

MINUTES OF COUNCIL
JULY 21, 2009

The Batesville City Council met in regular session on July 21, at 5:30 PM at the Municipal Building. Mayor Elumbaugh presided over the meeting. Councilmember Insell gave the invocation. Upon roll call, the following council answered present; Tommy Bryant, Margaret Henley, Davy Insell, Fred Krug, Doug Matthews, Matt McDonald, Richard O'Neal and David Shetron. Also present was the City Clerk and the City Attorney.

Councilmember Insell moved to approve the minutes from the last two meetings. Councilmember O'Neal seconded and all voted for.

Councilmember Shetron moved to approve the prepared agenda. Councilmember Henley seconded and all voted for.

COMMENTS FROM CITIZENS

None

UNFINISHED BUSINESS

A) THIRD READING OF AN ORDINANCE TO REZONE CERTAIN PROPERTY IN THE HOLMES SUBDIVISION FROM R-1 AND C-1 TO C-2

Councilmember Insell moved to suspend the rules and read the final reading by title only. Councilmember O'Neal seconded and the roll call count was 8 for and 0 against. Mr. Stalker read the ordinance by title only. Mayor Elumbaugh opened the floor for discussion. Councilmember Krug said although some say that safety is not an issue with the proposed rezone, he walked across the street and realized the danger in doing so. He said the residents in Big Pine have supported the City in recent tax elections and felt the City should support them. Councilmember Henley agreed with Mr. Krug and added there is a need for such a development but she was in support of keeping neighborhoods in tact and thought there was a better place for the proposed apartment complex. Councilmember Bryant moved to adopt the

ordinance and Councilmember Shetron seconded and the roll call count was 0 for and 8 against.

NEW BUSINESS

A) MS. MERRY MOISEICHIK FROM THE UNIVERSITY OF ARKANSAS WITH A PROPOSAL REGARDING A COMPREHENSIVE STUDY OF THE BATESVILLE PARKS AND RECREATION FACILITIES

Ms. Merry Moiseichik, Associate Professor of Recreation with the University of Arkansas, addressed the council with a proposal for a comprehensive plan for Batesville's Parks and Recreation Department. Ms. Moiseichik was contacted by the Parks & Rec. Commission. Ms. Moiseichik said her class of upper-grad students will make two trips to Batesville, tour our facilities, meet with members of the Parks and Recreation department and commission members. Two weeks before the end of the semester, the class will present their results for critique and in-put for the final presentation to the council with the problems and suggested solutions. The cost of the project including all travel and expenses for 15 students, 3 consultants and 1 faculty member is \$9,134.00. For an additional \$3,000.00 they will conduct a needs assessment which includes at least two community meetings and a questionnaire sent to a random sample of 1000 residents. A second mailing takes place for non-respondents. Ms. Moiseichik said if approved, the project will begin in February of 2010 and be completed May, 2010. Councilmember Shetron moved to contract with the University of Arkansas for the Parks and Recreation Comprehensive Study and additional needs assessment study. Councilmember Bryant seconded and all voted for.

B) MS. JOY WILSON AND MR. GLEN WILLIS REGARDING ALERT EXPRESS

Ms. Joy Wilson, Dispatch Supervisor, and Mr. Glen Willis, OES Director, addressed the council regarding the proposed implementation of Alert Express. Alert Express is a secure web site that will be managed by Batesville Dispatch and OES to send out emergency alerts including weather alerts, boil water orders, road closings, Amber alerts, etc. The service will be

free to the public. Ms. Wilson said they will publish forms for citizens in Batesville and Independence County to fill out and the information will be entered into the Alert Express system. When an alert is warranted, the Citizens will be notified by telephone, land line and/or cell phone, of the emergency. Mr. Willis said the program allows setting up quadrants which they are doing by using the fire districts. In doing so, they can notify only sections of the county that the emergency affects. The cost to implement the program will be approximately \$3,500.00 for two lap top computers with wireless internet. Councilmember Matthews moved to proceed with the Alert Express implementation and Councilmember O'Neal seconded. All voted for.

C) MR. ED MABRY WITH THE ECONOMIC DEVELOPMENT COMMISSION

Mr. Ed Mabry with the Independence County Economic Development Commission addressed the council to give them an update regarding the newly formed commission. Mr. Mabry said people apply to the commission for economic development funds for several reasons including established businesses who wish to expand, to start a new business, loan forgiveness to name a few. Once the commission approves an application, the applicant goes before the Quorum Court for final approval. Mr. Mabry said the Quorum Court recently approved three applications. He said the AEDC in Little Rock offered to give Townsends \$500,000 to add a line to its plant which will create 70 new jobs if we would give them \$200,000. He said since the County passed the Economic Development tax, the State is willing to help as well. Mayor Elumbaugh said he thought it would be a good gesture for the City to help Townsends as well. Townsends is currently repaying an under billing error at a little more than \$10,000. per month. They owe a little over \$100,000. The Mayor asked the council if they would approve the forgiveness of the debt owed by Townsends as long as they add the new line and retain the 70 additional employees for a determined number of years. If they do not add the line and 70 new employees or keep the employee for determined number of years, Townsends will have to pay back the balance of their debt. Councilmember Bryant

moved for the Mayor to work with the lawyers to draft the contract for the debt forgiveness.

Councilmember Shetron seconded and all voted for.

D) DISCUSS STOP LIGHTS ON MAIN STREET

Mr. Marty Thompson and Mr. Johnny Coles address the council regarding stop lights on Main Street. Mr. Thompson and Mr. Coles work on the City's stop lights. The council discussed the options for the traffic signals at the intersections of Main and 3rd and Main and 4th streets. Councilmember McDonald moved to have the traffic signals flash red in all directions at both intersections for 90 days and then reconsider their options. Councilmember Bryant seconded and all voted for.

E) CONSIDER AN ORDINANCE TO CREATE A COMMISSION TO HEAR APPEALS FROM DECISIONS OF THE CODE ENFORCEMENT OFFICE AND FIRE CHIEF

Code Enforcement Officer Chad McClure addressed the council regarding a proposed ordinance to set up an Appeals Commission to hear appeals on decisions made by the Code Enforcement Office and Fire Chief. Mr. McClure said when the city passed the new building and fire codes it mandated that we set up an appeals commission. Councilmember Bryant introduced the ordinance. Councilmember Bryant moved to suspend the rules and read the ordinance by title only. Councilmember O'Neal seconded and the roll call count was 8 for and 0 against. Mr. Stalker read the ordinance by title only. Councilmember Bryant moved to suspend the second and third readings and Councilmember O'Neal seconded. The roll call count was 8 for and 0 against. Councilmember Bryant moved to adopt the ordinance. Councilmember Insell seconded and the roll call count was 8 for and 0 against. The ordinance was given #2009-7-1. Councilmember Bryant moved to adopt the emergency clause. Councilmember O'Neal seconded and the roll call count was 8 for and 0 against.

F) CONSIDER AN ORDINANCE TO AMEND ORDINANCE #2005-11-1 REGARDING UNIFORM PENALTIES AND FINES

Councilmember Matthews introduced an ordinance that would amend ordinance #2005-11-1 regarding penalties for violations. The amendment brings the City's ordinance up to the State standards. Councilmember Matthews moved to suspend the rules and read the ordinance by title only. Councilmember Shetron seconded and the roll call count was 8 for and 0 against. Mr. Stalker read the ordinance by title only. Councilmember Matthews moved to suspend the second and third readings and Councilmember Insell seconded. The roll call count was 8 for and 0 against. Councilmember Matthews moved to adopt the ordinance. Councilmember Shetron seconded and the roll call count was 8 for and 0 against. The ordinance was given #2009-7-2. Councilmember Shetron moved to adopt the emergency clause. Councilmember Bryant seconded and the roll call count was 8 for and 0 against.

G) CONSIDER A RESOLUTION IN SUPPORT OF A BATESVILLE EXPRESSWAY (BYPASS) ON HIGHWAY 167

Councilmember O'Neal introduced a resolution in support of continued Highway 167 improvements between Batesville and Ash Flat and an alternate route around Batesville on the east side. Councilmember Insell moved to read the resolution by title only. Councilmember O'Neal seconded and the roll call count was 8 for and 0 against. Mr. Stalker read the resolution by title only. Councilmember Shetron moved to adopt the resolution and Councilmember O'Neal seconded. The roll call count was 8 for and 0 against. The resolution was given #2009-7-1-R.

H) REVIEW PAID BILLS REPORT

The council reviewed the paid bills report for June, 2009.

I) REVIEW JUNE, 2009 FINANCIALS

The council reviewed the financials for June, 2009. The council decided to have a mid year budget meeting immediately after the August 11th council meeting.

J) ENGINEER'S REPORT

City Engineer Damon Johnson gave his monthly report to the council. He reported that the Pioneer Drive job was about 50% complete. Mr. Johnson reported on the utility plants and construction departments and said the smoke tests that were planned were rained out.

MAYOR COMMENTS

Mayor Elumbaugh said several land owners near the intersection of Hwy 233 and Hwy 25 are in the process of petitioning to be annexed into the city limits of Batesville. He said the proper paperwork will be presented to the council in the near future.

Mr. Steve Lewis with CenterPoint Energy is hosting the “National Night Out” at City Hall on August 4th at 6:00 PM. National Night Out is an event to encourage neighbors to meet one another and also meet their local fire and police. There will be refreshments furnished by Mr. Lewis and the Mayor encouraged everyone to come out and support the event.

LIAISON REPORTS

Councilmember Matthews updated the council on the paving of the runways at the Municipal Airport.

COUNCIL COMMENTS

Councilmember Bryant said he noticed several lights out at Riverside Park primarily along the Riverwalk.

ADJOURNMENT

There being no further business, Councilmember Insell moved that the meeting be adjourned. Councilmember Bryant seconded and all voted for.

DENISE M. JOHNSTON, CITY CLERK

RICK ELUMBAUGH, MAYOR