

AMENDED
Council Minutes
October 6, 2011 – 7:00 p.m.
Regular Meeting

The Pinson City Council met in regular session in Council Chambers at 4410 Main Street on Thursday, October 6, 2011. 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 September 15, 2011, 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 September 15, 2011, 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 suspended rules and introduced Jonathan Stanton, Storm Water Management Authority.

Mr. Stanton gave each councilmember a copy of Storm Water Management Authority's, 2010 Guidelines and Standard Operating Procedures Manual.

Mayor Sanders reinstated rules.

Councilor Cochran offered an ordinance to adopt certain Standard Operating Procedures, regarding the Storm Water Management Authority. Councilor McCain duly seconded the motion. Mayor Sanders called for any discussion. Councilor Cochran stated that it would be impossible for us to provide the services that SWMA provides and using the government entities work well for the city. Mayor Sanders called for any further discussion. As there was no further discussion, 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 Shelnett-yes; Councilor Churchwell-yes; Councilor McCain-yes.

Mayor Sanders, ordinance passes unanimously as Ordinance 2011-13.

Committee Chair Comments:

Finance: Councilor Tanner made a motion to approve payment of the bills in the amount of \$40,904.71, a copy of the bills schedule is attached. 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."

Mayor Sanders mentioned that the yearly audit is in progress and being performed by Borland and Benefield.

Enhancements: Councilor McCain announced the Veteran's Day Luncheon to be held on, Thursday, November 10, 2011, at 11:30 a.m., at Pinson United Methodist Church. Councilor McCain added that reservations will be taken until October 31st.

Councilor McCain announced that the Christmas Tree Lighting will be held, Friday, December 2, 2011, at 7:00 p.m., and the Christmas Parade will be held on, Saturday, December 10, 2011, at 2:00 p.m.

Mayor's Report: Mayor Sanders stated that due to a trip hazard, a new sidewalk has been installed at PHCC at the side door of the gym. Mayor Sanders added that the painting at PHCC will begin soon, the painters are waiting on the lead dumpster to be delivered.

Mayor Sanders announced that the Planning and Zoning Commission will hold a Mock Hearing on, November 17, 2011, at 5:00 p.m.

Mayor Sanders announced that Bob Jones has begun working as our part time Zoning Official. Mayor Sanders added that since we will need to purchase a vehicle for Mr. Jones, a request has been made to Jefferson County for a list of vehicles that are for sale.

Councilor Cochran made a motion to approve approximately \$3,000.00 for the purchase of assorted IT items for city hall. Councilor McCain duly seconded the motion. Mayor Sanders called for any discussion. Councilor Cochran stated that some of the items needed are a laptop for Mr. Jones to use in the field and in the office, as well as a desktop for the additional deputies. 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."

Mayor Sanders mentioned that we will need to have Board of Adjustment members in place by January. Mayor Sanders added to be eligible one should be a qualified elector of the City of Pinson. Mayor Sanders stated that anyone interested should let him know.

Old Business: Councilor Tanner offered a resolution concerning an agreement with the Alabama Department of Revenue. Councilor Cochran duly seconded the motion. Attorney Black explained that this resolution would allow the city and the Department of Revenue to share tax information. Mayor Sanders called for any discussion. As there was no 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 Shelnutt-yes; Councilor Churchwell-yes; Councilor McCain-yes.

Mayor Sanders, resolution passes unanimously as Resolution 11-28.

Councilor Churchwell made a motion to authorize 2 days of additional removal of excess materials under the bridge at Dry Creek at a cost of approximately \$1,600.00 per day. 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.

New Business: Councilor McCain offered a resolution authorizing the Mayor to enter into a contract for the purchase of Park Property. Councilor Cochran duly seconded the motion. Mayor Sanders stated that this is 14 acres located between Highway 75, Sweeney Hollow and Lane Street, adjacent to several acres we already own and the Civitan Building. Mayor Sanders added that the purchase price is \$180,000.00 for the 14 acres and the home that is located on the property. 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 Shelnutt-yes; Councilor Churchwell-yes; Councilor McCain-yes.

Mayor Sanders, resolution passes unanimously as Resolution 11-29.

Councilor McCain offered a resolution authorizing the Mayor to secure the services of a registered Architect, regarding proposed park property. Councilor Tanner duly seconded the motion. Mayor Sanders called for any discussion. As there was no 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 Shelnutt-yes; Councilor Churchwell-yes; Councilor McCain-yes.

Mayor Sanders, resolution passes unanimously as Resolution 11-30.

Mayor Sanders in an effort to clarify the hand written changes made to the park property purchase resolution previously adopted as resolution 11-29, went over the changes and asked if council felt that there was a need to reconsider that resolution.

Mayor Sanders stated hearing no motion to reconsider resolution 11-29 will stand as adopted.

Councilor Cochran offered a resolution concerning the City of Pinson's consent and approval of the issuance of an Alcoholic Beverage License by the Alabama Alcoholic Beverage Control Board, regarding Dollar General. Councilor McCain duly seconded the motion. Mayor Sanders called for any discussion. As there was no 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 Shelnett-yes; Councilor Churchwell-abstain; Councilor McCain-yes.

Mayor Sanders, resolution passes as Resolution 11-31.

Councilor Shelnett stated that he had spoken with Brian Rushing, Freshwater Land Trust, about extending the sidewalk from Innsbrooke to Faucett Road and rather than extending the sidewalk in that direction possibly consider extending the sidewalk from the high school to Rudd School Road which would connect the high school and the middle school. Councilor Shelnett stated that he and Mr. Rushing also discussed the property behind the high school, that has been discussed for a walking trail. Councilor Shelnett stated that Mr. Rushing's advice was that the city would need to obtain permission from the homeowners involved and that he (Mr. Rushing) thought that the cost to repair the Tapawingo Bridge would be approximately \$5,000.00. Councilor Shelnett asked for permission from council to talk to the homeowners involved and also have Mr. Harrison give us an estimate for a sidewalk from the high school to Rudd School Road. Mayor Sanders stated that he would like a quote from a contractor on the cost for the bridge repair, but does not have any problem with Councilor Shelnett obtaining permission from the homeowners involved.

Attorney Black explained the new Illegal Immigration Act to council.

Attorney Black stated that at the, September 1, 2011, meeting Councilor Shelnett asked him (Attorney Black) if the city would be in violation of the newly revised Ethics Law if a member of council's spouse or child, etc. were to accompany and attend any of the events as approved by council. Attorney Black stated the he had reviewed the new law and checked with Ethics legal staff as well and found that this would not violate the new law. Attorney Black added that any additional cost for a spouse or child, etc. to attend would not be paid from the city's funds. Councilor Churchwell asked Attorney Black to put those findings in a memo for the minutes. Attorney Black stated that he would send his findings in a memo.

Mayor Sanders offered a first reading on a resolution authorizing and directing the Mayor to execute a License Agreement on Real Property, regarding property near Pinson Valley High School.

Councilor Shelnett asked for clarification on the Mayor's expense. Councilor Shelnett stated the Mayor has the right to spend \$500.00 without council is that, just for clarification, is that per project, per month, per billing cycle, every 2 weeks, what is our policy on that? Mayor Sanders stated that he has always interpreted it to mean per item, per occurrence. Councilor Shelnett stated so 10, 20 different items, as long as they are different items we've given the Mayor that right. Mayor Sanders stated that was always his interpretation. Councilor Cochran stated that was his interpretation as well. Mayor Sanders stated that obviously we have to buy stamps, office supplies and other items between meetings. Councilor Cochran stated that he assumed that if council ever felt like there was a possibility of there being any type of abuse of that policy then we could address that with council and put a stop to it. Councilor Shelnett asked if we need to increase or decrease the amount. Councilor Cochran stated that he felt that the current amount works well. Mayor Sanders stated that he has always tried to comply with the spirit of the rule, example being that the sidewalk repair was a little over \$500.00 and the last cone order was a little over \$500.00 and sometimes tax and shipping of an item is a little more.

Councilor Churchwell made a motion to authorize registration and expenses for any councilor or city clerk to attend the Alabama League of Municipalities training to be held on October 26, 2011, in Pelham, AL., registration fee is \$100.00 per person. 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.) Dorlan Terry, PHCC. Mr. Terry gave information regarding the companies contacted to bid the lead removal and painting at PHCC. Harris Home Improvements was the low bidder at \$35,500.00, and is certified in Lead removal; RTS would not submit on the painting job but to install the windows their bid was between \$80,000 To \$90,000; Spitzley bid the job at \$36,500.00, and are certified in Lead removal; Another company named Spitzley did not submit a bid because they are not certified in Lead removal; God's Cleaning and Painting did not submit because they are not certified in Lead removal; Teasley and Martin Painting did not submit because they are not certified in Lead removal.

Councilor Cochran made a motion to enter into executive session for purpose to discuss litigation, trade, and real estate. 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 pending and/or threatening 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 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."

Mayor Sanders stated, we will enter Executive session and will not reconvene other than to entertain a motion to adjourn, which I estimate to be approximately 20 minutes. 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 8:27 p.m.

Respectfully submitted,
Marie Turner, City Clerk

October 6, 2011 Minutes
Adopted _____