

**MINUTES OF COUNCIL**  
**DECEMBER 27, 2011**

The Batesville City Council met in regular session on December 27, at 5:30 PM at the Municipal Building. Mayor Elumbaugh called the meeting to order. Utility Office Manager Nick Baxter gave the invocation. Upon roll call, the following council answered present; Tommy Bryant, Margaret Henley, Paige Hubbard, Davy Insell, Fred Krug, Douglas Matthews, and Chris Poole. Also present were the City Clerk and the City Attorney. Councilmember David Shetron was absent.

Councilmember Bryant moved to approve the minutes from the previous meeting. Councilmember Insell seconded and all voted for.

Councilmember Bryant moved to approve the prepared agenda. Councilmember Krug seconded and all voted for.

**CITIZENS COMMENTS**

None

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**A) CONSIDER ORDINANCES CALLING FOR A ½ CENT COMMUNITY**

**DEVELOPMENT TAX AND A ½ CENT OPERATING AND MAINTENANCE TAX**

Before considering the proposed ordinances, Mayor Elumbaugh opened the floor for comments regarding the two proposed sales taxes. Several citizens addressed the council and spoke in favor of the tax. Dr. Jeff Angel, a local Orthopedic Surgeon said as a professional, the proposed therapeutic pool would be great for many of his patients. He said he often prescribes aquatic therapy for

his patents but those who live in Batesville either have to go out of town for the therapy or not do it at all. Dr. Angel also said as a parent and ball coach for his children, our fields are in very poor shape compared to other across the state.

Mr. Scott Wood, local business owner and School Board Member, addressed the council in support also. Mr. Berry Hammers, General Manager of Flowers Bakery said he moved to Batesville 6 years ago from Orlando, FL. He said he was very surprised that a community as progressive as Batesville did not have any kind of Community Center and for the health and welfare of our City, he hoped the council will support this proposal. Mr. Steve Thomas, local business owner and owner of Batesville Promotions, said a Community Center would be a huge asset to Batesville. Currently all the events he books to come to Batesville are at the Amphitheater. Weather is a big factor and as it is now, there is no back-up plan. Mr. Scott Lancaster, local attorney for Bad Boys, said he moved to Batesville from Maumelle and was also very surprised that Batesville didn't have a Community Center. He talked about the Economic Development impact to the City that this project would bring. He also said that Bad Boys has an annual dealer's convention that brings in hundreds of their customers and thousands of dollars to our community. He said they are having problems find a facility large enough to host the event. He said they want to keep the event in Batesville but at their rate of growth, that will not be possible in the near future. He said he and his company were ready to roll up the sleeves and help get this initiative passed and he hoped all the council would support the effort as well. A couple of ladies addressed the council regarding water aerobics. Ms. Ann Hambrick who teaches

water aerobics also spoke and said they desperately need a facility they could use year round. She said in the past they were sporadically allowed during the winter months to use the indoor pool at Lyon College but most times the water was still too cool. She said they use the North Complex pool during the summer but when the weather gets to hot that is not good for most senior citizens. She also encouraged the council to support the proposed sales tax for the health and quality of life for our senior citizens.

With no more comments from the audience Mayor Elumbaugh asked Mr. Ryan Bowman with Friday, Eldridge and Clark law firm, to come forward to answer any questions the council may have. Mr. Bowman reviewed each ordinance with the council and explained the process for the election. With no further questions for Mr. Bowman, Councilmember Insell introduced an ordinance to levy a permanent one-half of one percent (0.5%) sales and use tax within the City of Batesville for the purpose to from time to time finance capital improvements, for park and recreational purposes, for public safety purposes, including police and fire and for street purposes. Mr. Bowman read the ordinance in full. After a discussion, Councilmember Bryant moved to suspend the rules and waive the full second and third readings. Councilmember Insell seconded and the roll call count was 6 for and 1 (Matthews) against. Mr. Bowman read the ordinance by title only. Councilmember Bryant moved to adopt the ordinance and Councilmember Insell seconded. The roll call count was 6 for and 1 (Matthews) against. The ordinance was given #2011-12-03.

Councilmember Bryant introduced an ordinance to call for a special election to levy a permanent one-half of one percent (0.5%) sales and use tax within the City of Batesville for the purpose to from time to time finance capital improvements, for park and recreational purposes, for public safety purposes, including police and fire and for street purposes. Mr. Bowman read the ordinance in full. After a discussion, Councilmember Insell moved to suspend the rules and waive the full second and third readings. Councilmember Bryant seconded and the roll call count was 6 for and 1 (Matthews) against. Mr. Bowman read the ordinance by title only. Councilmember Bryant moved to adopt the ordinance and Councilmember Insell seconded. The roll call count was 6 for and 1 (Matthews) against. The ordinance was given #2011-12-04.

Councilmember Insell introduced an ordinance to levy a temporary one-half of one percent (0.5%) sales and use tax within the City of Batesville to retire bonds issued to finance Park and Recreational improvements. Mr. Bowman read the ordinance in full. After a discussion, Councilmember Bryant moved to suspend the rules and waive the full second and third readings. Councilmember Insell seconded and the roll call count was 6 for and 1 (Matthews) against. Mr. Bowman read the ordinance by title only. Councilmember Bryant moved to adopt the ordinance and Councilmember Henley seconded. The roll call count was 6 for and 1 (Matthews) against. The ordinance was given #2011-12-05.

Councilmember Insell introduced an ordinance calling for a special election to levy a temporary one-half of one percent (0.5%) sales and use tax within the City of Batesville to retire bonds issued to finance Park and Recreational

improvements. Mr. Bowman read the ordinance in full. After a discussion, Councilmember Bryant moved to suspend the rules and waive the full second and third readings. Councilmember Henley seconded and the roll call count was 6 for and 1 (Matthews) against. Mr. Bowman read the ordinance by title only. Councilmember Insell moved to adopt the ordinance and Councilmember Bryant seconded. The roll call count was 6 for and 1 (Matthews) against. The ordinance was given #2011-12-06.

Councilmember Insell introduced an ordinance to call for a special election on the question of issuing bonds under Amendment No. 62 of the Constitution of the State of Arkansas for the propose of financing all or a portion of the costs of Park and Recreational improvements. Mr. Bowman read the ordinance in full. After a discussion, Councilmember Insell moved to suspend the rules and waive the full second and third readings. Councilmember Bryant seconded and the roll call count was 6 for and 1 (Matthews) against. Mr. Bowman read the ordinance by title only. Councilmember Bryant moved to adopt the ordinance and Councilmember Henley seconded. The roll call count was 6 for and 1 (Matthews) against. The ordinance was given #2011-12-07.

## **B) EXECUTIVE SESSION**

Councilmember Insell moved to go into executive session and Councilmember Henley seconded. All voted for.

Upon returning from executive session, Councilmember Bryant moved to re-appoint Ms. Nancy Thomas to the Public Facilities Board. Councilmember Insell seconded and all voted for. Ms. Thomas' term will expire 11/10/2016.

## **MAYOR COMMENTS**

The Mayor asked the council to keep the family of Larry Nelson in their prayers. Mr. Nelson, who was a Quorum Court member, passed away unexpectedly last week.

Mayor Elumbaugh set a budget meeting for Monday, January 9<sup>th</sup> at 5:30 pm.

The City Clerk informed the council of the disposal of a 2010 Freightliner rear load sanitation truck. Ms. Johnston said the truck was part of the rotation and replaced with a 2012 Freightliner.

## **LIAISON REPORTS**

None

## **COUNCIL COMMENTS**

None

## **ADJOURNMENT**

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

**DENISE M. JOHNSTON, CITY CLERK**

**RICK ELUMBAUGH, MAYOR**