

Minutes of the regular meeting of the Eva Town held on October 13, 1998, at 6:30 P.M., in the Eva Town Hall. Present: Mayor Livingston, C. C. Mosteller, James Fowler, C. C. Mosteller, and Larry Smith. Bert Collins was absent due to illness. Guest present: Mrs. Betty Loftin, contracted administrator on CDBG Economic Development Loan for Johnson Emu Processing, Inc., Dave Breen, resident, and Steve Henderson, resident.

After roll call, Mr. Mosteller opened with prayer. After reading minutes, Mr. Fowler made motion to approve minutes of regular meeting held on September 8, Mr. Smith second, carried. Mr. Smith made motion to approve minutes of called meeting on September 10, Mr. Mosteller second, carried. Mr. Alexander made motion to approve minutes of called meeting on September 16, Mr. Fowler second, carried.

Mayor asked Mr. Alexander to report on meeting with Larry Madison, attorney, concerning the agreement with Alabama Department of Economic Development loans for Johnson Emu Processing, Inc. Mr. Alexander stated that he and Mr. Mosteller met with Mr. Madison on Friday, October 9. Mr. Madison found the paperwork to be in order which was standard for CDBG loan funds. That agreement compared to the contract agreement with Betty Loftin to administer the funds and procedures necessary to meet ADECA regulations. Mr. Madison advised that Mrs. Loftin would handle the Special Conditions listed at the end of the ADECA agreement.

Mr. Mosteller asked Mrs. Loftin if the procedures listed on her agreement would require any additional charges. Mrs. Loftin stated that the contract is from a State manual which was formality and there would be no additional charges on this project. Mr. Mosteller asked Mrs. Loftin how the funds would be distributed. Mrs. Loftin stated that the funds would be electronically transferred to the bank in increments. When invoices are received for equipment, she would submit requisitions to Montgomery for payment. The State cuts a check and sends directly to the account in monthly increments. She stated that a request must be signed tonight to submit to the state for this bank account then advised that her name would be on the account for emergencies only. She advised that Mayor Livingston's name would be on the account and that the state had recommended Larry Smith to be on the account. Once funds are sent into the account, there is only 14 days to spend the funds. She stated that invoices will outline or list everything on the project.

In addition, she stated that no draw down of funds will be made until all checks clear through the bank all previous payments. Since she will call the bank to see if checks are cleared, then her name must be on the account to ask for clearance of checks at the bank. She will keep a set of books approved from ADECA which will be double entry bookkeeping. Invoices will have specs attached to them and monthly reports will be submitted to the town on the expense of funds. Johnson Emu Processing must contribute over \$100,000 also to meet state requirements. Mrs. Loftin advised that she has a resolution for the council to approve the bank account.

Mr. Smith then made motion for Mayor Livingston to enter an agreement with Alabama Economic Development on the CDBG funds for Johnson Emu Processing, Inc. Mr. Fowler second, carried. Mayor explained that the bank account must be set up to administer funds. Mr. Fowler made motion for Mayor to open the checking account at his discretion, Mr. Mosteller second, carried.

Mrs. Loftin then advised that State Form SPCD 032 must be approved for Larry Smith, Mayor Livingston and she could draw down funds for electronic deposit. Mr. Mosteller made motion to

approve Larry Smith, Mayor Livingston and Betty Loftin to draw down funds by electronic deposit, Mr. Alexander second, carried.

Mayor then explained that Bert Collins was recommended to be EEO Officer for this funding. Mr. Alexander made motion to accept this recommendation for EEO Officer for this funding, Mr. Fowler second, carried.

Councilman Fowler introduced Resolution #98-7 Authorizing a bank established to handle financial affairs of the grant/loan from Alabama Department of Economic & Community Affairs on behalf of Johnson Emu Processing, Inc. And authorized persons as: Gary Livingston, Mayor, Larry Smith, Pro Tem, and Betty Loftin, Project Manager.. Mr. Mosteller moved that all rules governing the council which might, unless suspended, prevent the passage and adoption of the resolution at this meeting, be and the same are hereby suspended for the purpose of permitting the said ordinance to be finally passed and adopted at this meeting. Councilman Smith seconded. Mayor Livingston questioned council on roll call vote as follows:

Mayor Livingston - yea	Councilman Mosteller - yea
Councilman Fowler - yea	Councilman Alexander - yea
Councilman Smith - yea	

Councilman Smith moved that the said resolution #98-7 as introduced be finally passed and adopted as introduced. Councilman Fowler seconded this motion. Mayor Livingston questioned final passage by vote of the council, and on roll call as follows:

Mayor Livingston - yea	Councilman Mosteller - yea
Councilman Fowler - yea	Councilman Alexander - yea
Councilman Smith - yes	

Mayor Livingston announced the result of the vote, and declared the resolution finally passed and adopted, reference to Section 11-45-2, Code of Alabama, 1975.

#### **FINANCE & EDUCATION - MR. MOSTELLER**

Mr. Mosteller stated that Bonnie Holmes, Head Librarian, has advised that most grants have been turned down for library funds but she does have hope for another one. To date, the Friends of Library have raised \$15,000.00 toward the addition to the library.

Clerk advised council that the playground equipment, picnic tables and the fence at park needs replacement insurance. After discussion, Mr. Mosteller made motion to add replacement coverage insurance on any equipment and fences at the park;not covered and any placed there in the future, Mr. Alexander second, carried.

Mayor advised that Mrs. Livingston and Mrs. Holmes agreed to serve another term on the Library Board for another four years if appointed. Mr. Mosteller made motion to appoint Eloise Livingston and Bonnie Holmes to serve another four year term as previously appointed, Mr. Alexander second, carried.

#### **UTILITIES - MR. ALEXANDER**

Mr. Alexander reported that nine (9) street security lights were out and eight have been repaired by Joe Wheeler, EMC. He was not sure if the one on Lindler is repaired. Also, five (5) lights were out at the

ballfield and two (2) have been repaired. There is wiring problems on the other three (3), possible four (4), lights according to Joe Wheeler, EMC servicemen. He called William Neal to check on the wiring problems. Mr. Neal wanted to know if the lights were going to be installed on the walking trail and Mr. Neal has been discussing this project with Bert Collins. Mayor advised that the wiring problem needs to be repaired.

Mr. Dave Breen, resident present at meeting, reported that the walking trail had very bad places in it and some people have fell and hurt their legs. Since there are approximately 20 people, including himself, who walk the trail early each morning with no lights, it is dangerous. Mayor advised Mr. Breen the bad places would be repaired.

Mr. Smith asked if there is an estimate for lights on the walking trail. Mayor advised approximately \$7500 was estimate from William Neal. Mr. Neal also advised that lights were needed on the tennis/basketball courts with timers when completed. Mayor advised he would get a price from Joe Wheeler for running wire. Mr. Smith stated that Eva Activities may have some available funds after basketball season.

Mr. Alexander then advised that Cullman-Jefferson Gas District checked all gas heaters and pilot lights for the town facilities in September since that was check out time.

#### **STREETS, PARKS & CEMETERIES - MR. FOWLER**

Mr. Fowler advised that the plots are prepared for pads at the park and medical building, gravel has been put on Patton Rd... He added that as previously stated, a turn lane needs to be planned at Foodland - Mayor Livingston stated that he will look at this project in the Spring.

#### **POLICE & FIRE - MR. SMITH**

Mr. Smith reported that town received approximately \$207.00 from drug seizures at the October 1, meeting of Drug Task Force. He explained that at this meeting, members discussed putting the funds back into the Drug Task Force for expense of operation for officers. After discussion, Mr. Smith made motion to return funds back to the Drug Task Force for operations, Mr. Mosteller second, carried. Mr. Smith will find out where funds should be sent. After discussion on renewing agreement with the Drug Task Force operation, Mr. Smith made motion that the town remain with Morgan County Drug Task Force operation, Mr. Fowler second, carried. Mr. Smith added the only change in the guidelines is fiscal change to October 1 instead of January due to State Grant Funding year.

Mr. Smith advised that Mr. Breen, his wife and Judy Henderson are faithful volunteers at Morgan County Sheriff's sub-station but they need other volunteers to assist them. Mr. Breen added that some days it is tough to keep it open without other volunteers.

In addition, Mr. Smith called Curtis Kirsch, Architect, Mr. Kirsch advised he needed to discuss the design with the dentist. Mr. Kirsch will then contact Mr. Smith concerning the project. Mr. Smith stated that Charles Frost, CWF Construction, asked East Morgan IDB for assistance on his business if he purchased land at Eva Industrial Park. CWF can manufacture a portion of the roof that he installs.

#### **NO REPORT ON RECREATION & SANITATION**

#### **NO HEARINGS ON PETITIONS, APPLICS, COMPLAINTS, APPEALS, ETC.**

**AUDITING ACCOUNTS**

After reviewing the bills, Mr. Fowler made motion to transfer the necessary funds and pay all the bills, Mr. Mosteller second, carried.

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

Mayor advised that a resolution must adopted for the transfer of ownership of Charter Communications. Transfer will not change the name of operation. The council approved the transfer in previous meeting but Charter Communications requires a resolution passed by council.

Councilman Smith introduced Resolution #98-6, adopting the transfer of ownership of Charter Communications and read at length. Councilman Fowler moved that all rules governing the council which might, unless suspended, prevent the passage and adoption of the resolution at this meeting, be and the same are hereby suspended for the purpose of permitting the said resolution to be finally passed and adopted at this meeting. Councilman Alexander seconded this motion. On roll call vote as follows:

Mayor Livingston - yea  
Councilman Fowler - yea  
Councilman Smith - yea  
Councilman Mosteller - yea  
Councilman Alexander - yea

Councilman Fowler moved that the said resolution #98-6 as introduced be finally passed and adopted as introduced. Councilman Alexander second this motion. Mayor Livingston question final passage the adoption of said resolution to vote of the council, and on roll call as follows:

Mayor Livingston - yea  
Councilman Fowler - yea  
Councilman Smith - yea  
Councilman Mosteller - yea  
Councilman Alexander - yea

Mayor Livingston announced the result of vote, and declared the resolution finally passed and adopted, reference to Section 11-45-2, Code of Alabama.

Mayor advised that he asked Mrs. Eloise Livingston and Mrs. Jane Moses to serve on the Medical Clinic Board for another term if they were appointed and they did agree. Mr. Fowler made motion to re-appoint Mrs. Livingston and Mrs. Moses to serve another term as agreed, Mr. Smith second, carried. Mayor will also ask Mr. Rick Hill, who lives north of the 4-way and nurse at Huntsville Hospital to serve on this board.

Mayor will discuss Eva Industrial Development Board members at the November meeting. He then advised that the Morgan County Mayor/Clerk meeting is Thursday, November 5, 6:30 P.M. at Bobby's Restaurant and the Eva IDB meeting will be Thursday, December 10, 6:30 P.M., at Bobby's restaurant.

Mr. Mosteller made motion to adjourn, Mr. Fowler second, carried.

11/10/98

Approved 

Attest: