

Council Minutes
November 6, 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, November 6, 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 Shelnut
Councilor Churchwell
Councilor McCain

Pre-Council Comments:

Brad Walker, 4454 Little Leaf Way. Commented on the proposed Curfew Ordinance.

Minutes: Councilor Shelnut made a motion to waive the reading of the October 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 October 2, 2008, meeting. Councilor McCain 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.”

Councilor Shelnut made a motion to waive the reading of the October 14, 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 October 14, 2008, meeting. Councilor McCain 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.”

Councilor Shelnut made a motion to waive the reading of the October 16, 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 October 16, 2008, meeting. Councilor McCain 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.”

Mayor Sanders welcomed those present and announced that this is the first meeting of the new council, which are the same members as we have had the last four years. Mayor Sanders explained some of the rules and powers of the Mayor and Council.

Committee Reports:

Finance: Councilor Tanner made a motion to pay miscellaneous bills in the amount of \$62,873.37. P S King Associates (Historical Survey) for \$6,000.00; Hand Arendall for \$4,680.59; Best Insurance (Mayor Pro-Tem Bond) for \$200.00; University of North Alabama (Training Thomas Simmons, Planning & Zoning Commission member) for \$169.00; Acceptance Janitorial for \$140.00; Trussville Utilities for \$118.39; Tomlin Excavating (demolition of 3 houses on Lane & Kaley) for \$23,500.00; Lakeshore Environmental Contractors (asbestos removal 3 houses on Lane & Kaley) for \$7,250.00; Amerson Engraving (signs 4410 building) for \$75.40; Marie Turner (reimburse expenses for Clerk Training) for \$512.47; Security (PVHS/Pell City, PVHS/Pleasant Grove., PVHS Band Competition) for \$1,290.00; AT&T for \$483.98; Center Point Fire District for \$30.00; Nextel for \$303.67; Payroll for \$3,462.77; Larry Taylor Elec. Co. for \$2,804.49; Alacourt.com for \$107.00; BJC Animal Control for \$1,201.25; B/W & Sons Lawn Maintenance for \$860.00; Mayer Electric for \$218.13; Regions (mortgage 4410) for 3,854.18; Alabama Power (streetlights) for \$136.59; SA-SO (Public Safety items) for \$1,923.96; Moore Coal Co. for \$60.50; Call-A-Haul for \$3,491.00. 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. Owner, The Jefferson County Commission, located at Goodwin Road and Bud Holmes Road. Councilor Churchwell recommends this property be annexed into the City of Pinson. Councilor McCain 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 Shelnett-yes; Councilor Churchwell-yes; Councilor McCain-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 Shelnett-yes; Councilor Churchwell-yes; Councilor McCain-yes.

Mayor Sanders, ordinance adopted unanimously as Ordinance number 2008-23.

Councilor Churchwell presented an ordinance annexing certain territory into the Corporate Limits of the City of Pinson, Alabama. Owner, Rosie M. Adamson, located at 4032 Sage Avenue. Councilor Churchwell recommends this property be annexed into the City of Pinson. Councilor McCain 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 Shelnett-yes; Councilor Churchwell-yes; Councilor McCain-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 Shelnett-yes; Councilor Churchwell-yes; Councilor McCain-yes.

Mayor Sanders, ordinance adopted unanimously as Ordinance number 2008-24.

Councilor Churchwell presented an ordinance annexing certain territory into the Corporate Limits of the City of Pinson, Alabama. Owners, The Jefferson County Commission and the Fresh Water Land Trust, located at Old Bradford Road, Old Crosston Road and New Crosston Road. Councilor Churchwell recommends this property be annexed into the City of Pinson. Councilor Cochran 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 Shelnett-yes; Councilor Churchwell-yes; Councilor McCain-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 Shelnett-yes; Councilor Churchwell-yes; Councilor McCain-yes.

Mayor Sanders, ordinance adopted unanimously as Ordinance number 2008-25.

Councilor Churchwell presented an ordinance annexing certain territory into the Corporate Limits of the City of Pinson, Alabama. Owner, Fisher Industries, LLC, located at Sunrise Drive. Councilor Churchwell recommends this property be annexed into the City of Pinson. Councilor Cochran 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 Shelnett-yes; Councilor Churchwell-yes; Councilor McCain-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 Shelnett-yes; Councilor Churchwell-yes; Councilor McCain-yes.

Mayor Sanders, ordinance adopted unanimously as Ordinance number 2008-26.

Public Safety: Councilor Cochran made a motion to authorize the purchase of 2 emergency radios from Allcomm in the amount of \$798.00. Councilor McCain duly seconded the motion. Mayor Sanders asked for any discussion. As there was none, 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 congratulated the Rudd Middle School football team for winning the 1st County Championship of the Schools history. Additionally, Rudd Middle School is working on the Science Trip to the Disney World Y.E.S. program, if anyone is interested in contributing to that cause, let the Mayor know. PVHS and Pinson Elementary will hold Open Houses in early December.

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, “Let the record reflect that the Mayor and the City Clerk have received a letter of Salary Diminution from Councilor Shelnett to the value of the D.C. travel reimbursement”. Mayor Sanders added that this will be forwarded to our accountant to be handled in accordance with Section 36-6-10 of the Code of Alabama. Councilor Shelnett explained that he went to the National League of Cities Meeting in Washington D.C. and due to his schedule he did not get to attend as many meetings as he should have therefore he is willing to reduce his salary to reimburse the City.

Mayor Sanders announced that the Planning Commission Meetings, due to the holidays, will be held on the following dates: November 13, 2008 and December 11, 2008.

Mayor Sanders, regarding the Planning Commission, “Let the record reflect the Mayor continues those in their current chair appointments of the Planning Commission”. Committees will be appointed at the next meeting.

Mayor Sanders mentioned that Councilor Shelnett will be doing some leg work on our Main Street Task Force.

Old Business: Mayor Sanders stated that the Curfew Ordinance was offered by Councilor Cochran and seconded by Councilor Tanner at the last meeting and is now up for consideration. Councilor Cochran offered the Curfew Ordinance for consideration. Councilor Churchwell mentioned that there was a correction in item 6, the age should be 18. Councilor Cochran added page 5 item 4 the wording should be changed from of to or. Mayor Sanders stated that all these corrections will be made to the permanent copy. Councilor Cochran explained some points of the ordinance. Councilor Shelnett made a motion to amend the ordinance as follows: (1) Have the ordinance expire in one year, to revisit the ordinance to be sure this is working for our City. Councilor Cochran duly seconded the motion. Mayor Sanders called for any discussion. Councilor Churchwell stated that he did not see the need to have this in the ordinance. Mayor Sanders called for any further discussion on the amendment. As there was no further discussion on the amendment, Mayor Sanders called for all opposed say “no”, all in favor say “aye.” Mayor Sanders called for any abstentions. Mayor Sanders said “Let the record reflect that the motion passes with one abstention.” Mayor Sanders stated we will add division 6 with an expiration of one year. Councilor Shelnett made a motion to amend the ordinance as follows: (2) Along with the monetary fine for the Parents, recommend 10 hours of community service for the teen. Attorney Black stated that generally a recommendation for penalties could be added, if you get into the question of mandatory community service then there’s some debate you can have mandatory community service so the best way to do this is by recommendation. Attorney Black asked for a few moments to confirm the request for item 2. Council proceeded with item 3 and new business. Attorney Black, after taking a few moments to confirm the request for item 2 stated, that as the ordinance is written now the child could not be cited, so this would require a reworking of the ordinance, as it is now only the parent could be brought before the Court. Councilor Churchwell asked if we could recommend the Judge consider the child performs some type of community service. You might add a statement of policy to encourage the prosecutors and courts that are enforcing this ordinance to seek either through probation or through plea arrangements requirements that a child serve community service. Councilor Tanner asked, what type of community service we are talking about. Attorney Black responded, It can be open ended, there are advocacy

groups that are there and have different types of community service opportunities for the defendant. The Judge could do community service through the City. Then the City could assign the child community service. It's a very flexible standard generally in City Courts as to what type of community service they can do. Councilor McCain asked Councilor Shelnutt would this be for a 1st or 2nd offense. Councilor Shelnutt responded, it would be up to the council and Mayor to work with the prosecution on what we want. Councilor Shelnutt asked the Mayor to suspend rules and allow anyone from the public to ask questions. Mayor Sanders responded, no. Councilor Shelnutt (3) Call for a Public Hearing to inform the public of the proposed ordinance and hear from the public on this issue. Mayor Sanders called for a second on item 3, as there was no second Mayor Sanders stated "item 3 fails due to lack of second"

Mayor Sanders called for a roll call vote on the main ordinance with the following results: Mayor Sanders-yes; Councilor Tanner-yes; Councilor Cochran-yes; Councilor Shelnutt-no; Councilor Churchwell-yes; Councilor McCain-yes.

Mayor Sanders, ordinance passes as Ordinance number 2008-22.

New Business: Mayor Sanders mentioned that the Open House will be held on November 30, 2008.

Councilor Cochran offered a first reading of the renewal of the contract with the Jefferson County Sheriffs Department for our contract deputies.

Councilor Tanner made a request to authorize the Mayor to add security for home PVHS Basketball games where deemed necessary by administration and the Mayor; this is under our standing motion or policy. Mayor Sanders stated that he and Councilor Cochran would be glad to coordinate this.

Councilor Cochran made a request to replace the Deputies City cell phones. Mayor Sanders asked for any objections, as there were no objections those phone will be replaced.

Public Comment:

1.) Brad Walker, 4454 Little Leaf Way, Pinson. Asked Attorney Black if this was the 1st time he had seen this ordinance. Attorney Black responded, no I didn't draft this ordinance it was drafted by other cities. The City officials asked me to take a look at this ordinance about a month ago. Mr. Walker added that if you don't punish your kids I don't care how good of a parent you are they will go right back out and do what they have been doing. I think it's a great idea to review the ordinance on a regular basis, because if you don't its not going be on the top of your list.

2.) Pete Chandler, 4450 Silver Lake Road, Pinson. There were kids at Triangle Park at 4:00 a.m. on a Wednesday when they should be at home about ½ dozen were there.

3.) John Harrison, 3709 Fitzgerald Mountain Rd., Pinson. What are the liabilities involved with the community service.

Mayor Sanders, there are waivers that are signed.

4.) Patsy Shelnett, 8001 South Valley Road. How does everybody get a copy of this curfew, how does the public know what's going on.

Councilor Cochran replied that we will distribute copies to the High School, etc., and by email.

Ms. Shelnett continued that the general public knows nothing about it, I think your making a mistake by not having a public hearing on things like this when you change the operation of things in the City.

Councilor Cochran replied that it has been in the newspapers in the Birmingham News and The Pinson News both and that's pretty good information as getting the word out. Mayor Sanders added that it will be posted in the next few days at our normal posting places.

Ms. Shelnett stated but nobody reads the normal postings.

Councilor Churchwell added that in the last issue of The Birmingham News encouraged people to come to the meeting tonight regarding the curfew ordinance. Also, the Pinson News had a full 2 page layout on the ordinance.

Councilor Tanner added that she has had more people approach her to discuss this ordinance. The consensus was they didn't want one but understood why we needed one. Mayor Sanders added that the PTA is very concerned about the number of traffic deaths and is very supportive of this and anything that could help.

Councilor Shelnett stated that the discussion over the last couple of weeks because I stopped unanimous consent and The Birmingham News picked up on it was very important, but I still think that more of the public should have had a chance to voice their opinions.

Attorney Black read adopted Division 6 of the curfew ordinance.

Councilor Cochran made a motion to enter in executive session for purpose to discuss real estate and litigation. Councilor Churchwell duly seconded the motion.

Attorney Black, according to the Alabama Open Meetings Law, I provide certification that this Executive Session is necessary to discuss threatening and/or pending litigation.

Mayor Sanders asked for any discussion. As there was none, Mayor Sanders called for all opposed say "no", all in favor say "aye." Mayor Sanders said we will enter Executive session and will not reconvene other than to entertain a motion to adjourn. Mayor Sanders added that we will progress leisurely to the back, feel free to talk with us if you would like.

Mayor Sanders called council 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 8:32 p.m.

Respectfully submitted,
Marie Turner, City Clerk

November 6, 2008 Minutes Adopted _____

