

Council Minutes
July 1, 2010 – 7:00 p.m.
Regular Meeting

The Pinson City Council met in regular session in Council Chambers at 4410 Main Street on Thursday, July 1, 2010. 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

Minutes: Councilor Shelnett made a motion to waive the reading of the June 17, 2010, 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 June 17, 2010, 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 approve payment of the bills in the amount of \$48,688.39, a copy of the bills schedule is attached. Councilor McCain duly seconded the motion. Mayor Sanders called for any discussion. Councilor Tanner mentioned a few of the bills that are being paid are for paving on Little Lane in the amount of \$10,560.00, and contracted Jefferson County Sheriff's Deputies in the amount of \$14,162.09. 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."

Public Safety: Councilor Cochran reminded everyone about the Alabama State Law concerning fireworks and added that citizens should call the Sheriff's Department if there are any problems with fireworks being shot in their area.

Councilor Cochran stated that Little Lane has been paved and looks very nice.

Councilor Cochran mentioned that Ridgewood will need similar repairs as Little Lane and that he will seek an estimate to present to council at the next meeting.

Annexation: Councilor Churchwell presented an ordinance annexing certain territory into the Corporate Limits of the City of Pinson, Alabama. Owners, Nancy B. Anderson and Linda G. James, located at 3108 Fieldstone Circle and 3112 Cobblestone 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, unanimous consent passes.

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 as Ordinance number 2010-17.

Enhancements: Councilor McCain announced that on July 17th Turkey Creek Nature Preserve will host “Float your Boat” from 10:00 a.m. until 2:00 p.m., you can participate in the event for a cost of \$5.00 per boat with proceeds benefiting Turkey Creek Nature Preserve Education Program, the race starts at 1:00 p.m. Councilor McCain added that the City will be there giving out free ice cream.

Mayors Report: Mayor Sanders mentioned that the Handicap Restrooms have now been added at PHCC and the State grant we received will almost pay for the cost.

Mayor Sanders stated that paving at PVYA will begin July 7th.

Mayor Sanders announced Planning Commission will meet July 19th.

Mayor Sanders stated that the Planning Commission will present their plans for the zoning presentation at the August 19th council meeting. Mayor Sanders added that on September 30th which is the 5th Thursday we will be having a Town Hall/Planning Commission type meeting.

Mayor Sanders spoke to the Birmingham News article regarding the Census report which stated that Pinson and Clay and other cities had declined since the last Census. Mayor Sanders stated that when Pinson was incorporated in 2004 we had a population of 6,100, as of the 2010 Census, cited by the Birmingham News, we are at 6,889.

Old Business: Councilor Cochran stated that the ATV has been purchased and is being used at Turkey Creek Nature Preserve. Councilor Cochran added that this vehicle will be used by the City as well as at the Nature Preserve. Mayor Sanders stated that we are looking into lighting to enhance the ATV for festivals and other events.

Councilor Cochran offered a resolution authorizing a vehicle use agreement by and between the City of Pinson, Alabama and Birmingham Southern College in connection with the Turkey Creek Nature Preserve. Councilor Tanner duly seconded the motion. Mayor Sanders called for any discussion. Councilor Churchwell questioned item number 6 of the agreement which referred to a non-current tag. Mayor Sanders stated that item number 6 should have been stricken from the agreement. Councilor Cochran agreed to the change as well as Councilor Tanner. Mayor Sanders called for any further discussion. As there was no further discussion, Mayor Sanders called for a roll call vote on the main resolution with the following results: Mayor Sanders-yes; Councilor Tanner-yes; Councilor Cochran-yes; Councilor Churchwell-yes; Councilor McCain-yes.

Mayor Sanders, resolution passes as Resolution number 10-20.

Mayor Sanders asked Attorney Black to update Council on the Heatherpointe Subdivision road situation.

Attorney Black stated that the roads do not have an important top layer of asphalt and as a result have deteriorated. Attorney Black continued, the council although it does not have a legal obligation has chosen to act with respect to these roads, which are public roads, to do what it can to assist these residents. Attorney Black added that the council has tried to resolve with the developer, Primary Developers, Inc., owner John Millington, but unfortunately these efforts have been for nought and the City is left with no choice but to proceed as the Council has already authorized, with litigation to try to assist the residents of Heatherpointe.

New Business:

Councilor Cochran made a motion authorizing the City of Pinson to provide our contracted Deputies as security at Turkey Creek Nature Preserve on Saturdays and Sundays for approximately six weeks at a cost of a approximately \$4,000.00. Councilor McCain duly seconded the motion. Councilor Churchwell mentioned that last year the cost of this security was approximately \$5,000.00. Mayor Sanders explained that we began the security much earlier last year so the cost will be down this year. 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 Cochran made a motion authorizing light repair at the PVYA fields and the PVHS Baseball field. 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."

Public Comment:

- 1.) Taylor Steele, Turkey Creek Nature Preserve. Mr. Steele thanked council for all of their support. Mr. Steele stated that James Brown of Jim's Signs is making a magnetic Pinson logo sign for the ATV. Also, Smith Brothers is working up a service contract maintenance will be through Birmingham Southern College. Mr. Steele mentioned that the fundraising event on July 17th proceeds will benefit the Education Center at Turkey Creek Nature Preserve. Prizes have been donated from Academy, Home Depot, Ace Hardware and Ken's Barbeque.
- 2.) Liz Rieff, 241 St. John Drive. Thanked Attorney Black for all of his efforts towards getting the roads repaired in the Heatherpointe Subdivision and asked what else could be done for the City to get their roads up to standard. Attorney Black stated that there are several issues, one being that the roads do not belong the City of Pinson and since they do not belong to the City of Pinson, it does create a legal issue for the City to go in and repair them. Mayor Sanders added that the City is exploring some different options and may have a different direction at

our next meeting. Councilor Cochran stated that we (the Council) understand the problem and would pave the streets but can not due to the boundary of the law. Councilor Cochran added that we are pursuing every angle that we can to help you.

- 3.) Pete Chandler, 4450 Silver Lake Road. Has anything been done about placing barriers along the new sidewalk at the High School? Mayor Sanders stated that ALDOT would have to approve something like that.

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 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 “Let the record reflect that the motion passed unanimously.” Mayor Sanders said we will enter Executive session and will not reconvene other than to entertain a motion to adjourn, which I estimate to be approximately 8:00 p.m. 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 Tanner duly seconded the motion. Mayor Sanders called for all opposed to say “no”, all in favor say “aye”. Motion carried.

Adjourned at 8:15 p.m.

Respectfully submitted,
Marie Turner, City Clerk

July 1, 2010 Minutes Adopted _____