

Council Minutes  
February 3, 2011 – 7:00 p.m.  
Regular Meeting

The Pinson City Council met in regular session in Council Chambers at 4410 Main Street on Thursday, February 3, 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 Shelnutt  
Councilor Churchwell

**Absent:**  
Councilor McCain

**Minutes:** Councilor Shelnutt made a motion to waive the reading of the January 20, 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 January 20, 2011, 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."

**Pre-meeting Public Comment:**

Mayor Sanders suspended rules.

Phil Sims, C-PCC. Mr. Sims stated that there is one addition to item number 3 of the pending Chamber of Commerce contract agreement that the Chamber would like added. Also, the ABBF contract had no problems.

Mayor Sanders reinstated rules

**Committee Reports:**

**Finance:** Councilor Tanner made a motion to approve payment of the bills in the amount of \$32,500.42, 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 reported that the city has received franchise fees and we are projected that it will be \$300,000 by the end of the year. Mayor Sanders added that the Misc. Road money we normally receive in January has been delayed due to the ice and snowy weather, but we have been informed that it is in process to be approved and disbursed.

**Annexation:** Councilor Churchwell presented an ordinance annexing certain territory into the Corporate Limits of the City of Pinson, Alabama. Owners Catherine Browning, Charles Childs, Samuel & Dawn Holliday, Stephanie Floyd and Shawn & Lindsey Sheldon, located at 5294, 5297, and 5298 Bridle Path Lane and 5281, and 5285 Stable House Lane. 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. 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.

**Mayor Sanders, ordinance adopted as Ordinance number 2011-03.**

Councilor Churchwell presented an ordinance annexing certain territory into the Corporate Limits of the City of Pinson, Alabama. Owner The Freshwater Land Trust, located near Willow Ridge Drive and Tyler Loop Roads. Councilor Churchwell recommends this property be annexed into the City of Pinson. Councilor Tanner 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. 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.

**Mayor Sanders, ordinance adopted as Ordinance number 2011-04.**

**Public Safety:** Mayor Sanders mentioned that he had received a quote from a vendor on the State Bid List for a new dump truck. Mayor Sanders stated that he had not been able to find a good used dump truck. Councilor Cochran recommended that we pursue the F-450. Councilor Tanner asked if the truck would be parked at PVYA. Mayor Sanders replied that it would be kept here at city hall but would be available for use at PVYA. Mayor Sanders added that he would have a resolution for the purchase ready for council at the next meeting.

**Enhancement:** Mayor Sanders mentioned that CityFest will be held on April 2, 2011 and the vendor application letters will be mailed out soon.

**Education:** Mayor Sanders stated that the lighting fixtures at PVHS were repaired but there is wiring that needs to be replaced.

Mayor Sanders stated that there is a tentative education meeting scheduled for February 28, 2011, at 6 p.m. at Rudd Middle School. Mayor Sanders added that attendees will view the mobile laptop lab.

**Mayor's Report:** Mayor Sanders reported that the plumbing fixtures have been ordered for PVYA, and the Siren, regarding emergency weather, that was placed at the PVYA Park is now working.

Councilor Cochran made a motion to approve further electrical repair and HVAC prep for the gym at PHCC. Councilor Churchwell duly seconded the motion. Mayor Sanders called for any discussion. Councilor Cochran stated that use of this facility is growing and continued improvements would be the way to go. 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 stated that he is still seeking application/resumes for members for the Library Board. Mayor Sanders added that he would like to have these members seated by the end of February or the first of March. Mayor Sanders mentioned that the Library Board is a volunteer position.

**Old Business:** Councilor Cochran offered a resolution authorizing the Mayor enter into a contract for advertising and promotion with the Clay-Pinson Chamber of Commerce for the 2011 Alabama Butterbean Festival. 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 resolution with the following results: Mayor Sanders-yes; Councilor Tanner-yes; Councilor Cochran-yes; Councilor Shelnut-yes; Councilor Churchwell-yes.

**Mayor Sanders, resolution adopted unanimously as, Resolution 11-04.**

Councilor Churchwell offered a resolution concerning the Clay-Pinson Chamber of Commerce. Councilor Tanner duly seconded the motion. Councilor Churchwell moved to amend item 3 of the contract. Councilor Cochran duly seconded the amendment. Mayor Sanders called for any discussion on the amendment. 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 amendment passed unanimously."

Mayor Sanders, then moved back to the original motion.

Mayor Sanders mentioned that this is a one year contract with the Clay-Pinson Chamber of Commerce which was approved by the Chamber. Mayor Sanders called for any discussion. Councilor Cochran mentioned that it is not unusual for councils to enter into agreements with the Chambers. Mayor Sanders added that the city cannot distribute money without a contract. Mayor Sanders called for any further discussion. As there was no further discussion, Mayor Sanders called for a roll call vote with the following results: Mayor Sanders-yes; Councilor Tanner-yes; Councilor Cochran-yes; Councilor Shelnut-yes; Councilor Churchwell-yes.

**Mayor Sanders, resolution adopted unanimously as, Resolution 11-05.**

Councilor Tanner offered a resolution authorizing the Mayor to accept a proposal and enter into a contract for Fire Alarm Monitoring Services. Councilor Cochran duly seconded the motion. Mayor Sanders called for any discussion. As there was no discussion, Mayor Sanders called for a roll call vote with the following results: Mayor Sanders-yes; Councilor Tanner-yes; Councilor Cochran-yes; Councilor Shelnut-yes; Councilor Churchwell-yes.

**Mayor Sanders, resolution adopted unanimously as, Resolution 11-06.**

Mayor Sanders called the tabled motion regarding the Retail Convention to the table for discussion and consideration.

Councilor Churchwell stated that at the last meeting there was a motion made and tabled regarding Councilor Cochran's attendance of the Annual Retail Convention in Las Vegas. Councilor Churchwell mentioned that attendance of this convention would allow us as a city to be more aggressive in getting new businesses in the city. Councilor Shelnett asked if this convention was the same convention that Mr. Morris attended. Mayor Sanders replied, yes. Councilor Shelnett asked Councilor Cochran what type of businesses Councilor Cochran would be targeting. Councilor Cochran stated that it would be up to council to decide what type of business we would target but he did not want to discuss that publicly. Mayor Sanders added that the convention was for retail of all types of businesses. Councilor Cochran stated that there would be all types of big box stores there like, Sears; Wal-Mart; Target; Restaurants; Dollar General, and the direction given by council will basically be how we develop a strategy as to whom we talk to. Councilor Shelnett asked what the goal number of businesses Councilor Cochran would be getting a relationship with, what literature are you taking, what follow up plans do you have for these relationships, how do we get the Chamber involved, how are we going to share this information with the Chamber, and how do we continue these relationships in the future? Councilor Shelnett stated he felt that we should get a strategy before approval. Councilor Shelnett made a motion to table the vote until Councilor Cochran could give council answers to these questions. Mayor Sanders called for a second to the motion to table. Mayor Sanders, Motion to table fails due to lack of second.

Councilor Cochran stated that there are a number of ways to approach this convention. Councilor Cochran added that Mr. Morris is very experienced in these conventions and will assist us in our preparation and strategy before we go to the convention, and we may have to spend money on documents to take with us for presentation purposes. Councilor Cochran continued that there has been a loud cry from the public about being effective in recruiting retail business in our community, and if we don't start now, when will we start? Councilor Tanner stated that she is in agreement and appreciates that we have a councilor that is willing to take his vacation time and go to this convention on behalf of the city. Councilor Churchwell added this is not just for Councilor Cochran; it is for any of the councilors to attend, so next year someone else may want to go rather than Councilor Cochran. Councilor Shelnett stated that we are giving the Chamber of Commerce money and they have stated that they are using a large portion of that money to hire an Executive Director that represents the business community. Councilor Shelnett added that he thinks if we are going to do this then we should have a plan first of all and we should get the Chamber of Commerce involved. Councilor Shelnett added that he thinks a lot of questions have not been answered. Mayor Sanders stated that he appreciates that we have a Chamber that is going to work for us but the Chamber is neither an arm of the city nor a municipal officer. Mayor Sanders added that for example if Councilor Cochran made a contact and we needed to handle that in Executive Session that is not something a Chamber person or anyone else besides a municipal officer could do. Mayor Sanders continued that he doesn't oppose someone from the Chamber going at some point but we have to bear in mind they are not an elected official that would be available for that meeting. Councilor Tanner stated that we could not pay for someone from the Chamber to go. Mayor Sanders stated that is correct we would need to cover that in their existing contract or would have to make an addendum to the contract. Councilor Shelnett stated that in the past we hired Mr. Morris to attend the convention but as a professional we didn't receive any benefits from his attendance and Councilor Shelnett stated that he strongly objects to this expense. Mayor Sanders called for any further discussion. As there was no further discussion, Mayor Sanders called for a roll call vote on the main motion with the following results: Mayor Sanders-yes; Councilor Tanner-yes; Councilor Cochran-yes; Councilor Shelnett-no; Councilor Churchwell-yes.

**Mayor Sanders, motion passes.**

Councilor Shelnett withdrew his motion regarding the Education Committee that he offered at the January 20, 2011, meeting. Mayor Sanders stated that the motion regarding the Education Committee is hereby withdrawn and gave Councilor Shelnett the floor for a replacement motion. Councilor Shelnett stated that it is the Mayors prerogative to set up committees and charge them as to what they do for the City. Councilor Shelnett gave a definition of a committee. Councilor Shelnett added that we gave \$11,000 to the Fire Department for a purchase and he feels that this request should have gone to the Public Safety Committee and then to the Finance Committee. Councilor Shelnett continued that our Finance Committee mainly does the budget for the city. Councilor Shelnett made a motion we use these committees to help council be informed of what our citizens want and need or not use them at all. Mayor Sanders stated that the committees of Alabama municipalities are slightly different as they are not required at all and only do what they are directed to do. Mayor Sanders added that the final decisions are ultimately up to council. Mayor Sanders continued that the Fire Chiefs are members of the committee and it was one of them that made the request. Mayor Sanders called for a second to the motion. Motion fails due to lack of second.

**New Business:** Councilor Cochran offered a resolution authorizing the Mayor and City Attorney to initiate litigation concerning 4718 Innsbrooke Parkway. Councilor Tanner duly seconded the motion. Mayor Sanders called for any discussion. As there was no discussion, Mayor Sanders asked for a roll call vote with the following results: Mayor Sanders-yes; Councilor Tanner-yes; Councilor Cochran-yes; Councilor Shelnett-yes; Councilor Churchwell-yes.

**Mayor Sanders, resolution passes as Resolution 11-07.**

Mayor Sanders offered a first reading of 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 CVS.

**Public Comment:**

- 1.) Phil Sims, 8136 North Valley Road. Mr. Sims spoke on behalf of the Chamber of Commerce stating that the Chamber is here to work for the City. Mr. Sims also asked for clarification as to Mr. Morris going into Executive Session when he was discussing Wal-Mart? Mayor Sanders stated as an attorney he was discussing trade and commerce which is qualified.

Councilor Cochran made a motion to enter into executive session for purpose to discuss real estate. Councilor Churchwell duly seconded the motion.

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 8:00 p.m.

Respectfully submitted,  
Marie Turner, City Clerk

**February 3, 2011 Minutes Adopted \_\_\_\_\_**