

Minutes of the regular meeting of the Eva Town Council held on August 12, 2003, at 6:30 p.m. in the Eva Town Hall. Present: Council Members: Clarence Alexander, Bert Collins, Kent Chambers, Brian Brown, and Clerk Judy Fortenberry. Mayor Gary Livingston was absent due to sickness in his family, and Mr. C. C. Mosteller due to illness.

Guest: Bonnie Holmes, Eloise Livingston, and Athelia Gibbs – Eva Public Library.

Deputy – Steve Campbell

Roger A. Burrow, John R. Key, Shane Widner, Tonya Widner, Roland Livingston, Greg Holmes, Harold Young, George Hudgins, Shirley Brown, Bob Hager, Richard Bibb, Stan Posey, D. Taylor, Steve Henderson, Mike Miller and Joe Hill (See attached list).

Due to absence of the Mayor and Mayor Pro Tempore, Town Clerk Judy Fortenberry call roll, after roll call Ms. Fortenberry informed the Council that a member of the Council would have to be appointed to conduct the meeting.

Mr. Alexander motion to appoint Kent Chambers to conduct the meeting, Mr. Brown second, carried.

Mr. Collins motion to dispense with the minutes until after hearing from our guest, Mr. Alexander second, carried.

Mr. Chambers informed all present that we normally open our meeting with pray, if anyone objected to feel free to object at this time. No. one objected. Mr. Chambers asked Mr. Collins to have prayer.

After prayer, Mr. Chambers asked Ms. Livingston with the Library Board to speak, Ms Livingston, informed the Council that Head Librarian Bonnie Holmes had submitted her resignation at the Library Board meeting on July 29, 2003. The Board had accepted the resignation, which was due to health problems. Ms. Livingston stated that Ms. Holmes had recommended Athelia Gibbs her assisted for several years to replace her as Head Librarian. Ms Holmes had also recommended Barbara Patton, a volunteer at the Library for several years, be hired as the associate. The Board had accepted this recommendation, pending the approval of the Town Council; the changes to take place on approximately September 6, 2003.

Mr. Brown motion to accept Bonnie's resignation as the Head Librarian, and to accept the Board recommendations on the positions as stated above, Mr. Alexander second, carried.

Ms. Holmes reported on the summer reading program, see attached report. Mr. Chambers thanked Ms. Holmes for all that she has done for the Library and the Town, and assured her that she would be missed. At 7:45 Ms. Holmes asked if she could be excused from the meeting, she and Ms. Gibbs left the meeting.

Mr. Chambers stated that he was going to present Ordinance 03-03 – **AN ORDINANCE LEVYING A LICENSE TAX ON THE SALE AND DELIVERY OF TOBACCO PRODUCTS IN THE TOWN OF EVA, ALABAMA, REQUIRING THE KEEPING OF RECORDS AND MAKING REPORTS, PROSCRIBING CERTAIN ACTS AND OMISSIONS AND PROVIDING PUNISHMENTS FOR VIOLATION.** Mr. Chambers read

Ordinance 03-03 in full. After presenting the subject ordinance he asked Tonya Widner to speak as she had requested to be on the Agenda. Ms. Widner stated that she was turning her time over to her husband Shane Widner.

Mr. Widner stated that he felt that the tobacco tax suggested was hidden from the community, and that the Town Council was going behind everyone's backs on this tax. He stated that in one year from now that the tax would be increased, that we were asking only a small portion of the people in the Town to pay for services that would be used by all, he does not feel that this is justifiable. He stated that he does not agree with this tax, and feels that it is unfair. Stated that the reason he chose Eva for his store was because we did not have a tobacco tax.

Mr. Chambers reported that this tax was brought to the Council attention in July at the North Alabama Mayor's meeting held in Madison, that the Council was not trying to hide anything from the community. Stated that the money from this tax would be used for the sewer system that the Council was looking for income to pay for this system that is needed. Mr. Chambers stated that if this tax is not passed before the vote on the Tax Bill proposed by the Governor then we would not be able to add a tax in the future. He stated that we would look at any recommendation they presented to the Council. Also stated that all Council meetings are open to the public and that the date and time is posted in front of Town Hall at least one week before the meeting.

Mr. Chambers asked Mr. Hager if he was present to speak on the same subject, and Mr. Hager answered yes and stated he felt that the timing was not good on this tax, and wanted to know if the tax was earmarked for the sewer? He also wanted to know why the Town spent \$65,000 for land to build a New Town Hall at this time. He stated that every homeowner should share in the cost of the sewer system. He suggested that sales tax be raised by ½ percent.

Mr. Alexander reported that the Town was trying to keep people from paying a tap on fee.

Mr. Chambers asked if anyone else would like to speak, Mr. Chambers stated that anyone else could have the floor for three minutes. Stand Posey compared price of tobacco to gasoline, said the price sells the product, if each pack was increased by 10 cents he would lose the sell not only of the tobacco product but other sales. Anyone purchasing cigarettes normal purchase other items.

Gregg Holmes stated that he had sold washing machines to people that had stopped by his store looking for the Tobacco Store. Stated that the traffic for the Tobacco Store helped him with his sales.

Mr. Collins asked what the group thought about a ½ cent sales tax increase? Most were favorable.

Richard Bibb stated that we were hurting the lower to middle class people that we are not giving them a break.

Roland Livingston stated he smoked, and will buy his tobacco products in Cullman if the tax is passed. Suggested we go with ½ cent local sales tax.

Harold Young said he smoked, but he could purchase his cigarettes in Cold Springs on his way home from work. He suggested that we go with ½ cent sales tax, and charge a connection fee on

the sewer.

Mr. Chambers stated that we would be having a public meeting on the sewer before any commitments are made.

Mr. Brown stated that the Town has commitments that we could not meet without tax income. Stated that to pave one mile of road costs the town approximately \$25,000, and that the money is not present to meet the needs of the community. He also stated that he feels that the burden should not be placed on 20% of the people in the community, whole community should contribute to the needs of the community. He also stated that the tobacco tax would not be set aside just for the sewer system. Mr. Brown stated that he was not aware of what the council has done for the Town until he was elected to the Council, he suggested going with ¼ cent sales tax.

John Key lives in Cullman County but does most of his business in Eva. He wanted to know how much money would be generated a month on this tax. Had the Town done any cost estimates on the tax?

After a length discussion Mr. Alexander motion to table Ordinance 03-03 until a later meeting, Mr. Collins second, Mr. Brown opposed, Mr. Chamber voted yes, carried.

Mr. Chambers stated that a special called meeting would be held before September 1, 2003, would be at night, and all would be welcome to attend. All meetings are posted on sign in front of Town Hall. Everyone left the meeting at 7:30 except Gregg Holmes, Steve Henderson, and Deputy Campbell.

Mr. Chambers asked if everyone had read minutes of the July 8, 2003, regular council meeting. Mr. Collins motion to approve, Mr. Brown seconded, carried.

A. FINANCE & EDUCATION - MR. MOSTELLER

Mr. Chambers reported that we have two CD's up for renewal, Mr. Alexander motion for Clerk to get the best interest rate and renew, Mr. Collins second carried.

B. UTILITIES – MR. ALEXANDER

Mr. Alexander reported that he had check the Community Center and that several repairs are needed, recommended that Mayor and other council members go by before work session on the budget. This is work that should be put in the budget for next year.

C. STREETS, PARKS, & CEMETERIES – Mr. BROWN

Mr. Brown submitted to the Council the Agreement between the Town of Eva and Ladd Environmental Consultants, Inc., for Engineering Services for the Playground, total amount for Services \$8,000. This is work that the County Commission will not have time to perform.

Mr. Brown motion to approve, Mr. Collins second, carried.

Mr. Brown reported that he had talked with Mr. Stisher and that the county does not have the funding at this time for the culvert at the school, Mr. Stisher is talking with the State about the

funding.

Mr. Chambers reported that a new stop sign is needed at Chambers Road and Hwy 55.

Mr. Alexander reported that Mr. Moses would like to have the road sign for Moses Road moved closer to the highway. No one can see the sign at present location.

Fire Chief Holmes arrived at 7:45 p.m.

D. POLICE & FIRE – MR CHAMBERS

Mr. Chambers welcome Chief Holmes to the meetings, and ask if he had anything to bring before the council. Chief Holmes reported that we had applied for a grant under the FEMA Program and if we should receive, the money would go for new air packs at a cost of approximately \$3,200 each.

Deputy Campbell reported that all is going well in the town that he had had no complaints.

E. RECREATION & SANITATION – MR. COLLINS

Mr. Collins motion for the council to approve the agreement with Environmental Geotechnical Consultants (EGC) proposal for subsurface exploration with hydro-geologic study for the proposed wastewater treatment and disposal system for an amount of \$1,900, this is required by EPA. He informed the council that this work was estimated at \$10,000 in the cost estimate for the sewer system. Mr. Brown second, carried.

Clerk reported that Ladd Environmental had recommended that the Town mail out a letter to all households in the town limits, see attached letter. Mr. Brown motion to mail out letter, Mr. Collins second, carried.

REPORT OF SPECIAL COMMITTEES & OFFICERS

No Report

HEARINGS ON PETITIONS, APPOLES. COMPLAINTS, APPEALS, COMMUC. ETC

No Report

AUDITING ACCOUNTS – MOTION TO TRANSFER FUNDS & PAY BILLS

Motion to pay bills – Mr. Collins motioned to pay bills, Mr. Brown seconded, motion carried.

RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS

Discussion of tractor purchase was tabled until work session.

Clerk brought to the council's attention that Mayor Livingston had been appointed to serve on one of the committees at the League of Municipalities. Mayor had asked if town would pay for his expenses? After discussion Mr. Brown motion to pay for Mayor Livingston's expenses to serve on the committee, Mr. Alexander second, carried.

Mr. Alexander motion to adjourn, Mr. Collins second, carried.

APPROVED

ATTEST:

Eva Town Clerk