

Attorney Nunn stated in the event it is determined by the Governing Body that the structure is unsafe to the extent that it is a public nuisance, then the Governing Body shall order the building to be repaired or demolished. Attorney Nunn stated that that is where we are at this point and time. Attorney Nunn further stated if Mr. Bolton decides not to demolish or stabilize the building, it comes back to the Council to do the repairs at the expense of the owner, Mr. Bolton. Attorney Nunn stated if Mr. Bolton fails to pay that amount back to the City of Selma, we would then assess the Cost and a lien would be placed on the property, to be sold at the next Tax Sale, in an effort to retrieve our money back.

Mr. Richard Hudgens, an Architect, addressed the Council and stated that the Historical Society asked him to look at the building, primarily the Façade. Mr. Hudgens stated that he, a Mr. Davis of Montgomery, along with Mr. Randy Lovelady of Lovelady Construction, looked at the Façade. Mr. Hudgens further stated that Mr. Davis drew up a sketch, and that Randy came back with a total cost of \$44,700.00.00 to repair the Façade from the interior side, not from the street side. Mr. Hudgens further stated that this does not include demolition of the building, and that is where they are on this, to stabilize the Façade only.

Ms. Charlotte Griffeth was asked to come forward to address the Council with a question as it relates to availability of funding for the Old YMCA for preservation. Ms. Griffeth addressed the Council, and stated that unfortunately there is no funding at this time for something of this magnitude. Ms. Griffeth further stated that she spoke with Ms. Elizabeth Brown earlier today as it relates to this, and that she did not have any one that she could refer us to, for a project such as this. Ms. Griffeth stated that National Trust would provide \$50,000.00 for the engineering cost; but, unfortunately, there are no grant funds available.

Mr. Bob Gamble, Historian of the Alabama Historic Commission, addressed the Council and stated that they try to look at both sides of an issue; of preserving buildings, and the possibilities of what the building can be used for in the future. Mr. Gamble stated that he wants to commend everybody who has had a relationship with the Old YMCA Building. Mr. Gamble further stated that timing is of the essence here, and that we need to have more objective facts brought out so that everyone can have the opportunity to have a better understanding. Mr. Gamble stated that he hopes that this can be done, that they can see opportunities from both sides. Mr. Gamble further stated that he would like to see the facts, and that he does not feel that they have been all laid out here today.

Following the above discussion and Appeal, a motion was made by Councilman Bjelke, and seconded by Councilwoman Keith, to place this Item on the Agenda during the next Council Meeting, on January 24, 2012, to either Grant the Appeal, or Deny the Appeal. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.** President Williamson stated that if it is nothing new by next Tuesday, that they will take a vote to demolish the building.

## II. TO CONSIDER THE PLACEMENT OF A TEMPORARY PORTABLE BUILDING.

Attorney Nunn stated to Council that Mr. Stacy Brazil, Owner of Empire Auto Sales, is here, and asked that he come forward to address the Council, to request permission to place a temporary portable building at 1632 Broad Street, on the corner of Broad Street and First Avenue. Mr. Brazil addressed the Council, and stated that he would like to ask permission for placement of a temporary portable building at 1632 Broad Street, for his Automobile Sales Business. Mr. Brazil further stated that the construction for a permanent building is going to take approximately three (3) months, but that it has been temporarily delayed, and he would like to place a temporary portable building there, until construction is complete. During discussion, a motion was made by Councilman Bowie, and seconded by Councilwoman Benjamin, to grant permission to Mr. Stacy Brazil, Owner of Empire Auto Sales, for placement of a temporary portable building at 1632 Broad Street, and if additional time is needed, that he be allowed to come back before the Council for an extension. **A roll call vote was taken and the motion passed with a unanimous vote of the Council Members present.**

## ADJOURNMENT

There being no further business to come before the Council, a motion was made by Councilwoman Benjamin, and seconded by Councilman Bowie, to adjourn, and by unanimous consent of the Council, this meeting adjourned at 4:55 p.m.

  
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DR. CECIL WILLIAMSON, *Council President*

ATTEST:

  
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IVY S. HARRISON, *City Clerk*

APPROVED:

  
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GEORGE PATRICK EVANS, *Mayor*