

**MINUTES OF COUNCIL**  
**MARCH 9, 2010**

The Batesville City Council met in regular session on March 9, at 5:30 PM at the Municipal Building. Mayor Rick Elumbaugh presided over the meeting. Dr. Doug Matthews gave the invocation. Upon roll call the following councilmembers answered present: Tommy Bryant, Margaret Henley, Davy Insell, Fred Krug, Doug Matthews, Matt McDonald, and Richard O'Neal. Councilmember David Shetron was absent. Also present were the Deputy City Clerk, Brenda Riley and the City Attorney Scott Stalker.

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

Councilmember Matthews moved to approve the prepared agenda and Councilmember Bryant seconded. All voted for.

**CITIZENS COMMENTS**

None

**UNFINISHED BUSINESS**

**A) THIRD READING OF ORDINANCE TO ESTABLISH A UNIFORM  
SPEED LIMIT IN THE CITY OF BATESVILLE**

Councilmember Bryant made a motion to suspend the rules and read the ordinance by title only for the third and final reading. The ordinance would establish a uniform speed limit (30 mph unless posted otherwise) within the City of Batesville. Councilmember Insell seconded and the vote was 7 for and 0 against. City Attorney Stalker read the ordinance by title only for the third reading and Councilmember Bryant made a motion to adopt the ordinance and

Councilmember McDonald seconded. The roll call was 7 for and 0 against. The ordinance was given #2010-03-01. Attorney Stalker read the emergency clause. Councilmember Bryant made a motion to adopt the emergency clause and Councilmember Insell second. The roll call was 2 for (Bryant and Henley) and 5 against (Insell, Krug, Matthews, McDonald and O'Neal). The motion failed.

## **NEW BUSINESS**

### **A) RECOGNIZE MR. SCOTT WOOD FOR BEING CHOSEN TIME MAGAZINE DEALER OF THE YEAR**

Mayor Elumbaugh presented Mr. Scott Wood with a certificate for being chosen as Time Magazine Dealer of the year. Mayor Elumbaugh praised Wood's dedication to this community.

### **B) RECOGNIZE DAVID MCQUARY FOR FUND RAISING EFFORTS**

Mayor Elumbaugh recognized Mr. David McQuary and presented him with a certificate for his fundraising efforts for monies he raised for the Special Olympics. Mr. McQuary raised over \$4000 for the recent polar bear plunge.

### **C) MR. ED MABRY, WITH THE ECONOMIC DEVELOPMENT COMMISSION**

Mr. Ed Mabry brought the council up to date on the upcoming call center for DHS. He told the council they will be hiring about 100 people over a two day period. Mabry said he did not know when the hiring would begin, but they do plan on advertising in the newspaper. Mr. Mabry also told the council that he had been contacted about a \$240 million dollar project looking for 600 acres of property. He told the council that he had come up with some potential sites to

meet the guidelines. Mr. Mabry told the council that he is planning on attending a trade show on economic development. He also that they were in the process of getting some marketing material for distribution to promote Batesville and Independence County.

**D) PROCLAMATION PROMOTING FILMFEST DAYS**

Mayor Elumbaugh read a proclamation promoting the upcoming Ozark Foothills Film Festival, set for March 24-28.

**E) ASSISTANT CHIEF BRENT GLEGHORN AND FIREFIGHTER MARK MCCOLLUM REGARDING FIRE SAFETY**

Assistant Fire Chief Brent Gleghorn and Firefighter Mark McCollum addressed the council to inform them of a grant that the City has received to provide fire extinguishers and smoke detectors to citizens in Batesville. Firefighter McCollum told the council that all a citizens has to do is call and make an appointment and someone from the Fire department would come to their home and do an inspection and install the fire extinguishers and smoke detectors.

**F) CONSIDER AN ORDINANCE TO REMOVE LOTS 4-10 IN THE HIGHLAND WOODS SUBDIVISION, STEVE BELL**

Councilmember Bryant introduced an ordinance that would grant the vacating of lot 4-10 in the Highland Woods Subdivision. Councilmember Matthews made a motion to read the ordinance by title only and Councilmember Insell seconded. The roll call was 7 for and 0 against. City Attorney Stalker read the ordinance by title only. After a discussion, Councilmember Bryant moved to

suspend the second and third readings. Councilmember O'Neal seconded and the roll call count was 7 for and 0 against. Councilmember Bryant moved to adopt the ordinance and Councilmember O'Neal seconded. The roll call count was 7 for and 0 against. The ordinance was given #2010-03-02. Attorney Stalker read the emergency clause. Councilmember Bryant moved to adopt the emergency clause. Councilmember Krug seconded and the roll call count was 7 for and 0 against.

**G) CONSIDER AN ORDINANCE TO AMEND THE BATESVILLE**

**SUBDIVISION CODES**

Councilmember Matthews introduced an ordinance that would amend the Batesville subdivision codes. Councilmember Bryant made a motion to suspend the rules and read the ordinance by title only. Councilmember McDonald second and the roll call was 7 for and 0 against. City Attorney Stalker read the ordinance by title only. After a discussion, Councilmember Matthews moved to suspend the rules and waive the second and third readings. Councilmember Bryant seconded and the roll call count was 7 for and 0 against. Councilmember Matthews made a motion to adopt the ordinance. Councilmember Bryant seconded and the roll call was 7 for and 0 against. The ordinance was given #2010-03-03. City Attorney Stalker read the emergency clause and Councilmember Bryant made a motion to adopt the emergency clause. Councilmember Insell seconded and the roll call was 7 for and 0 against.

## **H) CONSIDER AND ORDINANCE TO AMEND THE BATESVILLE ZONING CODE**

Councilmember Bryant introduced an ordinance that would amend various provisions of the Batesville zoning code. Councilmember O'Neal made a motion to read the ordinance by title only. Councilmember Bryant seconded and the roll call was 7 for and 0 against. City Attorney Stalker read the ordinance by title only. After a discussion, Councilmember Bryant moved to suspend the second and third readings. Councilmember Insell seconded and the roll call count was 7 for and 0 against. Councilmember Bryant made a motion to adopt the ordinance and Councilmember Insell seconded. The roll call was 7 for and 0 against. The ordinance was given #2010-03-04. City Attorney Stalker read the emergency clause and Councilmember Bryant made a motion to adopt the emergency clause. Councilmember Insell seconded and the roll call was 7 for and 0 against.

## **I) CONSIDER WATER METER OUTSIDE CITY LIMITS**

Mr. Nick Baxter, Utility Office Manager, addressed the council with a request from Mr. Steve Carpenter for a water meter at 560 Broadwater Lane. Mr. Baxter said the water line already exists and the land is contiguous with the City limits. Mr. Carpenter told the council that he did intend on petitioning for annexation into the City for some of the property, but would be selling nine acres to someone else. Councilmember Krug moved to approve the meter request and Councilmember Insell seconded. All voted for.

## **J) ENGINEER'S REPORT**

City Engineer Damon Johnson gave the council an update on various projects. He told the council that he had received word from the Highway department in regards to the traffic signals rehab. The City has already paid \$13,000 but would need to pay an additional amount to upgrade all the signals on Hwy. 167. Councilmember McDonald made a motion to go ahead and proceed and Councilmember Bryant seconded. All were in favor.

Mr. Johnson also said that the tunnel project is moving forward on the wastewater treatment plant.

Mr. Johnson told the council that there had been some issues with the levee certification. He said one part of the levee wall does not meet FEMA standards. The council asked Mr. Johnson to see about forming a levee improvement district. Councilmember Bryant said we would like to form a levee improvement district to reimburse the City for the expenses that have been paid out.

Mr. Johnson asked the council about purchasing a mini excavator for the water utilities. He told the council that he had found a new 2007 model for \$51,000. Councilmember Bryant made a motion to purchase it and Councilmember Krug seconded. All voted for.

#### **K) EXECUTIVE SESSION**

Councilmember O'Neal moved to go into executive session. Councilmember Insell seconded and all voted for.

Upon returning from executive session, Councilmember O'Neal moved to appoint Assistant Fire Chief Brent Gleghorn to the position of Interim Fire Chief, and to increase his salary to the current salary of the fire chief position.

Councilmember Matthews seconded and all voted for. Mayor Elumbaugh said that a committee would be appointed to search for a new Fire Chief.

#### **L) REVIEW OF FEBRUARY 2010 FINANCIALS**

The council was given a copy of the February 2010 financials.

#### **MAYOR COMMENTS**

The Mayor told the council that the 2010 census was underway. He told the council that after mid March the results could be tracked online.

The Mayor said he had attended a conference at Petti Jean Mountain in regards to Growing Healthy Communities.

Mayor Elumbaugh brought up the stop lights on Main Street. The stop lights at Main & 3<sup>rd</sup> and Main & 4<sup>th</sup> have been flashing red for sometime. He said that Marty Thompson and Johnny Coles from the street department had visited with the Highway department about removing the stop lights and replacing them with stop signs. In doing so, Main Street would lose 2 or 3 parking places.

Councilmember O'Neal made a motion to change the lights back to fully functioning stop lights. Councilmember Matthews seconded. The roll call was 5 for and 2 against (McDonald and Krug).

Mayor Elumbaugh had been asked about placing a street light at the entrance to the Eagle Mountain Golf Course off of Gap Road. Councilmember Matthews made a motion to place the street light and Councilmember Bryant seconded. All were in favor.

#### **LIAISON REPORTS**

Councilmember Henley informed the council that Oaklawn Cemetery will conduct their annual cemetery clean up the week of March 21, 2010.

**COUNCIL COMMENTS**

None

**ADJOURNMENT**

There being no further business, Councilmember O'Neal moved that the meeting be adjourned and Councilmember Henley seconded. All voted for.

**BRENDA RILEY, DEPUTY CITY CLERK**

**RICK ELUMBAUGH, MAYOR**