

MINUTES OF COUNCIL
SEPTEMBER 21, 2010

The Batesville City Council met in regular session on September 21, at 5:30 PM at the Municipal Building. Mayor Rick Elumbaugh presided over the meeting.

Councilmember Insell gave the invocation. Upon roll call the following councilmember's answered present: Doug Matthews, Richard O'Neal, David Shetron, Tommy Bryant, Margaret Henley, Davy Insell and Fred Krug. Councilmember Matt McDonald was absent. Also present were the Deputy City Clerk, Brenda Riley and the City Attorney Scott Stalker.

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

Councilmember Shetron moved to approve the prepared agenda and Councilmember Henley seconded. All voted for.

CITIZENS COMMENTS

Carolyn Adkisson addressed the Council in regards to her chickens and the new proposed animal control amendments. She told the council that she would abide by whatever the council decided but would like for them to consider doing more before passing the amendments.

UNFINISHED BUSINESS

None

NEW BUSINESS

A) CONSIDER AN ORDINANCE TO AMEND THE BATESVILLE ZONING DISTRICTS MAP

Code Enforcement Officer Chad McClure addressed the council. Mr. McClure showed the council the map of the current area that Flowers Bakery is requesting to be rezoned. The Planning Commission has reviewed the properties and has recommended a change in the zoning map from R-2 to General Industrial (I-2). Councilmember Matthews introduced the ordinance. Councilmember Matthews 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. City Attorney Stalker read the ordinance by title only. Councilmember Matthews 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 Shetron moved to adopt and the ordinance and Councilmember Insell seconded and the roll call was 7 for and 0 against. The ordinance was given 2010-9-3. Attorney Stalker read the emergency clause. Councilmember Matthews made a motion to adopt the emergency clause and Councilmember Bryant second. The roll call was 7 for and 0 against. The motion passed.

**B) CONSIDER A RESOLUTION SUPPORTING AMENDMENTS TO THE
CONSTITUTION OF THE STATE OF ARKANSAS**

Councilmember Bryant introduced a resolution supporting amendments to the constitution that would 1) Eliminate certain constitutional limits on interest rates for government bonds and loans, revise interest rate limits on other loans, and authorize the financing of energy savings projects; and (2) to modify and improve the financing alternatives available to the state in support of major economic

development projects in Arkansas. Mayor Elumbaugh told the council that the Arkansas Municipal was in support of this and 75 another cities have endorsed similar resolutions. Councilmember David Shetron asked City Attorney Stalker if this would allow other financing lenders such as; payday lenders to charge higher interest rates. Mr. Stalker said he did not think so, but would have to check with the Attorney General's Office. Councilmember Shetron made a motion to table the resolution until Mr. Stalker could get some clarification on this. Councilmember Insell seconded and all voted in favor except Councilmember Bryant who voted against.

C) CONSIDER AN ORDINANCE TO AMEND THE BATESVILLE ANIMAL CONTROL ORDINANCE

Mayor Elumbaugh informed the council that the animal control committee had met on Monday but did not have the amendments ready. This will be moved to the October 12th meeting.

D) ENGINEER'S REPORT

Engineer Damon Johnson informed the council that the tunneling project was back to work after an accidental explosion that had shut down the project for a few days. He told the council that they should be finished with the tunneling by the end of next week and could start laying the pipe for the wastewater collection system. Mr. Johnson said the company that was doing the smoke testing had another three days left and hopefully that project would be finished on schedule.

The proposed plans for the water treatment plant were still at ADEQ and the City had decided to make some changes which would cause some additional delays on

getting them back. Mr. Johnson told the council that the walking trail on 20th street is almost ready to be paved and should be done by the end of the year.

He also said that Miller Newell engineers had visited with the city departments about site plans for a new central location for a new city shop and should be reviewing plans in a week or so.

E) REVIEW AUGUST 2010 FINANCIALS

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

MAYOR COMMENTS

The Mayor told the council that the Winter Municipal League conference will be January 12-14, 2011 in Little Rock. The Mayor said there would be another workshop on October 6, 2010 for an ongoing continuing education credit for the council that were interested in attending. The Mayor told the council that the Arkansas Department of Health had been awarded a \$610,000 grant and had asked the City of Batesville to act as the fiscal agent to administer these grant monies. The City would be paying the bills and file for reimbursement from the State. Councilmember Henley made a motion for the City to act as the fiscal agent and Councilmember Insell seconded. All vote in favor. Mayor Elumbaugh said the U.S. Postal Service will be conducting a feasibility study at the Batesville office. Some of the operations could be moved to Jonesboro, but did not mean that the Batesville office would be closed.

LIAISON REPORTS

NONE

COMMENTS FROM COUNCIL MEMBERS

Councilmember Bryant reminded everyone to vote in the school election on September 21, 2010. Mr. Bryant also told the Council that there was an article in the City & Town about Batesville and reminded everyone about the Highway 167 dedication on Thursday September 23, 2010 and the Wal-Mart grand reopening on Friday September 24, 2010.

ADJOURNMENT

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

RICK ELUMBAUGH, MAYOR

BRENDA RILEY, DEPUTY CITY CLERK