

MINUTES OF COUNCIL
FEBRUARY 10, 2015

The Batesville City Council met in regular session on February 10 at 5:30 P.M. in the Municipal Building. Mayor Rick Elumbaugh called the meeting to order. Utility Billing Supervisor Nick Baxter gave the invocation. Upon roll call, the following councilmembers answered present; Chris Beller, Tommy Bryant, Sonya Crafton, Margaret Henley, Paige Hubbard, Doug Matthews, Chris Poole and David Shetron. Also present were the City Attorney Lindsey Castleberry and City Clerk Denise Johnston.

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

Councilmember Shetron moved to approve the prepared agenda as amended and Councilmember Bryant seconded. All voted for.

CITIZENS COMMENTS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

A) SHERIFF'S DEPARTMENT MONTHLY REPORT

The council was given a copy of the December 2014 Activity and Status Report from the Sheriff's Department. There was no representation from the Sheriff's Department.

B) CONSIDER AN ORDINANCE TO AMEND THE BATESVILLE ZONING

DISTRICT MAP

Councilmember Bryant introduced an ordinance to amend the Batesville Zoning District Map. Code Enforcement Officer Chad McClure gave the council a map showing the locations of the lots. Both lots are in the Maxfields 3rd Addition. One lot is Block 3, Lot 5 and the second is Block 17, Lot 8. Both lots are owned by Citizens Bank. The rezone is from R-2 to C-1 and fits within the Comprehensive Plan. Councilmember Bryant said there are several lots that need to be rezoned to make the properties fit the Comprehensive Plan and best serve the community. He asked Mr. McClure to contact the land owners to see if they would consider rezoning their property. Councilmember Bryant moved to suspend the rules and read the ordinance by title only. Councilmember Shetron seconded and the roll call count was 8 for and 0 against. Mr. Castleberry read the ordinance by title only. Councilmember Shetron moved to further suspend the rules and waive the second and third readings. Councilmember Bryant seconded and the roll call count was 8 for and 0 against. Councilmember Bryant moved to adopt the ordinance and Councilmember Beller seconded. The roll call count was 8 for and 0 against. The ordinance was given #2015-02-01.

C) CONSIDER AN ORDINANCE REGARDING THE NUMBER OF OFFICERS IN THE BATESVILLE POLICE DEPARTMENT

Councilmember Beller introduced an ordinance to establish the number of police officers for the newly created Batesville Police Department. Police Chief Alan Cockrill explained to the council that according to state law, municipalities shall by ordinance direct the number of subordinate police officers to be appointed. The Chief said the ordinance approves 60 officers which include the reserve

officers. Mr. Castleberry read the ordinance in full. Councilmember Beller moved to suspend the rules and waive the second and third readings. Councilmember Matthews seconded and the roll call count was 8 for and 0 against. Councilmember Shetron moved to adopt the ordinance and Councilmember Matthews seconded. The roll call count was 8 for and 0 against. The ordinance was given #2015-02-02. Councilmember Beller moved to adopt the emergency clause. Councilmember Matthews seconded and the roll call count was 8 for and 0 against.

D) CONSIDER A RESOLUTION FOR SETTLEMENT OF THE BISHOP V. CITY OF BATESVILLE LAWSUIT

City Attorney Lindsey Castleberry addressed the council regarding the Bishop v. City of Batesville lawsuit. Mr. Castleberry said the Municipal League Attorney, Ms. Amanda Lafever has received a settlement offer from Mr. Bishop in the amount of \$15,000.00. The County will pay \$7,500.00 as would the city. He said the league attorney is recommending the city take the settlement offer and noted that the county has already accepted the offer. Accepting the offer is not an admission of guilt. Councilmember Shetron commented on the lawsuit saying that the city has no input regarding the actions of the sheriff's department and if the city was going to accept the settlement offer, the funds should come out of the Metro budget line item. Mr. Shetron made a motion to that effect and Councilmember Beller seconded. All voted for. Councilmember Bryant introduced the resolution and Mr. Castleberry read it in full. Councilmember Bryant moved to adopt the resolution and Councilmember Matthews seconded.

The roll call count was 8 for and 0 against. The resolution was given #2015-02-01-R.

E) ENGINEER'S REPORT

City Engineer Damon Johnson addressed the council with his Engineer's Report. Mr. Johnson said the opening of the new Wastewater Treatment facility is 3 – 6 months behind do to issues that are out of our control. He said the construction department is also behind on the line replacement in Westside but now has 3 crews working to try to get caught up. Mr. Johnson said he was busy acquiring easements for the Safe Routes to School grant to rehab sidewalks on 7th Street.

MAYOR ANNOUNCEMENTS

Mayor Elumbaugh recognized Mr. Bruce Kelley with the Special Olympics 2015 Polar Bear Plunge. Mr. Kelley said this will be the 14th year that our community has participated in the Polar Bear Plunge and his hope is to raise \$15,000.00. He said they also have a 5K and 10K Penguin Run this year. Mr. Kelley said Special Olympics Arkansas is one of the few states that do not charge a fee to any of the participants in the Special Olympics. Mr. Kelley encouraged the council to get involved with this great cause.

The Mayor said he has a conflict with the first meeting in March. He asked the council to reschedule the meeting set for the 10th to the 3rd. Councilmember Bryant so moved and Councilmember Henley seconded. All voted for.

LIAISON REPORT

None

COUNCIL COMMENTS

Councilmember Matthews said he was concerned with the speed limit through the new streetscape on Main Street between 5th and Central Avenue. He said he felt like the current speed limit of 25 was too fast and should be reduced. The Mayor asked the council and Chief Cockrill to drive the area and come up with a recommendation for a safe speed.

ADJOURNMENT

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

DENISE M. JOHNSTON, CITY CLERK

RICK ELUMBAUGH, MAYOR