

**MINUTES OF COUNCIL**  
**MAY 11, 2010**

The Batesville City Council met in regular session on May 11, at 5:30 PM at the Municipal Building. Mayor Elumbaugh called the meeting to order. Councilmember Krug gave the invocation. Upon roll call, the following council answered present; Tommy Bryant, Margaret Henley, Davy Insell, Fred Krug, Matt McDonald, Richard O'Neal and David Shetron. Also present were the City Clerk and the City Attorney. Councilmember Douglas Matthews was absent.

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

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

**CITIZENS COMMENTS**

Mr. Steve Fletcher, manager of the Independence County Hydro, addressed the council with a brief update on the proposed Lock and Dam numbers 1 & 2 flashboard project and the continued negotiations with the City of Clarksville. He said he would continue to keep the council updated on all Hydro matters.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**A) PUBLIC HEARING FOR 2402 CASE, 520 FERRELL AND 1860 PORTER STREETS**

Mayor Elumbaugh opened the public hearing at 5:35 PM. He asked if there was anyone in the audience that wished to address the council on any of the addresses that are being considered for condemnation. Mr. George Brickell said he hoped the council would condemn the property at 1860 Porter and thanked them for the

improvements the city has made in his neighborhood and throughout the city. The Mayor then closed the public hearing at 5:39 PM.

Councilmember Insell introduced a resolution to condemn the structure located at 2402 Case Street. Mr. Stalker read the resolution in full. Councilmember O'Neal moved to adopt the resolution and Councilmember Shetron seconded. The roll call count was 7 for and 0 against. The resolution was given #2010-5-1-R.

Councilmember Shetron introduced a resolution to condemn the structure located at 520 Ferrell Street. Councilmember Insell moved to suspend the rules and read the resolution by title only. Councilmember O'Neal seconded and the roll call count was 7 for and 0 against. Mr. Stalker read the resolution by title only. Councilmember Shetron moved to adopt the resolution and Councilmember Insell seconded. The roll call count was 7 for and 0 against. The resolution was given #2010-5-2-R.

Councilmember O'Neal introduced a resolution to condemn the structure located at 1860 Porter Street. Councilmember Insell moved to suspend the rules and read the resolution by title only. Councilmember Bryant seconded and the roll call count was 7 for and 0 against. Mr. Stalker read the resolution by title only. Councilmember Henley moved to adopt the resolution and Councilmember O'Neal seconded. The roll call count was 7 for and 0 against. The resolution was given #2010-5-3-R.

## **B) DISTRICT COURT JUDGE CHANEY TAYLOR REGARDING DWI COURT**

District Court Judge Chaney Taylor addressed the council with a power point presentation and short video on the new DWI Court in Independence County. Judge Taylor said the Independence County DWI Court was the first in the State of Arkansas and was modeled after courts in Missouri and California. He said he was very excited about the program and hopeful that it will help habitual offenders overcome their drinking issues and lead more productive lives.

### **C) MR. RANDY HUSKEY CONCERNING VICIOUS ANIMALS IN THE CITY LIMITS**

Mr. Randy Huskey and his wife Kathy addressed the council and read a prepared statement regarding vicious animals inside the city limits of Batesville. Mrs. Huskey was walking her dog two weeks ago when it was attacked by a pit bull dog and her dog died two days later. Mr. Huskey said that attack could have easily been his two year old granddaughter. Animal Control Officer Jeff Pender said he was currently working on an ordinance banning pit bull dogs in the city. He said over 80% of his emergency calls regarding dog attacks are from pit bulls. The Huskeys' thanked the council for their time and said they hoped they would consider the proposed ordinance to ban pit bull dogs inside the city limits of Batesville.

### **D) PROCLAMATIONS; NATIONAL TOURISM WEEK AND NATIONAL EXERCISE IS MEDICINE MONTH**

Mayor Elumbaugh read two proclamations, one promoting National Tourism Week and the second promoting National Exercise is Medicine Month.

### **E) ENGINEER'S REPORT**

Mr. Damon Johnson, City Engineer, addressed the council with his engineer's report. Mr. Johnson said he received the contract from Miller-Newell for the site plan study for the city. The cost of the study is \$10,000 and will take 45 to 60 days to complete. After a brief discussion, Councilmember McDonald moved for the Mayor to accept and sign the contract with Miller-Newell and pay for the cost from the sale of the Cemetery Shop building property proceeds. Councilmember Shetron seconded and all voted for.

Mr. Johnson gave a brief update on all the city departments and also noted that the Levy certification had been sent to FEMA for approval. Councilmember Bryant asked

where we stood on forming a Levy Improvement District. Mr. Johnson said he was meeting with attorneys about that on Wednesday.

#### **F) REVIEW OF PAID BILLS REPORT FOR APRIL, 2010**

The council reviewed the paid bills report for April, 2010.

#### **MAYOR COMMENTS**

Mayor Elumbaugh asked the council their wishes on the requested street light on Shade Tree. Councilmember Henley asked what the City's policy was regarding the placement of street lights. Councilmember Bryant said in the old sections of town, a street light is placed at every intersection which is about 300 feet between lights. When this particular new subdivisions started being developed, the standard was to place one street light on every other power pole which makes the lights about 220 feet apart. The council agreed that placing the requested street light would go against current city policy, therefore, agreed not to place the street light.

The next item to consider was the removal of a stop sign at the intersection of Neeley and 23<sup>rd</sup> Streets. Councilmember McDonald said he felt removing the stop sign would create a safety issue at the bottom of the hill on Neeley Street. He said there are several small children that live and play outside at the bottom of the hill. Several other councilmembers said they had seen children playing as well. Therefore, for safety reasons, the council agreed not to remove the stop sign.

The Mayor informed the council of three metro cars that were going to be placed on GovDeals for sale. Unit 534, a 1999 Ford Crown Vic with 155,011 miles, Unit 522, a 1998 Ford Crown Vic with 149,281 miles and Unit 528, a 2001 Ford Crown Vic with 156,220 miles.

#### **LIAISON REPORTS**

Councilmember Bryant said he was just notified by email that the Airport has been approved for a 90/10 grant in the amount of \$123,000.00. The grant will be used for access road paving.

### **COUNCIL COMMENTS**

Councilmember Krug told the council that Nu-way dry cleaners was re-opening on Main Street. The business closed a few years ago and should be open in the near future.

Councilmember Henley she remembered hearing that the city would soon be made aware when any new business came to town or when an existing business moved or went out of business. Councilmember Bryant said the planning commission is in the process of considering the idea of business licenses in Batesville. Any such action by the planning commission would have to be sent to the council for approval and adopted by an ordinance.

### **ADJOURNMENT**

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

**DENISE M. JOHNSTON, CITY CLERK**

**RICK ELUMBAUGH, MAYOR**