

Minutes of the regular meeting of the Eva Town Council held on March 10, 2015, 6:30 p.m. at the Eva Town Hall. Present: Mayor Gary Livingston, Council members Jim Henderson, Johnny Persall, Martin Nelson, Kent Chambers, and Clerk Judy Fortenberry.

Guests: Joe Hill, John Holmes, Edsel Childers and Betty Golden

Mayor Livingston called the meeting to order; all council members present except Brandlee Shadden. 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 asked Mr. Henderson to open with prayer.

Mayor asked if everyone had read the minutes of the February 10, 2015 regular Council Meeting. Mr. Henderson motioned to approve the minutes, Mr. Persall seconded, carried.

**A: FINANCE, EDUCATION & LIBRARY– MR. CHAMBERS**

No Report

**B: UTILITIES & STREETS– MR. SHADDEN**

No Report

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

Activities requested a new pitching mound for the park; Council had no reason not to approve.

Clerk will order.

**D: POLICE, FIRE & GRANTS – MR HENDERSON**

Mr. Henderson reported he has a meeting March 12, at 1:00 p.m. here at Town Hall to discuss the walking trail grant. Mr. Persall will meet with them.

**F: SANITATION & BUILDINGS –MR. NELSON**

No Report

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

**6. AUDITING ACCOUNTS – MOTION TO TRANSFER FUNDS & PAY BILLS**

Mr. Chambers motion to pay the bills, Mr. Nelson seconded, motion carried.

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

The Mayor stated that the officers of the Morgan County Industrial Park and Economic Development Cooperative District (the "District") had filed with the governing body of the Town an application in writing under Chapter 99B of Title 11 CODE OF ALABAMA 1975 to amend the certificate of incorporation of the District. The application, including a certified copy of the resolution of the District proposing such amendment attached thereto as Exhibit A, was presented to and examined by the members of the Town Council.

Thereupon, the following resolution was introduced in writing by Kent Chambers, read by the Clerk and

considered by the Town Council:

TOWN OF EVA, ALABAMA

RESOLUTION 15-01

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EVA, ALABAMA, AS FOLLOWS:

Section 1. The Town Council, upon evidence duly submitted to and considered by it, does hereby find and determine as follows:

(a) The Morgan County Industrial Park and Economic Development Cooperative District (the "District") has been heretofore incorporated pursuant to the authorization and determination of the governing bodies of Morgan County, Alabama, the City of Decatur, Alabama, the City of Hartselle, Alabama, the Town of Eva, Alabama, the Town of Falkville, Alabama, the Town of Priceville, Alabama, the Town of Somerville, Alabama, the Town of Trinity, Alabama, and the Decatur – Morgan County Port of Authority (collectively, the "Authorizing Subdivision") under Chapter 99B of Title 11 of the Code of Alabama 1975 (the "Enabling Law") and the original certificate of incorporation of the District is recorded in the office of the Judge of Probate of Morgan County, Alabama in Book 2008 at Page 779 et seq. (the "Original Certificate of Incorporation").

(b) The Original Certificate of Incorporation has not been amended.

(c) It is wise, expedient, necessary, advisable and in the public interest for the Certificate of Incorporation to be amended, as provided in the proposed amendments thereto set forth in Section 2 hereof, so as to provide for additional projects of the District, to be located within incorporated and unincorporated areas of Morgan County, Alabama.

(d) There is no litigation pending or threatened, restraining or enjoining, or in any manner questioning or affecting: (i) the incorporation, organization or corporate existence of the District, or (ii) the election of any member of the Board of Directors of the district, or (iii) the title of any officer or member of the Board of Directors of the district to their respective officers.

(e) The town Council has examined and considered the amendment to the Certificate of Incorporation proposed by the officers of the District as set forth in the following application filed with the governing bodies of the Authorizing Subdivision:

Section 2. The Town Council does hereby approve the form and content of the proposed amendment to the Certificate of Incorporation of the District, as set forth in the certified resolution of the district approving the amendment attached to the said application.

Section 3. The Town Council does hereby authorize the persons making such application to make the proposed amendment to the Certificate of Incorporation of the District and to execute, acknowledge and file an instrument embodying the amendment specified in such application.

This 10<sup>th</sup> day of March, 2015.

Approved:

Attest:

\_\_\_\_\_  
Town Clerk

It was moved by Councilman Persall that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of the said resolution be suspended and that unanimous consent to the

immediate consideration and adoption of the said resolution be given. The motion was seconded by Councilman Henderson and on roll call was unanimously adopted, those answering aye being:

Mayor: Gary Livingston     Aye     Councilman: Kent Chambers     Aye  
Councilman: Johnny Persall     Aye     Councilman: James Henderson     Aye  
Councilman: Martin Nelson     Aye

Nays: None

The Mayor declared the motion unanimously carried

After said resolution had been discussed and considered in full by the Council, it was moved by Councilman Henderson that said resolution be now placed upon its final passage and adopted. The motion was seconded by Councilman Chambers. The question being put as to the adoption of said motion and the final passage and adoption of said resolution, the roll was call with the following results:

Mayor: Gary Livingston     Aye     Councilman: Kent Chambers     Aye  
Councilman: Johnny Persall     Aye     Councilman: James Henderson     Aye  
Councilman: Martin Nelson     Aye

Nays: None

The Mayor thereupon declared said motion carried and Resolution 15-01 passed and adopted as introduced and read.

There being no further business to come before the meeting, Councilman Chambers moved and seconded by Councilman Nelson that the meeting be adjourned. Motion carried.

Minutes approved:

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Mayor

\_\_\_\_\_  
Member of Council

\_\_\_\_\_  
Member of Council

\_\_\_\_\_  
Member of Council

\_\_\_\_\_  
Member of Council

\_\_\_\_\_  
Member of Council

Attest: \_\_\_\_\_  
Town Clerk