

Minutes of the regular meeting of the Eva Town Council held on December 8, 2008, 6:30 pm at the Eva Town Hall. Present: Mayor Gary Livingston, Councilmember's: Johnny Persall, James Henderson, Brandlee Shadden, Bert Collins, Kent Chambers and Clerk Judy Fortenberry.

Guests: John Holmes, Angela Holmes, John Babchak, Brian Brown, Robert Halbrooks and Joe Hill

Mayor Livingston called the meeting to order; all council members present. After roll call, informed all present that we open our meetings with prayer, if anyone objected we would abstain from this practice at tonight's meeting. No one objected. Mayor Livingston asked Mr. Collins to open with prayer.

Mayor Livingston asked if everyone had read the minutes of the November 3, 2008 Organization Meeting, Mr. Collins motion to approve, Mr. Henderson seconded, carried, Regular Council Meeting of November 3, 2008, 2008, Mr. Chambers motion to approve the minutes, Mr. Henderson seconded, motion carried.

#### **A: FINANCE, EDUCATION & LIBRARY- MR. CHAMBERS**

Mr. Chambers presented the specifications for the Library Wi-Fi (wireless) after discussion Mr. Chambers motion to approve specification with no cost to the Town of Eva for this service, Mr. Collins seconded, carried.

Mr. Chambers reported that it's time for a one time pay adjustment for town employees, stated that last year we gave full-time employees \$150.00 with part-time employees \$100.00. Mr. Chamber motion to give employees the same as last year, Mr. Persall seconded, carried.

Mr. Chambers suggested that the town purchase a plaque to hang in Town Hall with the names of present and past Town Council Members. After discussion was decided to get a price and design and present to the Council at next meeting.

Mr. Henderson did not understand the amount of tax we receive on food, and wanted us to verify the amount the town receives each year from taxes on food. Mayor Livingston stated that we receive a one % from the town one cent sales tax, and 2% from the County. He stated that if the State should do away with their one cent tax, that the Town could retain their tax, and that the County could retain their 2% sales tax.

6:55 p.m. Mr. Oden with Eva Bank arrived

Mr. Oden informed everyone present that the town's money in the Eva Bank is safe. The town falls under the Alabama Safe-Law which states that each account and each CD is covered up the amount of \$250,000.00. Clerk will purchase a CD for \$150,000.00 out of the T-Bill Account and transfer \$75,000 to a savings account. We will keep approximately \$75,000 in the T-Bill Account to write checks.

#### **B: UTILITIES & STREETS- MR. SHADDEN**

Mr. Shadden reported that several snowflakes and lights are out, he will call Joe Wheeler.

Mayor Livingston reported that he had talked with Ken McGree with Joe Wheeler about the poles at the 4-way. Joe Wheeler has both concrete and steel poles which ever we want to replace the wooded poles with. Mayor Livingston suggested that we get with Larry's Sign and see what kind of signs we can get to place at the 4-way. Will call Paul with Larry's Signs and set up appointment.

#### **C: PARKS, RECREATION & CEMETERIES – MR. PERSALL**

Brian Brown reported he has money from his agency to do the drainage at the recreation park -- this money is an on going grant from the West Fork of Cotaco Creek Urban Storm Water Runoff – ADEM for the amount of \$90,430.00 – he stated that in-kind services should be at least 20% or more if we could get it. He reported on the November 6, meeting stated that he needs to call Earl Norton with Auburn University and have him work up a plan to contain the water in the park, instead of putting it in the ditch as runoff. Mr. Brown stated that we would need to have a field day after the work is completed.

#### **D. POLICE, FIRE & GRANTS – MR HENDERSON**

Mr. Henderson reported that the fire department had 3 structure fire, 7 EMT calls, and 3-other this past month.

Mr. Henderson reported that February 17, we will be going to HDTV, if old tv's do not meet the new requirements, which is a converter box and cable etc., what do we do with the old tv's, since these cannot be put in the trash.. He will check with Morgan County Environmental and see if they have a plan.

Robert Halbooks reported that we need to upgrade communication radio in patrol car stated the cost to the Town would be between \$450-\$460 – and a UHF radio for \$450. After discussion Robert will get price and give to Town Clerk.

#### **F: SANITATION & BUILDINGS –MR. COLLINS**

Mr. Collins reported all is well at the Sewer Pland.

Joe Hill stated that we have had a couple of pumps out during the last year or so, and suggested we do an outlet at the storage building so he can check out the pumps and see what he can do to get them back to working will also need a work bench. He also stated that several people have told him they do not know who to call when they have sewer problems. Clerk will check with water department and see if we can put a letter in the bill next month.

#### **HEARINGS ON PETITIONS, COMPLAINTS, APPEALS, COMMUNIC. ETC**

No Report

#### **AUDITING ACCOUNTS – MOTION TO TRANSFER FUNDS & PAY BILLS**

Mr. Chambers motion to pay bills, Mr. Collins seconded, carried.

#### **RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS**

Mayor Livingston presented Resolution 09-01, Title: The Town of Eva hereby declares the Year 2010 for the Year of Small Towns and Downtowns.

Councilmember Henderson moved that all rules governing the council which might, unless suspended, prevent the passage and adoption of Resolution #09-01 at this meeting is and the same are hereby suspended for the purpose of permitting the resolution to be finally passed and adopted at this meeting.

Council member Alexander seconded this motion.

The question was put before the council and on roll call the vote was as follows.

Council Member Shadden	Yea	Council Member Collins	Yea
Council Member Persall	Yea	Council Member Henderson	Yea
Mayor Livingston	Yea	Council Member Chambers	Yes

Mayor Livingston presiding officer declared the motion adopted by unanimous vote of the members present.

Council Member Alexander moved that the said Resolution # 09-01 be finally passed and adopted as introduced.

Council Member Persall seconded this motion.

Mayor Livingston presiding officer put the question of final passage and the adoption of said Resolution to vote of the council, and on call of the roll the results were as follows:

Council Member Collins	Yea	Council Member Shadden	Yes
Council Member Persall	Yea	Council Member Henderson	Yea
Mayor Livingston	Yea	Council Member Chambers	Yes

Presiding officer Mayor Livingston announced the result of the vote, and declared Resolution #09-01 passed and adopted.

Mayor Livingston presented Ordinance 09-01 - Sale of Unneeded Property

Councilmember Henderson moved that all rules governing the council which might, unless suspended, prevent the passage and adoption of Ordinance 09-01 at this meeting is and the same are hereby suspended for the purpose of permitting the resolution to be finally passed and adopted at this meeting.

Council member Shadden seconded this motion.

The question was put before the council and on roll call the vote was as follows.

Council Member Shadden	Yea	Council Member Collins	Yea
Council Member Persall	Yea	Council Member Henderson	Yea
Mayor Livingston	Yea	Council Member Chambers	Yea

Mayor Livingston presiding officer declared the motion adopted by unanimous vote of the members present.

Council Member Henderson moved that the said Ordinance 09-01 be finally passed and adopted as introduced.

Council Member Persall seconded this motion.

Mayor Livingston presiding officer put the question of final passage and the adoption of said Resolution to vote of the council, and on call of the roll the results were as follows:

Council Member Collins	Yea	Council Member Shadden	Yes
Council Member Persall	Yea	Council Member Henderson	Yea
Mayor Livingston	Yea	Council Member Chambers	Yea

Presiding officer Mayor Livingston announced the result of the vote, and declared Ordinance 09-01 passed and adopted.

Mayor Livingston presented Ordinance # 09-02, Titled – An Ordinance adopting an identity theft prevention program for the Town of Eva, Alabama in compliance with the “Red Flag Rule” of the Federal Reserve System and other federal agencies.

Councilmember Henderson moved that all rules governing the council which might, unless suspended, prevent the passage and adoption of Ordinance 09-01 at this meeting is and the same are hereby suspended for the purpose of permitting the resolution to be finally passed and adopted at this meeting.

Council member Persall seconded this motion.

The question was put before the council and on roll call the vote was as follows.

Council Member Shadden	Yea	Council Member Collins	Yea
Council Member Persall	Yea	Council Member Henderson	Yea
Mayor Livingston	Yea	Council Member Chambers	Yea

Mayor Livingston presiding officer declared the motion adopted by unanimous vote of the members present.

Council Member Chambers moved that the said Ordinance 09-02 be finally passed and adopted as introduced.

Council Member Persall seconded this motion.

Mayor Livingston presiding officer put the question of final passage and the adoption of said Resolution to vote of the council, and on call of the roll the results were as follows:

Council Member Collins	Yea	Council Member Shadden	Yes
Council Member Persall	Yea	Council Member Henderson	Yea

Mayor Livingston                      Yea                      Council Member Chambers    Yea

Presiding officer Mayor Livingston announced the result of the vote, and declared Ordinance 09-02 passed and adopted.

Mayor Livingston presented Ordinance 08-01 – Amendment #1 Business License Code Schedule of Licenses and Feeds

Councilmember Henderson moved that all rules governing the council which might, unless suspended, prevent the passage and adoption of Amendment # 1 to Ordinance 08-01 at this meeting is and the same are hereby suspended for the purpose of permitting the resolution to be finally passed and adopted at this meeting.

Council member Collins seconded this motion.

The question was put before the council and on roll call the vote was as follows.

Council Member Shadden	Yea	Council Member Collins	Yea
Council Member Persall	Yea	Council Member Henderson	Yea
Mayor Livingston	Yea	Council Member Chambers	Yea

Mayor Livingston presiding officer declared the motion adopted by unanimous vote of the members present.

Council Member Alexander moved that the said Amendment #1 to Ordinance 08-01 be finally passed and adopted as introduced.

Council Member Persall seconded this motion.

Mayor Livingston presiding officer put the question of final passage and the adoption of said Resolution to vote of the council, and on call of the roll the results were as follows:

Council Member Collins	Yea	Council Member Shadden	Yes
Council Member Persall	Yea	Council Member Henderson	Yea
Mayor Livingston	Yea	Council Member Chambers	Yea

Presiding officer Mayor Livingston announced the result of the vote, and declared Amendment #1 to Ordinance #08-01 passed and adopted.

Mr. Chambers's motion to adjourn, Mr. Shadden seconded, carried.

APPROVED:

~~Mayor~~

ATTEST:

Judy Fortenberry, Town Clerk