

Council Minutes  
February 5, 2009 - 7:00 p.m.  
Regular Meeting

The Pinson City Council met in regular session in Council Chambers at 4410 Main Street on Thursday, February 5, 2009. Mayor Sanders led the invocation. 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  
Councilor McCain

**Committee Reports:**

**Finance:** Councilor Tanner made a motion to pay miscellaneous bills in the amount of \$27,315.87. Trussville Utilities for \$904.86; Sheriff of Jefferson County for \$14,162.09; NXTEC Products for \$169.02; Acceptance Janitorial for \$100.00; Alacourt for \$107.00; Security-PVHS Basketball 1/23/09 for \$480.00; Payroll for \$5,541.31; Regions-mortgage for \$3,854.18; Nextel for \$638.66; Allcomm Wireless for \$57.75; Call-A-Haul for \$831.00; B/W & Sons Lawn Maintenance for \$470.00. 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:** None.

**Public Safety:** Mayor Sanders asked Attorney Black to speak to the Highway 79 ALDOT project. Attorney Black explained that the problem was that there was section which provided that the City would maintain road intersections, which of course the City of Pinson does not do that, it is done by Jefferson County. We spoke with the legal department of ALDOT and the solution is that the documents which pertain to the maintenance portion will be sent to Jefferson County and the City will only be responsible for the electrical expenses portion.

Councilor Cochran made a motion to contract with Simmons Surveying in the amount of \$2,800.00 for survey work on Marsh Street. Councilor McCain 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:** Councilor Cochran stated that the PVHS Basketball Team has had a remarkable run, and are now in the State playoffs, which they are hosting.

Mayor Sanders announced that the Education meeting will be held February 9, 2009, at 6 p.m. at the Fieldhouse.

Mayor Sanders mentioned that his plans are to recognize the Rudd Football Team at the next meeting.

**Enhancements:** Councilor McCain announced that City Fest will be held March 28, 2009, from 10:00 a.m. until 3:00 p.m. The Enhancements Committee is working on trying to get an Indian Dance group to come out.

**Mayors Report:** Mayor Sanders mentioned that the National League of Cities will be coming up in March in Washington, D.C., would like to know by the next meeting if anyone is planning on attending.

**Old Business:** Councilor Tanner offered an ordinance to provide for the issuance of a \$150,000.00 Taxable General Obligation Warrant, of the City of Pinson, Alabama. 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 Shelnutt-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 Shelnutt-yes; Councilor Churchwell-yes; Councilor McCain-yes.

**Mayor Sanders, ordinance adopted unanimously as Ordinance number 2009-05.**

Mayor Sanders asked Attorney Black to speak to the Attorney General Opinion. Attorney Black explained that the 1<sup>st</sup> question posed to the Attorney General was, May the City of Pinson restore a community center operated by a nonprofit corporation. The office of the Attorney Generals response was; The City of Pinson may contract with a community center to renovate the center in exchange for the center making cultural facilities available to the public. If the project exceeds \$50,000.00, it is subject to bid under the Public Works Law. Because of the way the Attorney Generals opinion division wrote the response, the question actually posed was whether or not the City of Pinson could contract with a 3<sup>rd</sup> party contractor to renovate the center. After talking with the opinions division, the answer to that question is yes, but it should also be memorialized by a contract with the PHCC making sure that the PHCC makes it cultural facility available to the public, which is something that is easily done. The 2<sup>nd</sup> question posed to the Attorney General was, May the city contract with a third party to assist with the maintenance of the Turkey Creek Nature Preserve, primarily through garbage and rubbish removal and other nominal maintenance? The office of the Attorney Generals response was; The city may contract with a third party to dispose of solid waste from and provide maintenance fro the Turkey Creek Nature Preserve. If the solid waste disposal contract involves \$15,000.00 or more, it is subject to bid under the Competitive Bid Law. If the

maintenance contract exceeds \$50,000.00, and otherwise qualifies as “public works,” it is subject to bid under the Public Works Law.

Councilor Cochran offered a resolution authorizing the Mayor to execute a contract with the Alabama Butterbean Festival/Palmerdale Homestead Community Center. Councilor Churchwell duly seconded the motion. Mayor Sanders asked for a roll call vote on the main resolution with the following results: Mayor Sanders-yes; Councilor Tanner-yes; Councilor Cochran-yes; Councilor Shelnutt-yes; Councilor Churchwell-yes; Councilor McCain-yes.

**Mayor Sanders, resolution adopted unanimously as Resolution number 09-03.**

Councilor McCain made a motion to authorize approximately \$1,000.00 for newsletter bulk mailing service. 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”.

Councilor Cochran made a motion that the City of Pinson provides the amusement rides for City Fest with the expense of up to \$3,000.00. Councilor McCain duly seconded the motion. Mayor Sanders called for any discussion. Councilor Churchwell asked for the total expense for City Fest. Mayor Sanders, if this motion passes it would be approximately \$4,000.00. Councilor Shelnutt asked if there is any type of weather warranty. Mayor Sanders, We will have to check on that. Councilor McCain, do you mean having a rain date, the church said that we could change it as long as it doesn't conflict with their egg hunt. Councilor Shelnutt, no I mean for the equipment. Councilor McCain, we will have to ask Fun Source about that. Councilor Cochran made a motion to table the motion to get additional information. Councilor Tanner duly seconded the motion. Mayor Sanders called for all opposed say “no”, all in favor say “aye.” Mayor Sanders said “Let the record reflect that the motion is tabled until the next meeting”.

Councilor Cochran offered a resolution to authorize the Mayor to investigate a possible nuisance. Councilor McCain duly seconded the motion. Mayor Sanders asked Attorney Black to explain the process we are taking. Attorney Black explained that in 2005 council passed a Weed & Litter ordinance. There are two sides to this ordinance, one is criminal and one is civil. In the event that citizen's weeds get out of hand it can be cited in criminal court. If the owners are out of town or owned by corporate owners it can be handled with the civil side of the ordinance. If it is determined a nuisance to the city it can be ordered to be abated. The city can retain a contractor to go out and cut the yard and/or remove the rubbish, and then a \$500. charge is a lien that is assessed against that property if it cost more than \$500. that charge will also be assessed as a lien on the property. The City Clerk will notify the Jeff Tax Dept. of that amount of the lien and it will be sent to them and will appear on their next tax bill. Mayor Sanders called for any discussion. Councilor Churchwell asked, How many times can you put a lien on the same property? Attorney Black, as many times as there is a nuisance that needs abating. Mayor Sanders called for further discussion. As there was no further discussion, Mayor Sanders asked for a roll call vote on the main resolution 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 09-04.**

Councilor McCain offered a resolution authorizing the Mayor to enter into license contract with Solid Rock Church. Councilor Tanner duly seconded the motion. Mayor Sanders stated that this contract is for the purpose of utilizing the field behind Solid Rock Church for City Fest. Mayor Sanders called for discussion. As there was no discussion, Mayor Sanders asked for a roll call vote on the main resolution with the following results: Mayor Sanders-yes; Councilor Tanner-yes; Councilor Cochran-yes; Councilor Shelnutt-yes; Councilor Churchwell-yes; Councilor McCain-yes.

**Mayor Sanders, resolution adopted unanimously as Resolution number 09-05.**

Councilor Cochran offered a resolution concerning the conclusion of pending litigation between the City of Pinson and the Utilities Board of the City of Oneonta. Councilor McCain duly seconded the motion. Mayor Sanders asked Attorney Black to speak to this resolution. Attorney Black stated that the litigation with O.U.B. had been going on for a while, but in 2008 the Alabama Supreme Court ruled in favor of the City of Pinson, and in 2008 O.U.B. has paid the entire principal amount that was due. The only remaining issue in the case was whether or not there should be any penalties and interest which should be assessed against the O.U.B. The O.U.B. owns a parcel of property between the City Hall and the Highway. The O.U.B. has offered to deed the City that small piece of land as a way to resolve what's left of this lawsuit. Mayor Sanders called for discussion. As there was no discussion, Mayor Sanders asked for a roll call vote on the main resolution with the following results: Mayor Sanders-yes; Councilor Tanner-yes; Councilor Cochran-yes; Councilor Shelnutt-yes; Councilor Churchwell-yes; Councilor McCain-yes.

**Mayor Sanders, resolution adopted unanimously as Resolution number 09-06.**

**New Business:** Councilor Shelnutt mentioned that he and Mayor Sanders met with Dr. Hammonds and Dr. Morris of the Jefferson County Board of Education, concerning the PVHS Lake/Trail possibilities. Councilor Shelnutt would like to have Mr. Rushing speak at the next council meeting regarding this project. Councilor Cochran stated that he would inquire whether or not the adjacent property is available. Mayor Sanders stated that we would have a report on this at the next meeting.

Councilor Shelnutt presented the possibility of recognizing a Teacher and Student each year. Councilor Shelnutt stated that after discussing this with Attorney Black, the City is not able to fund this but would like to have the City's backing to promote this program. After some discussion, Mayor Sanders stated that this would be discussed at the next Education meeting.

Councilor McCain asked if council wants to go ahead and plan for three movies this summer. Councilor Cochran will investigate the possibility of purchasing our own equipment for these events and report at the next meeting.

**Public Comment:**

1. John Harrison, Fitzgerald Mountain Road. Mr. Harrison spoke to the ALDOT repairs which will be paving Highway 79 from Winewood Road to Highway 151, 5.2 miles.

Councilor Tanner acknowledged Mike Allen's attendance of tonights meeting, and thanked him for the support that Food Giant has always provided the schools and other organizations in the area.

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

Adjourned at 7:52 p.m.

Respectfully submitted,  
Marie Turner, City Clerk

**February 5, 2009 Minutes Adopted \_\_\_\_\_**