

RE-SUBMITTED
Pinson City Council Minutes
August 2, 2007 - 7:00 p.m.
Regular Meeting

The Pinson City Council met in regular session at the Pinson City Hall on Thursday, August 2, 2007. Mayor Sanders led the invocation and Councilor Tanner led the Pledge of Allegiance to the Flag of the United States of America.

Roll Call: Marie Turner, City Clerk, called roll of Pinson City Council with the following council members present:

Mayor Sanders
Councilor Tanner
Councilor Cochran
Councilor Shelnett
Councilor Churchwell

Minutes: Councilor Shelnett made a motion to waive the reading of the July 19, 2007, minutes. Councilor Cochran duly seconded the motion. Mayor Sanders called for all opposed to say “no”, all in favor say “aye.” Councilor Cochran made a motion to accept the minutes as written of the July 19, 2007, meeting. Councilor Churchwell duly seconded the motion. Mayor Sanders called for all opposed to say “no”, all in favor say “aye.” Mayor Sanders said “Let the record reflect that both motions passed unanimously.”

Committee Reports:

Finance: Councilor Tanner made a motion to pay miscellaneous bills in the amount of \$12,038.06. UNA for \$1,118.00; Harrison Engineering Co. for \$2,800.00; Lyle Arrington for \$65.00; AT&T for \$363.82; Craig’s Lawn Service for \$900.00; Trussville Utilities for \$15.60; Nextel for \$169.72; Payroll for \$1,033.44; Hand Arendall for \$5,202.48; B/W & Sons for \$210.00; Call-A-Haul for \$160.00. Councilor Cochran duly seconded the motion. Mayor Sanders called for any discussion. As there was no discussion Mayor Sanders called for all opposed say “no”, all in favor say “aye.” Mayor Sanders said “Let the record reflect that the motion passed unanimously.”

Annexation: Councilor Churchwell presented an ordinance annexing certain territory into the Corporate Limits of the City of Pinson, Alabama. Owners, Bruce & Jennifer Lancaster, James R. & Rebecca Ward, located at 5041 Briarwood Circle and 5246 Briarwood Drive. Councilor Churchwell recommends this property be annexed into the City of Pinson. Councilor Tanner duly seconded the motion.

Mayor Sanders asked for unanimous consent to consider with the following results: Mayor Sanders-yes; Councilor Tanner-yes; Councilor Cochran-yes; Councilor Shelnutt-yes; Councilor Churchwell-yes. Mayor Sanders asked for a roll call vote on the main ordinance with the following results: Mayor Sanders-yes; Councilor Tanner-yes; Councilor Cochran-yes; Councilor Shelnutt-yes; Councilor Churchwell-yes. Mayor

Sanders, ordinance adopted unanimously as Ordinance number 2007-26.

Public Safety: Councilor Cochran commended the Jefferson County Sheriff's Department for apprehending the Purse Snatcher within 10 to 15 minutes of the crime. Councilor Cochran mentioned the paving that is going on in Innsbrook by the County. Councilor Cochran stated that he had attended a Mosquito Control Conference which was very interesting and informative.

Mayor Sanders explained that the County has asked for our agreement to participate in the Mosquito Spraying. Councilor Cochran made a motion directing the Mayor to agree and participate with the County. Councilor Tanner duly seconded the motion. Mayor Sanders called for any discussion. As there was no discussion Mayor Sanders called for all opposed say "no", all in favor say "aye." Mayor Sanders said "Let the record reflect that the motion passed unanimously."

Education: Mayor Sanders mentioned that the 2007 P.V.H.S. Baseball Team was to be recognized at tonight's meeting, but due to scheduling conflicts, they will reschedule around Christmas Break.

Councilor Shelnutt spoke in regard to a "sign", which would be used for City information and Pinson School information, stating that the cost of the sign on the high end would be approximately \$30,000.00, and the low end would be approximately \$20,000.00. The funds would come from the money already appropriated for the schools and future appropriations. Councilor Shelnutt stated that the problem will be where to put the sign so that it would best serve the community, and whether or not to place the sign on Board of Education property.

Councilor Tanner stated that she believes that the City is ready for a sign but does not agree that the school money should be used for the purchase, because it will not only be used by the schools but also the City. Councilor Tanner added that she does not agree with acquiring a loan in order to purchase the sign, and that she believes that the sign should be placed on City property not property owned by the Board of Education. Councilor Cochran agreed that the sign should be placed on City property, and he does not agree with acquiring a loan for the sign. Councilor Cochran stated that we should purchase the sign when we are able to pay for the sign. Councilor Churchwell was also in agreement with the purchase of the sign, but not acquiring a loan to do so. Mayor Sanders stated that this discussion would be continued at the next meeting.

Old Business:

Mayor Sanders recognized Attorney Shane Black to discuss the OUB Case.

Attorney Black informed those present about the OUB hearing. Attorney Black stated that the Alabama Supreme Court reversed the opinion of the Blount County Circuit Court in the case that the City of Pinson has been involved in for some time. The case involved the question of whether or not the Oneonta Utilities Board was exempt from paying the City of Pinson's 3% Licenses Tax that all of the utilities providers such as Alagasco and Alabama Power pay with respect to their activities in the City limits. The Blount County Circuit Court held that the Oneonta Utilities Board did not have to pay and was exempt. The Alabama Supreme Court, two weeks ago, determined that the Blount County Circuit Court was in error and reversed that judgment as to the City of Pinson. Based on that judgment the Oneonta Utilities Board will begin paying this Utilities Tax in the future and make up all for the years they have not been paid. This becomes final once the re-hearing stage passes.

New Business:

Councilor Cochran offered a 1st reading on an additional Contract Deputy. Councilor Churchwell duly seconded the motion.

Mayor Sanders stated that this will lay until the next meeting.

Councilor Cochran stated that if this passes the target date for the new Deputy to start is October.

Councilor Tanner asked what hours will this cover. Mayor Sanders stated that this will be a 2nd shift and overlap time on the weekend. The Deputies will work out the shifts.

Public Comment:

Councilor Cochran mention that the Butterbean Festival is coming up and the Clean up Day is Saturday, August 4, 2007 @ 7:00 a.m.

- 1) John Harrison, 3709 Fitzgerald Mountain Lane. Was there anything illegal done with the City of Center Point crossing Highway 79 with a 15 foot easement. Attorney Black stated that he could not find anything illegal about the way it was handled. Mr. Harrison commended Councilor Churchwell on the good job he has done with the annexations.
- 2) Phil Sims, Palmerdale. Clean up Day for the Butterbean Festival, will the City pick up the trash as they did last year? Mayor Sanders responded that the City would pick up the trash after the clean up day. Mr. Sims stated that he submitted an open record request for the cities businesses and what type of business licenses they hold. Mayor Sanders stated that he, (Mayor Sanders) emailed Mr. Sims the business and the address and confirmed that this is the information allowable for release. Attorney Black stated that he will check on this for Mr. Sims.
- 3) L. C. Dennis, Innsbrook. Would like to thank whoever is responsible for moving the sales lot on the parking lot of the school.

Mayor Sanders declared a short recess to allow chambers to clear leisurely in order for Council to go into Executive Session.

When recess was declared, the City Clerk was released and left the regular meeting.

Councilor Tanner agreed to serve as Acting Recorder.

After several minutes, everyone had cleared Chambers except, Cathy Leslie.

Councilor Cochran made a motion to enter into Executive Session to discuss Real Estate. Councilor Tanner duly seconded the motion.

Councilor Shelnuttt objected. Councilor Shelnuttt expressed that he felt uncomfortable continuing the Executive Session due to the fact that Council did not tell the public what the Executive Session was concerning.

Mayor Sanders called for a voice vote with the following results. Mayor Sanders-yes; Councilor Tanner-yes; Councilor Cochran-yes; Councilor Shelnuttt-no; Councilor Churchwell-yes.

After the affirmative vote of the Council to go into Executive Session and prior to the Mayor calling the Council into Executive Session, Councilor Shelnuttt left the Chambers. Mayor Sanders called Council out of Executive Session.

Due to a potential misunderstanding, Council opted to hold Executive Session at another time.

Councilor Cochran made a motion to adjourn. Councilor Tanner duly seconded the motion.

Mayor Sanders stated "Motion carries".

Respectfully submitted,
Marie Turner, City Clerk

August 2, 2007 Minutes Adopted _____