

Council Minutes
March 4, 2010 – 7:00 p.m.
Regular Meeting

The Pinson City Council met in regular session in Council Chambers at 4410 Main Street on Thursday, March 4, 2010, at 7:00 p.m. 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 February 18, 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 February 18, 2010, meeting. Councilor Tanner 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 \$29,428.38, a copy of the bills schedule is attached. Councilor McCain duly seconded the motion. Mayor Sanders called for any discussion. Councilor Tanner stated that \$14,162.00 of the amount is the monthly payment for the contracted deputies for March. 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."

Education:

Mayor Sanders stated that he attended the Parent meeting at PVHS on February 28th, much of the discussion concerned the Graduation Exam Test coming up and the importance of students being at school.

Enhancements:

Councilor McCain reported that the recycling day that was held on February 20th was very well attended. Councilor McCain added that the citizens would like to have another recycling day in the future.

Councilor McCain stated that March 20th the City will sponsor a Book Drive for our future Library, from 9:00 a.m.- 1:00 p.m.

Councilor McCain announced that CityFest will be held on April 10th. Councilor McCain added that in May the City will sponsor 2 Movie in the Park events, in June the City will hold a Flag Day event and in July the City is planning a Beat the Heat Day in conjunction with Turkey Creek Nature Preserves Float your Boat event.

Mayors Report:

Mayor Sanders stated that PVYA Board unanimously approved the Sub-lease or operation contract. Mayor Sanders added that he should have the Deed and Lease Agreement at the next meeting.

Mayor Sanders stated that he should have the final version of the agreement for the PHCC at the April 1st meeting.

Mayor Sanders announced that the Planning Commission will meet on Monday, March 8, 2010, and March 22, 2010, at 5:00. Mayor Sanders added that Ms. Johnnie Waid has offered her resignation to the Planning Commission due to personal matters. Mayor Sanders stated that he and Mr. Harrison will be working to fill that seat; anyone interested should see Mayor Sanders or Mr. Harrison after the meeting tonight. Councilor Churchwell asked how much time is left on that term. Mayor Sanders replied, 4 years.

Mayor Sanders reported that there was a Pre-construction meeting conducted by Mr. Harrison, Engineer of record, regarding the Sidewalk Project, ALDOT was in attendance and confirmed that the funding is in place for this project.

Mayor Sanders offered a first reading of a resolution authorizing the Mayor to accept a proposal from Gallet Testing in conjunction with the Highway 75 Sidewalk Project as required by the Alabama Department of Transportation.

Old Business: Councilor Cochran offered a resolution accepting said bids received on the 26th day of February, 2010, for mowing and cleaning services and authorizing the Mayor to contract with the lowest, most responsible bid received. Councilor McCain duly seconded the motion. Councilor Cochran announced that the low bidder was Craig's Lawn Care.

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 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 passes, with the Mayor abstaining, as Resolution number 10-09.

Councilor Cochran made a motion authorizing the Mayor to purchase a utility vehicle at an approximate cost of \$1,000.00. Councilor McCain duly seconded the motion. Mayor Sanders stated that we would create or amend the contract with BSC for use of the pick up truck as this will be City property housed and maintained at the preserve. Mayor Sanders added that there is road money available for this. Councilor Churchwell

mentioned that this will keep us from having to borrow a vehicle of this type during CityFest and the Butterbean Festival.

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

Mayor Sanders, the motion passes unanimously.

Councilors Tanner, McCain, and Churchwell reported on the Certified Municipal Officers Session they attended in Montgomery.

Mayor Sanders and Council discussed the Public Hearing that was held on Sales Tax. Mayor Sanders asked Attorney Black to prepare the ordinance for a possible first reading at the next meeting.

Councilor Shelnutt requested use of the conference room at City Hall for the Pinson Education Foundation meeting on April 5, 2010, at 7:00 p.m. Mayor Sanders called for any objections to this request. As there were no objections, the meeting will be scheduled.

Councilor Shelnutt offered a resolution of covenant to be discussed. Councilor Shelnutt stated that this follows Newt Gingrich's Contract with America. Councilor Shelnutt added that this would be a covenant with this council to highlight things that we will or will not do with the money generated from a sales tax. Councilor Shelnutt read several points from the covenant. Councilor Shelnutt stated that this is not something he is proposing tonight, but a lot of the people that are in favor of the sales tax are in favor of this covenant.

Mayor Sanders allowed a brief discussion.

Mayor Sanders stated that term limits can only be imposed in Alabama by an act of Legislation; Mayor Sanders added that this council could not bind future councils on procedure. Mayor Sanders stated that much of the language used is really invalid with Alabama Law, and should be corrected before we vote.

Councilor Cochran stated that he is not in favor of this covenant. Councilor Cochran continued, each one of us took an Oath of Office to uphold the Constitution of the United States of America and the State of Alabama. Councilor Cochran added that he feels that the oath he took pretty much covers most everything that's in that document.

Councilor Shelnutt and Mayor Sanders met with Dr. Hammonds at the Board of Education regarding the Lake Trail proposal. Mayor Sanders stated that the next step will be a written commitment from the Board of Education.

New Business:

Councilor Churchwell asked if there would be a Council meeting at PVHS this year. Mayor Sanders stated that he will try to confirm a meeting in April.

Councilor McCain asked about the asphalt and re-striping of the City Hall parking lot. Mayor Sanders stated that he will get updated quotes, but it has been too cold to do anything so far this year.

Councilor McCain asked if the Historical Plaque would be mounted before CityFest. Mayor Sanders stated that it will be displayed at CityFest and mounted at a later date.

Public Comment:

- 1.) Taylor Steel, Turkey Creek Nature Preserve. Regarding acquiring a Mobile Recycling Trailer in conjunction with Jefferson County Department of Health Environmental Council. This trailer is about 18 cubic yards and can be utilized at the preserve and different events and it is a revenue stream with an opportunity for the revenue to be earmarked for education, etc. It's not a lot of money but it is a positive incentive to recycle as well as an educational opportunity. Also, the Environmental Technology and Energy Economic Group, is doing a study critical habitat designation regarding the Darter. We should receive a ruling in the fall. Birmingham Southern College Family Day is Saturday, and this year approximately 100 parents and students will be at the Preserve and would like to invite council to come out and meet them as well.
- 2.) Cathy Leslie, The Pinson News. Regarding the meeting with the Board of Education regarding the Lake Trail, has anything changed on the layout? Mayor Sanders answered, no changes, this is just a conceptual drawing.
- 3.) James Hyche, Miles Spring Road. Wanted to thank the Council for the money they have provided to the schools for the Smart Boards.
- 4.) Pete Chandler, 4450 Silver Lake Road. Senior Citizens Day, March 17, 2010, from 9:00 a.m. until 11:00 a.m. Does the City have any control over the Dump Trucks from out of State dumping at the Turkey Creek Dump? Mayor Sanders replied that the city does not have control over the dump, but bear in mind that some trucks that have an out of State tag may be leased trucks.

Councilor Cochran made a motion to enter into executive session for purpose to discuss trade and commerce, 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, I provide certification in regard to trade and commerce, it would be detrimental if items were discussed in open forum.

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. 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 8:30 p.m.

Respectfully submitted,
Marie Turner, City Clerk

March 4, 2010 Minutes Adopted _____