

**MINUTES OF COUNCIL**  
**OCTOBER 27, 2009**

The Batesville City Council met in regular session on October 27, at 5:30 PM at the Municipal Building. Mayor Rick Elumbaugh presided over the meeting. Mr. Anthony Gunderman gave the invocation. Upon roll call the following councilmembers answered present: Tommy Bryant, Margaret Henley, Davy Insell, Fred Krug, Doug Matthews, Matt McDonald, Richard O'Neal, and David Shetron. Also present were the City Clerk and the City Attorney.

Councilmember O'Neal moved to approve the minutes from the previous meeting and Councilmember Insell seconded. All voted for.

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

**CITIZENS COMMENTS**

None

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**A) RECOGNIZE THE EAGLE MOUNTAIN ODYSSEY OF THE MIND TEAM  
AND THE EAGLE MOUNTAIN MAGNET ARCHERY TEAM**

Mayor Elumbaugh recognized the Eagle Mountain Odyssey of the Mind Team for their recent accomplishments. The team finished 1<sup>st</sup> in the State, 1<sup>st</sup> in the Region and 21<sup>st</sup> in the Work Earth Trek Division 1 competitions. Each team member was given a proclamation. State Representative James McLean also

presented the team with a citation issued from the State of Arkansas House of Representatives.

Mayor Elumbaugh also recognized the Eagle Mountain Magnet Archery Team for their 1<sup>st</sup> place in the 2009 World Archery in the Schools Program. Mayor Elumbaugh praised the students, coaches, volunteer coaches and parents for this great achievement. The Mayor also gave each team member a proclamation and Representative McLean presented the team with a citation issued from the State of Arkansas House of Representatives.

**B) AIRPORT COMMISSION WITH A REQUEST FOR 2010 FUNDING**

Airport Commissioners Karl Kemp, Chairman and Ed Mabry addressed the council with a report of recent airport improvements and planned projects in the near future. The Commissioners emphasized the importance of the Municipal Airport and asked that the City continue to their financial support for 2010.

**C) CHAMBER OF COMMERCE CEO CHRYSTAL JOHNSON**

Chamber of Commerce CEO Chrystal Johnson addressed the council requesting the City reinstate their financial support in 2010 for \$10,000.00. Per the Chambers request, the City discontinued the financial support in 2008. Ms. Johnson said the Chamber is moving forward and along with the Economic Development Commission, they are committed to help Batesville and Independence County move forward.

**D) CONSIDER WATER METER OUTSIDE CITY LIMITS**

Mr. Nick Baxter, Utility Office Manager, addressed the council with a request from Mr. Nicholas Sloan for a water meter at 275 White Drive. Mr. Baxter said the water line already exists and the land is contiguous with the City limits. Mr. Baxter said Mr. Sloan is in the process of petitioning for annexation into the City. Councilmember Bryant moved to approve the meter request and Councilmember Shetron seconded. All voted for.

**E) CONSIDER AN ORDINANCE TO GRANT A PARTIAL VACATION OF THE MOUNTAIN RIDGE SUBDIVISION**

Councilmember Shetron introduced an ordinance that would grant a partial vacation of the Mountain Ridge Subdivision. Councilmember Bryant explained to the council when the subdivision was platted, the partial to be vacated was platted into seven lots and the developers do not plan on opening the lots for sale. The road platted has not been developed nor have the lots. The developers want to vacate the partial in question back to acreage for the tax books. Councilmember Bryant moved to read the ordinance by title only and suspend the second and third readings. Councilmember O'Neal seconded and the roll call count was 8 for and 0 against. Attorney Stalker read the ordinance by title only. Councilmember Shetron moved to adopt the ordinance and Councilmember Bryant seconded. The roll call count was 8 for and 0 against. The ordinance was given #2009-10-1. Attorney Stalker read the emergency clause. Councilmember O'Neal moved to adopt the emergency clause. Councilmember Bryant seconded and the roll call count was 8 for and 0 against.

**F) CONSIDER AN ORDINANCE TO AMEND THE WATER/SEWER DAMAGE CLAIMS POLICY**

Councilmember Bryant introduced an ordinance to amend the Water/Sewer damage claims policy. Councilmember Shetron moved read the ordinance by title only and suspend the second and third readings. Councilmember Bryant seconded and the roll call count was 8 for and 0 against. Attorney Stalker read the ordinance by title only. Councilmember Insell moved to adopt the ordinance and Councilmember Bryant seconded. The roll call count was 8 for and 0 against. The ordinance was given #2009-10-2. Attorney Stalker read the emergency clause. Councilmember Bryant moved to adopt the emergency clause. Councilmember Henley seconded and the roll call count was 8 for and 0 against.

**G) ENGINEER'S REPORT**

City Engineer Damon Johnson gave the council a copy of the contract for professional services with Robinson, Stafford, Rude, Inc. (RISI). ANRC requires the city contract with an engineering firm to perform value engineering services for the wastewater treatment system improvements. Councilmember Shetron moved that Mr. Johnson execute the contract with RISI. Councilmember Bryant seconded and all voted for.

**H) EXECUTIVE SESSION**

Councilmember Bryant moved to go into executive session. Councilmember Insell seconded and all voted for.

Upon returning from executive session, Councilmember Matthews moved to reappoint Mr. Karl Kemp to the Airport Commission. Councilmember Bryant seconded and all voted for. Mr. Kemp's term will expire 11/9/2014.

**I) REVIEW OF SEPTEMBER 2009 FINANCIALS**

The council was given a copy of the September 2009 financials.

**MAYOR COMMENTS**

Mayor Elumbaugh said he needed to change the first meeting in November because of a conflict. Councilmember Bryant moved to change the first meeting from November 10 to Monday, November 9. Councilmember Henley seconded and all voted for.

**LIAISON REPORTS**

None

**COUNCIL COMMENTS**

None

**ADJOURNMENT**

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

**DENISE M. JOHNSTON, CITY CLERK**

**RICK ELUMBAUGH, MAYOR**