

Minutes of the regular meeting of the Eva Town Council held on May 13, 1997, at 7: 30 P.M. in the Eva Town Hall. Present: Mayor Livingston, C. C. Mosteller, Afton Fowler, Clarence Alexander, Larry Smith, Bert Collins and Jean Deese as guest.

After roll call, Mr. Fowler opened with prayer. Mr. Fowler made motion to dispense reading minutes until hearing from guest, Mr. Collins second, carried.

Mayor welcomed Mr. Deese and then read a letter from William Shinn, attorney for Morgan County concerning Mr. Deese's sub-division and who (County or Town) should certify the project. As stated by Mr. Shinn, "... since Town of Eva does not have a Planning Commission, the town council has no regulations over sub-division." In addition, Morgan County sub-division specifications does not cover municipalities. The plat has to be certified by the surveyor and signed and acknowledged by the owner in the same manner as deeds are signed and acknowledged. The filing of a properly prepared plat has the effect of dedicating all of the public ways that are shown on the plat. Where the municipality has more than 10,000 inhabitants, the map must also be approved by the governing body or city engineer of the municipality and that approval must be noted on the plat. The Town of Eva does not come close to having more than 10,000 inhabitants, so there is no legal requirement for the approval of any public official or public body. (Letter on file).

Mr. Deese requested that he be allowed to change the name of Edgewood Street to Courtney Drive. He stated that Emergency 911 office has advised there is no problem in changing the name. Mayor advised that he will check into this change. Mr. Deese also stated that if the new street on the west side of the sub-division has a 40 ft. Right of way and 15 ft. Utility right of way, that totals 70 ft. In addition he has purchased land to extend the cul-de-sac to Childers Road. He would like for that extension to be 40 feet right of way. In reference to the street on the west side within the sub-division previously council required 60 ft. Right of way, he has also purchased land to extend that street to Childers Road behind the Eva Baptist Church.

Mr. Deese then advised that he has purchased property he believed to be at the end of the town limits next to Ford Road. After describing the property, previously owned by the Hutchens, Mayor advised that it was not in the town limits. Mr. Deese explained that a run down mobile home sits on side of Childers Road will be torn down, the remains carried off or burned. Mayor thanked Mr. Deese for attending and acknowledge his requests to the council, but he will discuss with council and advise him of the decisions.

After reading minutes of called meeting April 8, Mr. Smith made motion to approve, Mr. Collins second, carried. After reading minutes of April 17, Mr. Collins made motion to approve, Mr. Mosteller second, carried.

FINANCE & EDUCATION - MR. MOSTELLER

Mr. Mosteller asked if roof repairs being done at the Library, Mayor advised that Leon Brown has met with Library Board for a decision on color and due to a medical problem has not started to

work. Mr. Smith advised that he is better, working more, and would probably be on the job as soon as possible.

Mayor advised that East Morgan Industrial Board needs a price for land at the industrial park for loan purposes. They will pay for the land at the end of the loan plus interest. After discussion concerning price of land per acre, Mr. Alexander made motion for Mayor to discuss this matter with George Crawford for a reasonable amount per acre, Mr. Mosteller second, carried.

Mayor advised that Certificate of deposit for general fund in the amount of \$25,000 will mature May 16, 1997. Mr. Mosteller made motion for Mayor to seek best interest rate and financial depository.

Mayor stated that old mobile office used for a health clinic needs to be sold for whatever worth due to needing lots of repair. Mr. Mosteller made motion for Mayor to get price estimate in order to sell the office, Mr. Collins second, carried.

UTILITIES - MR. ALEXANDER

Mr. Alexander advised that Eloise Livingston, Chairman of Library Board, has requested that shrubbery be taken from around the Old Health Clinic and be planted around the library. He added that some of this shrubbery could also be planted in front of the town hall. The requirement is that Jerry Livingston move and trim the plants and keep the cuttings as payment. Mr. Mosteller made motion for council to approve Jerry Livingston transplanting some of the shrubbery to the library and town hall, trimming it and keeping the cuttings. Mr. Smith second, carried. Mayor Livingston abstained.

STREETS, PARKS, AND CEMETERIES - MR. FOWLER

Mr. Fowler advised that Highway 55 is breaking up very badly. He suggested that patching needs to be done before the situation is worse. Mayor will discuss project with Don Stisher, Morgan County Commissioner Dist. #3.

Mr. Fowler asked if any banks had been mowed by county yet? All road banks need to be leveled in the same manner by county if possible so that residents could mow and clean them off. Mayor suggested that maybe the town could purchase a tractor and mower in the future to keep the road banks clean. Mayor will also discuss mowing banks with Don Stisher.

Next, Mr. Fowler ask about the status of the fence behind the nutrition site. Mayor advised that Ricky Wallace came by town hall today concerning the fence adding that he would pay for a gate to be added for a pass through. Mr. Collins added that Mr. Wallace and Steve Cobb has both agreed to pay \$250.00 each toward building the fence since the town council has agreed to furnish it.

After discussion concerning changing the name of Edgewood Street to Courtney Drive (requested by Jean Deese) and extended the street on the west side within the sub-division, Mr. Fowler made motion that the street name be changed to "Courtney Drive" with Mr. Deese taking care of the

legal matters concerning the change, Mr. Smith seconded, carried. Mr. Fowler made motion that the street on the west side of the sub-division be a 40 ft. right-of-way and paved at Morgan County Specifications, Mr. Collins seconded, carried. Note: This motion rescinds motion made by Mr. Fowler at December 12, 1995, council meeting that "the streets within the sub-division should meet Morgan County sub-division requirements with 60 ft. Right-of-way.

POLICE & FIRE - MR. SMITH

Mr. Smith advised that the fire department needs to update 12 radios at a cost of approximately \$500.00 ea. Fire chief will first look at their financial status before approval from council.

He added that Deputy Ferguson will retire from Morgan County Sheriff's Department on May 30. He also advised that he has tried to reach Sheriff Crabb to discuss replacing the deputy to fulfill the contract with Town of Eva.

SANITATION AND RECREATION - MR. COLLINS

Mr. Collins added that he has been working with Eva Activities for their needs of concessions at the park. Mayor advised that activity association will fertilize and sow winter grass this fall.

Mr. Collins also advised that sewer is still rising from ground at G.C. Childer's rental building. Mayor advised that he will again discuss with Mr. Childers.

Mayor advised that William Chaffin, owner of Eva Tire recently destroyed by fire, is working with someone to clean up the remains of the fire to be carried off for scrap. He assured Mayor that it would be cleaned up before Frontier Days.

Mayor also advised that Mark Gonzales, Consulting Engineer, did not recommend using the property they had considered for a sewer waste project.

NO REPORT FROM SPECIAL COMMITTEES

NO REPORT ON HEARING, PETITIONS, APPLCS., COMPLAINTS, APPEALS, ETC.

AUDITING ACCOUNTS

After reviewing the bills, Mr. Smith made motion to pay bills, Mr. Fowler second, carried.

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

Approved

6/10/97

Attest:

Eva Town Clerk

HARRIS, CADDELL & SHANKS, P.C.
ATTORNEYS AT LAW
P. O. BOX 2688

JULIAN HARRIS (1904-1994)
JOHN A. CADDELL
ROBERT H. HARRIS
JON H. MOORES
THOMAS A. CADDELL
WILLIAM E. SHINN, JR.
GARY A. PHILLIPS
DOW M. PERRY, JR.
BARNES F. LOVELACE, JR.
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May 8, 1997

RETIRED

NORMAN W. HARRIS
PHILIP T. SHANKS, JR.
CHARLES L. MURPHREE
WRITER'S DIRECT DIAL TELEPHONE

(205)340-8041

The Honorable Bobby Day
Judge of Probate of Morgan County
Morgan County Courthouse
Decatur, Alabama

RE: Subdivisions in Town of Eva

Dear Judge Day:

The Town of Eva, a municipal corporation, has never created a municipal planning commission and has no subdivision regulations. The Morgan County subdivision regulations do not extend to any territory located within the limits of a municipal corporation. Such being the case, I know of no requirements for subdivision plats of land in the Town of Eva other than the provisions of §35-2-50 & 51, Code of Alabama, 1975, copy attached. The plat has to be certified by the surveyor and signed and acknowledged by the owner in the same manner as deeds are signed and acknowledged. The filing of a properly prepared plat has the effect of dedicating all of the public ways that are shown on the plat.

Where the municipality has more than 10,000 inhabitants, the map must also be approved by the governing body or city engineer of the municipality and that approval must be noted on the plat. However, the Town of Eva does not come close to having more than 10,000 inhabitants, so there is no legal requirement for the approval of any public official or public body.

If I can be of any further assistance to you in this matter, please feel free to call.

Yours very truly,

William E. Shinn, Jr.

WESjr/psh
enclosure

cc: Mr. B. S. Woodruff
Mr. Larry Bennich
Mr. Gary Livingston