

Council Minutes  
October 2, 2008 - 7:00 p.m.  
Regular Meeting

The Pinson City Council met in regular session in Council Chambers at 6230 Dry Creek Lane on Thursday, October 2, 2008. Mayor Sanders led the invocation. Councilor Dawn 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  
Councilor McCain

**Minutes:**

Councilor Shelnett made a motion to waive the reading of the September 2, 2008, 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 September 2, 2008, meeting. Councilor McCain duly seconded the motion. Mayor Sanders called for all opposed to say “no”, all in favor say “aye.”

Councilor Shelnett made a motion to waive the reading of the September 18, 2008, 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 September 18, 2008, 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 \$17,854.95. Hand Arendall for \$4,054.91; B/W & Sons Lawn Maintenance for \$445.00; Trussville Utilities for \$116.60; AT&T for \$450.08; Payroll for \$2,341.32; Nextel for \$224.56; Acceptance Janitorial for \$140.00; Center Point Fire District for \$256.00; RTS Const. for \$5,140.00; Regions for \$3,854.18; Action Painting for \$250.00; B/W & Sons Lawn Maintenance for \$150.00; Moore Coal Co. for \$60.50; Call-A-Haul for \$110.00; Joy McCain-reimbursement for framing pictures for 4410 Main Street building for \$261.80. 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 mentioned that since the Municipal Election we have received several annexation request forms and we have 80 ready to be mailed after the run-off election.

**Public Safety:** Councilor Cochran announced that Center Point Fire Station #5 will have their dedication service on October 9, 2008, from 5 p.m. – 7 p.m., the public is invited.

Mayor Sanders mentioned that the Fire Boards in Jefferson County are appointed by the Jefferson County Commission. If anyone is interested to serve on the Fire Boards as a volunteer, please speak with the Mayor after the meeting.

**Education:** Mayor Sanders announced that PVHS and Pinson Elementary are planning open houses for the new additions.

Gardendale allocates about \$50,000 to their school which is exactly what we offer.

Councilor Cochran made a motion to release \$200.00 to Kermit Johnson Elementary from their allocation for their PAWS program. 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 with the Mayor abstaining”.

Mayor Sanders mentioned that Council has received a request for some technology needs in the Special Needs area of PVHS. Mayor Sanders stated that this would be addressed after the first of the year when the new classrooms have been assigned and settled.

**Enhancements:** Councilor McCain announced the Christmas tree lighting will be Friday, December 5, 2008, at 7:00 p.m. and the Christmas Parade will be Saturday, December 13, 2008, at 11:00 a.m.

**Mayors Report:** Mayor Sanders announced the Municipal Run-off Election will be held Tuesday, October 7, 2008, at Pinson United Methodist Church. There will be a Special Called meeting to canvass that vote on Tuesday, October 14, 2008, at 8:00 a.m.

Mayor Sanders stated that the Church that owns Red Hill Cemetery has offered the cemetery to the City. Council will look at the additional liabilities for this property and consider this at the next meeting.

Mayor Sanders mentioned that the Turkey Creek Nature Preserve Dedication will be October 11, 2008 beginning at 10:30 a.m. The public is invited.

**Old Business:** Councilor Cochran offered an ordinance prohibiting or regulating the owning or keeping of Dangerous/Vicious dogs, and providing penalties for violations. Councilor McCain duly seconded the motion. Mayor Sanders called for any discussion. Councilor Shelnett asked if passing this ordinance would require a public hearing. Councilor Cochran replied no, this ordinance was brought to Council several weeks ago and the public has had an opportunity to address this also. Councilor Shelnett asked if The Public Safety Committee recommended the ordinance. Mayor Sanders stated not the

Committee, this is version 3 or 4 it was brought to council the first time several weeks ago. Mayor Sanders called for any further discussion. As there was no further discussion, Mayor Sanders called for a roll call vote with the following results: Mayor Sanders-yes; Councilor Tanner-yes; Councilor Cochran-yes; Councilor Shelnutt-yes; Councilor Churchwell-yes; Councilor McCain-yes.

**Mayor Sanders, ordinance adopted unanimously as Ordinance number 2008-19.**

Councilor Cochran offered an ordinance concerning animals running at large and/or constituting a nuisance, and providing penalties for violations. Councilor Tanner duly seconded the motion. Mayor Sanders called for any discussion. Councilor Churchwell commented that all of these ordinances have punishments and penalties. Mayor Sanders called for any further discussion. As there was no further discussion, Mayor Sanders called for a roll call vote with the following results: Mayor Sanders-yes; Councilor Tanner-yes; Councilor Cochran-yes; Councilor Shelnutt-yes; Councilor Churchwell-yes; Councilor McCain-yes.

**Mayor Sanders, ordinance adopted unanimously as Ordinance number 2008-20.**

Mayor Sanders asked Attorney Black to comment on the Oneonta Utilities Board Case. Attorney Black stated that the Oneonta Utilities Board has paid the principal amount of the franchise fee that the City of Pinson was owed for several years. The remaining issue of interest and late fees is under negotiation and is a minor issue compared to the principal amount that has been paid. Mayor Sanders stated that the principal was in the amount of \$44,278.36.

**New Business:** Councilor Tanner made a motion to authorize tuition/expenses for Council for the League of Municipalities Training in Birmingham October 20, 2008 and the League of Municipalities Conference in Montgomery May 2-5, 2009, for those attending the majority of the functions. Mayor Sanders called for any discussion. Councilor Cochran stated, please note that part of this motion is that anyone attending must attend the majority of the functions. Mayor Sanders, so noted in the minutes. Councilor Cochran added that anyone not attending the majority of the functions will not be reimbursed. Councilor Tanner added that the reason we are approving the May Conference now is so that we will be able to reserve rooms for Council and Clerk before they are all booked. Mayor Sanders called for any further discussion. As there was no further 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”.

Councilor Tanner made a motion to authorize expenses for Clerk Training October 29-31, 2008. 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”.

Mayor Sanders suspended rules to allow Ms. Gallano, a representative of AT&T, to speak to Council regarding an AT&T Services Agreement.

Mayor Sanders reinstated rules.

Attorney Black spoke regarding the agreement with AT&T and explained what the agreement means for the City of Pinson.

Councilor Cochran made a motion adopt a resolution to authorize the Mayor to execute an agreement between the City of Pinson and AT&T of Alabama, Inc. Councilor Tanner duly seconded the motion. Mayor Sanders called for any discussion. As there was no discussion Mayor Sanders called for a roll call vote with the following results: Mayor Sanders-abstain; Councilor Tanner-yes; Councilor Cochran-yes; Councilor Shelnutt-yes; Councilor Churchwell-yes; Councilor McCain-yes.

**Mayor Sanders, resolution adopted, with the Mayor abstaining, as Resolution number 08-21.**

Councilor Cochran offered an ordinance concerning the City of Pinson Right of Way Management. Councilor Churchwell duly seconded the motion. Attorney Black explained the ordinance. Mayor Sanders called for any discussion. As there was no discussion 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; Councilor McCain-yes.

Mayor Sanders asked for a roll call vote on the main ordinance, with the Mayor abstaining, with the following results: Councilor Tanner-yes; Councilor Cochran-yes; Councilor Shelnutt-yes; Councilor Churchwell-yes; Councilor McCain-yes.

**Mayor Sanders, ordinance passes with the Mayor abstaining as Ordinance number 2008-21.**

Mayor Sanders discussed the possibility of the 4410 Main Street Open House on November 2, 2008.

Councilor Cochran made a motion to accept the quote for demolition/condemnation of the houses on Kaley and Lane Streets. Councilor Churchwell 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 passes with the Mayor abstaining”.

Councilor Shelnutt offered a first reading of a resolution to appoint exploratory committee for historic Pinson Main Street. Councilor Shelnutt added that this has come about through the Butterbean Festival and how they have worked on Main Street 1 or 2 times a year to prepare for the Butterbean Festival. This committee is just for revitalizing Main Street. Councilor Shelnutt suggested that the committee should consist of the following:

- 1.) Current property owner of COMMERCIAL property located on Pinson Main Street .
- 2.) Current property owner of RESIDENTIAL property located on Pinson Main Street.
- 3.) Member of the City of Pinson Planning & Zoning Committee.

- 4.) Member of the Pinson City Council.
- 5.) Representative from a FINANCIAL INSTITUTION with the city limits of Pinson.
- 6.) Business owner, but not property owner, located on Pinson Main Street.
- 7.) Resident of Pinson but not a property or business owner on Pinson Main Street.

Councilor Shelnutt stated that he is looking for input from council.

Councilor Churchwell stated that he doesn't have any problem with it but he believes that the timing is not the best in the world. We are waiting on the final report from Pam King which deals with Main Street and the Regional Planning Commission is working with our Zoning Committee on items on Main Street. Councilor Churchwell added, I think we really need to wait until these things are resolved before we set up another committee. Councilor Cochran stated that he agrees with Councilor Churchwells thoughts on this issue. Councilor Cochran does believe that this committee will serve us well, but not sure that today is the best time. It may be better after we find out more from the Historical Survey, etc. Councilor Shelnutt stated, those reasons are exactly why this committee (Resolution) was put together. The timing is perfect timing even if it's not designated historical, that has no bearing on what we need to do to revitalize Main Street. This committee doesn't cost the city anything; this is just to get people together with a passion to help save Main Street. This should have been done 3-4 years ago, but I will hold off.

**Public Comment:**

- 1) David Meadows, Gold Leaf Lane. Stated that he did not know that Red Hill Cemetery existed until recently and was amazed to find headstones that pre date the Civil War. Proud to see that the City will have some input in retaining that, and what ever it takes to preserve that history.
- 2) Brad Walker, 5254 Dug Hollow Road. Mr. Walker feels that the timing is right for the Main Street resolution.
- 3) Renee Mikal, 4156 Main Street. Is in agreement with the Main Street resolution, and is encouraging Council to pass this.

Councilor Cochran made a motion to enter into Executive Session for the purpose to discuss Litigation/Real Estate/ Trade & Commerce. Councilor Tanner duly seconded the motion.

Attorney Black certified that the Executive Session was for the purpose of discussing Litigation/Real Estate/Trade and Commerce. In addition, according to the Statue I advise the governmental body that the discussion will have a detrimental affect on competitive retention of a party to the negotiation or upon the location pretension expansion of a business entity in the area served by the governmental body if it was disclosed outside of the executive session. Mayor Sanders called for any 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”.

Mayor Sanders stated that we will excuse ourselves leisurely; we will not reassemble for any function other than to adjourn.

Mayor Sanders stated we are hereby called out of Executive Session.

Councilor Cochran moved to adjourn. Councilor McCain duly seconded the motion. Mayor Sanders called for all opposed to say “no”, all in favor say “aye”. Motion carried.

Adjourned at 8:25 p.m.

Respectfully submitted,  
Marie Turner, City Clerk

**October 2, 2008 Minutes Adopted \_\_\_\_\_**