

Council Minutes  
March 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, March 5, 2009. Mayor Sanders led the invocation. Tyler Evans 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 February 19, 2009, 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 February 19, 2009, 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 McCain offered a resolution recognizing The Coaches and Team Members of Rudd Middle School Football Team for their outstanding work and dedication to the 2008 season. The 2008 Rudd Middle School Football Team had an exceptional season, winning the County Championship, and placing higher in the State Championship than any previous team in the school history. 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, resolution adopted unanimously as Resolution number 09-07.**

Mayor Sanders recognized each coach and team member and presented those present with the Resolution.

Mayor Sanders suspended rules and asked Coach Deal to speak.

Coach Deal commented on the teams’ season and the students involved.

Mayor Sanders reinstated rules.

## **Committee Reports:**

**Finance:** Councilor Tanner made a motion to pay miscellaneous bills in the amount of \$47,065.06. Lyle Arrington for \$700.00; Jefferson county Sheriff's Office for \$14,162.09; Trussville Utilities for \$793.65; Nextel for \$336.47; IIMC-Municipal Clerk Dues for \$125.00; Hoyt Sanders-reimbursement for title application for Dodge pick up truck for \$45.66; Security PVHS Basketball Tournament for \$480.00; AT&T for \$448.69; Payroll for \$5,224.00; Exograpx for \$128.57; Alacourt.com for \$107.00; U.S.P.S.-postage newsletter for \$1,299.25; Total Printing-letterhead & business cards for \$590.00; Reliable Sign Service-Deposit for electronic sign for \$18,110.00; Regions Mortgage for \$3,854.18; Call-A-Haul for \$600.00; Moore Coal Co. for \$60.50. 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".

**Annexation:** None.

**Public Safety:** Councilor Cochran made a motion to authorize fire and emergency lane striping in front of and along the curbs in The Pinson Valley Shopping Center; The Village Shopping Center; and Winn Dixie Shopping Center. Councilor Tanner duly seconded the motion. Mayor Sanders called for any discussion. Councilor Cochran mentioned that the City will be striping the curbs indicating no parking fire and emergency lanes. At that point the Deputies will begin enforcing the ordinance (2007-5) to clear the problem of people parking along the curbs of those parking lots. Mayor Sanders mentioned that the ordinance for this was put into place in 2007 and we have notified the owners of the shopping centers of this. After some discussion regarding ordinance 2007-5, Councilor Cochran made a motion to table the original motion regarding striping fire and emergency lanes to allow for an amendment to the original ordinance. Councilor Tanner duly seconded the motion. Mayor Sanders stated the motion is tabled until the next meeting.

**Education:** Mayor Sanders mentioned that the next Education meeting will be held at Pinson Elementary around March 30<sup>th</sup>.

Councilor Cochran made a motion to change the venue and time of the April 2, 2009 meeting to Pinson Valley High School Auditorium at 8:30 a.m. 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".

**Enhancements:** Councilor McCain mentioned that plans for CityFest are now being finalized. The first quarterly newsletter will be mailed out this week.

**Mayors Report:** Mayor Sanders announced the Planning Commission will meet March 26, 2009, at 4:00 p.m.

Mayor Sanders mentioned that the City has now acquired a 1999 Dodge pickup truck from the Jefferson County Motor Pool with the funds received from a grant presented by Commissioner Collins.

Mayor Sanders announced that the Waffle House opening should be March 23, 2009. Mayor Sanders stated that Council plans to hold a Ribbon Cutting Ceremony possibly over the weekend before opening.

**Old Business:** Mayor Sanders mentioned that the abatement of nuisance weed & litter at 5031 Richard Street has been partially abated and improved. According to Attorney Black, all interested parties have been notified through Certified Mail. Mayor Sanders asked if there was anyone present to represent the owner or someone with intent to speak against the abatement. Mayor Sanders, "Let the record reflect that no one showed cause why the property should not be abated." Councilor Cochran made a motion to continue the hearing at the next council meeting. 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, the hearing portion of the abatement is tabled.

Councilor Cochran made a motion for the city to pay for the rides at CityFest, so that the children can ride free. Councilor Tanner duly seconded the motion. Mayor Sanders called for any discussion. Councilor Cochran stated that due to the economic situation right now he would like for the rides to be free this year allowing everyone to enjoy CityFest without the worry of the cost of the rides. Councilor Tanner was in agreement with Councilor Cochran. Councilor Churchwell stated that he still thinks we should not spend that much money without getting back a little to help with the expense. Councilor Tanner added that she did not think that we would be setting the precedence for each year to be free. Councilor Churchwell stated that he realized what Councilor Tanner is saying, but if we ever go free he doesn't think we will be able to go back. Councilor Cochran stated that he believes that the city can afford it this year and if we can't afford it next year then he will vote not do it. Councilor Cochran continued that he would hate to know that there might be children that come that couldn't afford it and he wants it to be an enjoyable experience for everyone. Councilor Churchwell stated that he will not oppose it but doesn't think it's the wisest thing to do. Mayor Sanders called for any additional discussion. As there was no additional 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 McCain reported that she has spoken with FLIX, Inc., regarding Movies in the Park for this spring and summer and has received pricing on this. Mayor Sanders stated that we will discuss this at our next meeting.

Councilor McCain offered a resolution authorizing the Mayor to execute a deed for Red Hill Cemetery. Councilor Tanner duly seconded the motion. Mayor Sanders called 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, unanimous consent passes. Mayor Sanders called for roll call vote on the main resolution with the following results: Mayor Sanders-abstain; Councilor Tanner-yes; Councilor Cochran-yes; Councilor Shelnett-yes; Councilor Churchwell-yes; Councilor McCain-yes.

**Mayor Sanders, resolution adopted as Resolution number 09-08.**

Attorney Black stated that he has an order from the Circuit Court of Blount County, Alabama in which the case involving Utilities Board of the City of Oneonta and the City of Pinson has been fully adjudicated ruling in favor of the City of Pinson. Additionally, Attorney Black mentioned that he has a copy of the Statutory Warranty Deed conveying to the City of Pinson, the piece of property along the highway. This piece of property was a part of the settlement in this case.

**New Business:** Councilor Cochran offered a resolution authorizing the Mayor to receive bids for the mowing of rights of way; said bids to be returned by the 17<sup>th</sup> day of March, 2009, at 3:00 p.m. Councilor Tanner duly seconded the motion. Mayor Sanders called for any discussion. Councilor Churchwell stated that he did not see that the time frame could be met for the starting date. Mayor Sanders stated that we will have to change our start date to April 2<sup>nd</sup>. Councilor Cochran accepted the amendment to change the start date to April 2<sup>nd</sup>. Councilor Tanner duly accepted the amendment. Mayor Sanders called for a roll call vote with the following results: Mayor Sanders-yes; Councilor Tanner-yes; Councilor Cochran-yes; Councilor Shelnett-yes; Councilor Churchwell-yes; Councilor McCain-yes.

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

Councilor Tanner made a motion to authorize the mayor to hire a service to clean the curbs on a one time basis. 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”.

Councilor Cochran offered a resolution authorizing the Mayor to make application with the Alabama Department of Transportation for a traffic signal. Councilor McCain duly seconded the motion. Mayor Sanders stated the new ALDOT policy allows for a traffic signal on a State Highways at schools. This is a resolution authorizing and directing the Mayor to begin the application process it would not put it in. It would only begin the paperwork process. The cost will be somewhere between \$75,000 and \$100,000. Councilor Tanner asked if there is any type of grants that would match the cost. Mayor Sanders was not aware of anything, but will check on. Councilor Churchwell asked who will be in charge of determining what time we would use the light. Mayor Sanders stated that this particular light would only work on sensor loops. Councilor Churchwell asked if the upkeep on the light will be the City's responsibility. Mayor Sanders, yes. Mayor Sanders called for any further discussion. Mayor Sanders called for 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 as Resolution number 09-10.**

Councilor Shelnutt offered an ordinance to establish a non-user fee fine and/or certain other penalties against such non-user fees. Mayor Sanders allowed some discussion regarding this ordinance. Councilor Cochran stated that he did not feel that it would pertain well to the City of Pinson. Councilor Shelnutt stated that this would need to go through our attorney to come up with something that would fit. Mayor Sanders stated that he has spoken with several other Mayors regarding this. Mayor Sanders is not opposed to a next step, but does think that some of the language should be amended. Councilor Churchwell stated that he thought the resolution we did last year was fine, and does not think we can enforce this ordinance. Councilor Churchwell added that the guidelines to subject some of these people to fines is not even legal. Councilor Churchwell feels that we need to keep a good working relationship between the commission and the council. Councilor Shelnutt doesn't think that this would step on any toes at the County Commission. Councilor Shelnutt added, Commissioner Collins stated that she is against the non-user fees so this would only back her up. Mayor Sanders suggested that we allow Attorney Black to review the document and present an amended document at the next meeting.

Councilor Cochran mentioned the PVHS Band Boosters will hold their Ride of the Valley again on April 25, 2009, and have asked if they may use our parking lot again this year. Mayor Sanders asked if anyone is opposed to this. As there was no opposition Mayor Sanders stated that permission was granted.

Councilor Cochran announced that Disaster Recovery has been implemented for our computers at City Hall.

**Public Comment:**

1. John Harrison, 3709 Fitzgerald Mountain Drive. Do you have to go with the State Bid Law for the mowing bids. Attorney Black stated that the City is in compliance with the competitive bid law. Can ALDOT clean the curbs? Mayor Sanders will ask. Can we do a joint agreement with the Board of Education for the signal at the school. Mayor Sanders stated that idea had been suggested.
2. Cathy Leslie, 4752 Innsbrooke Parkway. Regarding the traffic signal, Clay Chalkville used the same idea with the sensoring and it became a problem. Mayor Sanders stated that it will not be off it will simply only turn when someone is on the sensor.
3. Pete Chandler, 4450 Silverlake Road. The house across from 5031 Richard Street is worse than 5031, and it needs to be cleaned.
4. Wayne Hyche, 5910 Miles Spring Road. Commented on the fire and emergency lane striping.

Councilor Cochran made a motion to enter into 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 trade and commerce and acquisition of real estate.

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 Churchwell duly seconded the motion. Mayor Sanders called for all opposed to say “no”, all in favor say “aye”. Motion carried.

Adjourned at 8:38 p.m.

Respectfully submitted,  
Marie Turner, City Clerk

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

