

MINUTES OF COUNCIL
JULY 27, 2010

The Batesville City Council met in regular session on July 27, at 5:30 PM at the Municipal Building. Mayor Elumbaugh called the meeting to order. Councilmember Matthews gave the invocation. Upon roll call, the following council answered present; Margaret Henley, Davy Insell, Fred Krug, Douglas Matthews, Matt McDonald, Richard O'Neal and David Shetron. The City Clerk was also present. Councilmember Tommy Bryant and City Attorney Scott Stalker were absent.

Councilmember Henley 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 as amended. Councilmember Henley seconded and all voted for.

COMMENTS FROM CITIZENS

None

UNFINISHED BUSINESS

A) THIRD AND FINAL READING OF AN ORDINANCE TO AMEND THE BATESVILLE ZONING CODE

The council considered for the third and final reading an ordinance that would amend various provisions of the Batesville Zoning Code.

Councilmember Matthews moved to suspend the rules and read the ordinance by title only. Councilmember Shetron seconded and the roll call count was 7 for and 0 against. The City Clerk read the ordinance by

title only. Councilmember Insell moved to adopt the ordinance and Councilmember O'Neal seconded. The roll call count was 7 for and 0 against. The ordinance was given number 2010-07-01.

NEW BUSINESS

A) SET A PUBLIC HEARING TO ABANDON A PORTION OF ALLEN STREET

Mr. Paul Taylor, Plant Manager of Townsends, Inc. addressed the council with a request to close a portion of Allen Street. Mr. Taylor said the main reasons were employee safety and plant security. He said that most of the employees have to park across Allen Street and cross the street to enter the building. Also, the plant offices are not secured. Mayor Elumbaugh set the public hearing for the council meeting of August 10.

B) REPORT FROM FIRE CHIEF BRENT GLEGHORN

Fire Chief Brent Gleghorn addressed the council and asked for council approval to send Robert Bales to a training class in Missouri on September 20-21. The training is for fire chaplains and Mr. Bales serves as our fire chaplain. The cost will be approximately \$450.00 and will be paid out of ACT 833. Councilmember Shetron moved to approve the out of state travel and Councilmember Insell seconded. All voted for. Chief Gleghorn also gave the council several statistics regarding the fire department and also gave them an ordinance regarding burn bans within the city limits. He asked the council to take the ordinance home and review it and if

they had any questions to call him or the City Attorney. He said he would like to have the ordinance considered at the next council meeting.

C) CONSIDER A TAX BACK RESOLUTION FOR NORTH ARKANSAS FURNITURE

MANUFACTURING

Councilmember McDonald introduced a resolution for North Arkansas Furniture Manufacturing to participate in the Tax Back Program. The City Clerk read the resolution in full. Councilmember Shetron expresses his concerns that the resolution did not specify a particular event for the request. After some discussion, the council decided to table the resolution until the next meeting.

D) CONSIDER AN ORDINANCE TO ANNEX CERTAIN TERRITORY TO THE CITY OF BATESVILLE

Councilmember Matthews introduced an ordinance to annex 6 tracts of land to the City of Batesville. Attorney Steve Bell addressed the council and showed them where each tract was located. Councilmember Insell moved to suspend the rules and read the ordinance by title only.

Councilmember O'Neal seconded and the roll call count was 7 for and 0 against. The City Clerk read the ordinance by title only. Councilmember O'Neal moved to further suspend the rules and waive the second and third readings. Councilmember Shetron seconded and the roll call count was 7 for and 0 against. Councilmember Matthews moved to adopt the ordinance and Councilmember O'Neal seconded. The roll call count was

7 for and 0 against. The ordinance was given #2010-7-2. Councilmember Shetron moved to adopt the emergency clause. Councilmember Krug seconded and the roll call count was 7 for and 0 against.

E) REPORT FROM MR. GREG MOHLKE ON THE MOVING BATESVILLE FORWARD PROJECT

Mr. Greg Mohlke addressed the council with an update on the Moving Batesville Forward Project. He said the three public meetings were well attended and the booth at the Independence County Fair had lots of inquires. Mr. Mohlke said the door to door campaign was going to begin this week and will as media ads. He reminded everyone that the early voting begins August 3rd and the special election is August 10th.

F) PUBLIC HEARING FOR CONDEMNATIONS ON PROPERTIES LOCATED AT 335 20TH, 1556 LEE, 2450 CASE AND 2411 CASE STREETS

Mayor Elumbaugh opened the public hearing at 6:10 PM. Ms. Tracy Buie addressed the council on behalf of her mother, Celinda Buie, who owns the property located at 335 20th Street. Ms. Buie said they needed more time to make the repairs to the house and said she had asked code enforcement for a list of the improvements that needed to be made to bring the house up to code. Code Enforcement Officer Chad McClure said he had been working with Celinda Buie since January and little work had been done on the house. Mr. McClure said that Ms. Buie needed to contact a licensed contractor, electrician and plumber which would be

very expensive. Ms. Buie said she would need at least 30 more days. Mr. McClure explained that she would still have 30 days to make the improvements once the property is condemned. The Mayor then closed the public hearing at 6:30 PM.

G) CONSIDER RESOLUTIONS FOR CONDEMNATIONS

The council considered four resolutions for condemnation. The first resolution was for 1556 Lee Street, owner David Hallowell. The resolution was read in full. Councilmember Shetron moved to adopt the resolution and Councilmember O'Neal seconded. The roll call count was 7 for and 0 against. The resolution was given #2010-7-1-R. The next resolution was for 2450 Case Street, owner Lee Mourer. The resolution was read in full. Councilmember Insell moved to adopt the resolution and Councilmember Henley seconded. The roll call count was 7 for and 0 against. The resolution was given #2010-7-2-R. The next resolution was for 2411 Case Street, owner Lee Mourer. The resolution was read in full. Councilmember O'Neal moved to adopt the resolution and Councilmember Insell seconded. The roll call count was 7 for and 0 against. The resolution was given #2010-7-3-R. The last resolution was for 335 20th Street, owner Celinda Buie. The resolution was read in full. Councilmember Shetron moved to adopt the resolution and Councilmember O'Neal seconded. The roll call count was 7 for and 0 against. The resolution was given #2010-7-4-R.

H) ENGINEER'S REPORT

City Engineer Damon Johnson addressed the council for his engineer's report. Mr. Johnson said they opened bids for the road bore to run a sewer line to the new DHS Call Center. The low bid was Spurlock, Inc. out of Searcy, AR. The bid was \$47,000.00. Councilmember Shetron moved to accept the low bid and Councilmember Insell seconded. All voted for.

I) REVIEW JUNE 2010 FINANCIALS

The council was given a copy of the June 2010 financials for review.

MAYOR COMMENTS

Mayor Elumbaugh said there was included their packet a copy of the proposed ordinance to amend the animal control ordinance regarding vicious dogs. He encouraged each council to read the ordinance and call Animal Control Officer Jeff Pender with any questions. The ordinance will be on the next meeting's agenda for consideration.

The Mayor thanked all the members of the Moving Batesville Forward Project for their hard work for the upcoming special election.

Johnny Abbott gave the council a breakdown of the expenses to date for the third floor remodel. The Mayor said the second floor needs some paint and carpet in the rooms that tenants just moved out of. Councilmember Matthews moved to do the improvements on the second floor and Councilmember O'Neal seconded. All voted for.

ADJOURNMENT

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

MAYOR
DENISE M. JOHNSTON, CITY CLERK

RICK ELUMBAUGH,