

MINUTES OF COUNCIL
JUNE 11, 2009

The Batesville City Council met in regular session on June 11 at 5:00 PM at the Municipal Building. Mayor Elumbaugh called the meeting to order. Councilmember Krug gave the invocation. Upon roll call, the following councilmembers answered present; Tommy Bryant, Margaret Henley, Davy Insell, Fred Krug, Richard O'Neal and David Shetron. Councilmembers Doug Matthews and Matt McDonald were absent. City Attorney Scott Stalker and City Clerk Denise Johnston were also present.

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

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

COMMENTS FROM CITIZENS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

(A) CONSIDER TREE CITY USA PROGRAM ORDINANCE

Mr. Ken Smother and Ms. C.J. Robertson addressed the council to explain the advantages of being a part of Tree City USA, one of which is to be able to qualify for grants for the City. Councilmember Bryant introduced ordinance qualifying the City for the Tree City USA Program. Councilmember Bryant moved to read the ordinance by title only and Councilmember Shetron seconded. The roll call count was 6 for and 0 against. Mr. Stalker read the ordinance by title only. Councilmember Bryant moved to

suspend the rules and dismiss the second and third readings. Councilmember Henley seconded and the roll call count was 6 for and 0 against. Councilmember Shetron moved to adopt the ordinance and Councilmember O'Neal seconded. The roll call count was 6 for and 0 against. The ordinance was given #2009-06-01. Councilmember Bryant moved to adopt the emergency clause and Councilmember O'Neal seconded. The roll call count was 6 for and 0 against.

**(B) CONSIDER AN ORDINANCE TO AMEND ORDINANCE NO. 2007-11-2
CONCERNING THE HISTORIC DISTRICT COMMISSION**

Councilmember Bryant introduced an ordinance that will amend Ordinance No. 2007-11-2 concerning the number of members on the Historic District Commission. The original ordinance said 5 to 9 members and this amendment changes to say 9 members. Councilmember Insell moved to read the ordinance by title only and Councilmember Bryant seconded. The roll call count was 6 for and 0 against. Mr. Stalker read the ordinance by title only. Councilmember Shetron moved to suspend the rules and dismiss the second and third readings. Councilmember O'Neal seconded and the roll call count was 6 for and 0 against. Councilmember Bryant moved to adopt the ordinance and Councilmember O'Neal seconded. The roll call count was 6 for and 0 against. The ordinance was given #2009-06-02. Councilmember Bryant moved to adopt the emergency clause and Councilmember Shetron seconded. The roll call count was 6 for and 0 against.

**(C) CONSIDER AN ORDINANCE AMENDING ORDINANCE NO. 2009-4-2
CONCERNING THE DOWNTOWN HISTORIC DISTRICT ORDINANCE**

Councilmember Bryant introduced an ordinance that will amend ordinance #2009-4-2 concerning the Downtown Historic District. Mr. Bryant said the amendment will require a majority of the signatures of the total number of property owners within the Historic District to make any changes to the HD guidelines. Councilmember Shetron moved to read the ordinance by title only and Councilmember Bryant seconded. The roll call count was 6 for and 0 against. Mr. Stalker read the ordinance by title only. Councilmember Shetron moved to suspend the rules and dismiss the second and third readings. Councilmember Henley seconded and the roll call count was 6 for and 0 against. Councilmember Shetron moved to adopt the ordinance and Councilmember Bryant seconded. The roll call count was 6 for and 0 against. The ordinance was given #2009-06-03. Councilmember Bryant moved to adopt the emergency clause and Councilmember Henley seconded. The roll call count was 6 for and 0 against.

(D) PUBLIC HEARING ON WATER AND SEWER RATES

Mayor Elumbaugh opened the public hearing regarding Water and Sewer rates at 5:20 PM. Mr. Larry Lilly, a home owner on Big Pine Road addressed the council. Mr. Lilly said residents on Big Pine had signed an agreement regarding their water and sewer rates when the City purchased their system from Rock-Moore Water Association and wanted to make sure their agreement was still in effect. City Engineer Damon Johnson said he was not aware of the agreement but assured Mr. Lilly that any and all agreements would be honored. The Mayor closed the public hearing at 5:23 PM.

(E) SECOND READING OF AN ORDINANCE TO INCREASE WATER RATES

Councilmember Insell moved to read the second reading by title only for an ordinance that will repeal ordinance no. 2000-12-01 fixing rates for water to be furnished

by the waterworks system of the City of Batesville. Councilmember Shetron seconded and the roll call count was 6 for and 0 against. Mr. Stalker read the ordinance by title only. Councilmember Shetron moved to suspend the rules and dismiss the third reading. Councilmember Henley seconded and the roll call count was 6 for and 0 against. Councilmember Insell moved to adopt the ordinance and Councilmember Shetron seconded. The roll call count was 6 for and 0 against. The ordinance was given #2009-6-4. Councilmember Bryant moved to adopt the emergency clause and Councilmember Shetron seconded. The roll call count was 6 for and 0 against.

(F) SECOND READING ON AN ORDINANCE TO INCREASE SEWER RATES

Councilmember Insell moved to read the second reading by title only for an ordinance that will repeal ordinance no. 2001-02-01 with respect to the establishment of rates for sewer services within the City of Batesville. Councilmember O'Neal seconded and the roll call count was 6 for and 0 against. Mr. Stalker read the ordinance by title only. Councilmember Bryant moved to suspend the rules and dismiss the third reading. Councilmember Insell seconded and the roll call count was 6 for and 0 against. Councilmember Bryant moved to adopt the ordinance and Councilmember Insell seconded. The roll call count was 6 for and 0 against. The ordinance was given #2009-6-5. Councilmember Bryant moved to adopt the emergency clause and Councilmember Henley seconded. The roll call count was 6 for and 0 against.

(G) PUBLIC HEARING AND CONSIDER CONDEMNATIONS OF 394 PINE, 909 OAK & 401 W. MAIN

Code Enforcement Officer Chad McClure addressed the council regarding condemnations. Mayor Elumbaugh opened the public hearing at 5:35 PM. There being

no one wishing to speak, the Mayor closed the public hearing at 5:36 PM. Mr. McClure said a permit had been purchased for 909 Oak Street and recommended the council allow more time for the improvements to the property to be made before condemning the property. Councilmember O'Neal introduced a resolution condemning property located at 394 Pine Street. Councilmember Insell moved to read the resolution by title only. Councilmember O'Neal seconded and the roll call count was 6 for and 0 against. Mr. Stalker read the resolution by title only. Councilmember O'Neal moved to adopt the resolution and Councilmember Henley seconded. The roll call count was 6 for and 0 against. The resolution was given #2009-6-1-R.

Councilmember Shetron introduced a resolution condemning property located at 401 W. Main Street. Councilmember Bryant moved to read the resolution by title only. Councilmember Insell seconded and the roll call count was 6 for and 0 against. Mr. Stalker read the resolution by title only. Councilmember Bryant moved to adopt the resolution and Councilmember O'Neal seconded. The roll call count was 6 for and 0 against. The resolution was given #2009-6-2-R.

(H) CONSIDER AN ORDINANCE TO REZONE CERTAIN PROPERTIES ON HARRISON STREET, MR. NATHAN HIGGINBOTHAM AND MR. BRANDON HOLMES

Mr. O'Neal introduced an ordinance that rezone property in the Holmes Subdivision from R-1 and C-1 to C-2. The property is located on Harrison Street just West Big Pine Road. Mayor Elumbaugh opened the floor for discussion. Mr. Alan Bufford and Mr. Kirk Warden addressed the council with concerns regarding the rezoning. Mr. Bufford presented the council with 53 signatures with represents 93.75%

of the property owners on Big Pine Road. Mr. Bufford said if the rezone is approved there were plans to build an apartment complex at the sight and their main concern was with safety. They were concerned the property was not large enough for an apartment complex and the traffic on Harrison Street would be unsafe for children. Mr. Bufford asked the council to make the entire property C-1 which is conducive to the City's Master Plan. Mr. Higginbotham and Mr. Homes addressed the council regarding concerns of the residents and said the complex will be up-scaled apartments, possibly with a pool and if requested by the council, a "gated community". The ordinance will be placed on the meeting agenda for the second reading.

(I) THIRD READING ON AN ORDINANCE TO REVISE THE CITY'S TAXI

FRANCHISE

Councilmember Bryant moved to read the third reading of an ordinance to revise the City's Taxi Franchise by title only. Councilmember Insell seconded and the roll call count was 6 for and 0 against. Mr. Stalker read the ordinance by title only.

Councilmember Insell moved to adopt the ordinance and Councilmember Shetron seconded. The roll call count was 6 for and 0 against. The ordinance was given #2009-6-6.

(J) THIRD READING ON AN ORDINANCE SETTING MAXIMUM TAXI RATES

Councilmember Shetron moved to read the third reading of an ordinance to set maximum taxi rates in the City of Batesville. Councilmember Bryant seconded and the roll call count was 6 for and 0 against. Mr. Stalker read the ordinance by title only.

Councilmember Insell moved to adopt the ordinance and Councilmember O'Neal seconded. The roll call count was 6 for and 0 against. The ordinance was given #2009-

6-7.

(K) EXECUTIVE SESSION

Councilmember Bryant moved to go into executive session and Councilmember O'Neal seconded. All voted for.

Upon returning from executive session, Councilmember Bryant moved to reappoint Mrs. Carma Osborn and Mr. Steve Lewis to the Planning Commission. Councilmember Shetron seconded and all voted for. Their commissions will expire 6/10/2014.

(L) ENGINEER'S REPORT

City Engineer Damon Johnson addressed the council. Mr. Johnson gave updates on several jobs thought out Batesville including the project on Pioneer Drive. Mr. Johnson said the street department was doing a great job and they were planning on pouring concrete tomorrow. Mr. Johnson said he is very hopeful that the City may receive some of the federal stimulus monies to help with the tunnel for the wastewater plant upgrade. He said Batesville is one of four cities being considered for stimulus monies. Mr. Johnson asked for out of state travel for Mr. Michael McDaniel for a Pretreatment training class in Texas. Councilmember Shetron moved to approve the out of state travel and Councilmember Bryant seconded. All voted for.

(M) REVIEW PAID BILLS REPORT

the council reviewed the paid bills report for May 31, 2009.

COMMENTS FROM THE MAYOR

Mayor Elumbaugh showed the council pictures of the work done at the North Complex Pool by parents of the ICYAA swim team. The parents painted the pool house

which made a great improvement to the facility. He also thanked parents who worked on the Legion Field at the North Complex. The Mayor expressed his gratitude for all the parents who have helped with the City's Park and Recreation facilities.

LIAISON REPORTS

None

COUNCIL COMMENTS

None

ADJOURNMENT

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

RICK ELUMBAUGH, MAYOR

DENISE M. JOHNSTON, CITY CLERK