

**MINUTES OF COUNCIL**  
**OCTOBER 26, 2010**

The Batesville City Council met in regular session on October 26, 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; Tommy Bryant, Margaret Henley, Davy Insell, Fred Krug, Douglas Matthews, Matt McDonald, and David Shetron. Also present were the City Clerk and the City Attorney. Councilmember Richard O'Neal was absent.

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

Councilmember Matthews moved to approve the prepared agenda. Councilmember Insell seconded and all voted for.

**CITIZENS COMMENTS**

Several citizens commented on the three proposed ordinances to amend the City's animal control laws.

**UNFINISHED BUSINESS**

**A) SECOND READING OF AN ORDINANCE REGARDING FOWL WITHIN THE CITY LIMITS OF BATESVILLE**

Councilmember Insell moved to suspend the rules and read the second reading by title only. Councilmember Shetron seconded and the roll call count was 7 for and 0 against. Mr. Stalker read the ordinance by title only. Councilmember Shetron moved to further suspend the rules and waive the third reading. The motion failed for the lack of a second. The ordinance will be placed on the next meeting agenda for the third and final reading.

**B) SECOND READING OF AN ORDINANCE TO REGULATE THE TETHERING OF DOGS WITHIN THE CITY LIMITS OF BATESVILLE**

Councilmember Henley moved to suspend the rules and read the second reading by title only. Councilmember Insell seconded and the roll call count was 7 for and 0 against. Mr. Stalker read the ordinance by title only. Councilmember Shetron moved to further suspend the rules and waive the third reading. The motion failed for the lack of a second. The ordinance will be placed on the next meeting agenda for the third and final reading.

**C) SECOND READING OF AN ORDINANCE REGARDING VICIOUS OR DANGEROUS ANIMALS WITHIN THE CITY LIMITS OF BATESVILLE**

Councilmember Insell moved to suspend the rules and read the second reading by title only. Councilmember Henley seconded and the roll call count was 7 for and 0 against. Mr. Stalker read the ordinance by title only. Councilmember Shetron moved to further suspend the rules and waive the third reading. Councilmember Krug seconded and the roll call count was 3 for (Shetron, Bryant and Krug) and 4 against (Henley, Insell, Matthews and McDonald). The motion failed. The ordinance will be placed on the next meeting agenda for the third and final reading.

**NEW BUSINESS**

**A) PAULA GRIMES, MAIN STREET GRANT**

Mayor Elumbaugh said Ms. Grimes had a scheduling conflict and was not able to attend tonight's meeting. She has asked to be placed on the next meeting's agenda.

**B) STEVE CARPENTER REGARDING JOSIE'S ADDITION**

Mr. Steve Carpenter, owner of Josie's at the Lockhouse restaurant, addressed the council asking permission to build an addition under his deck and remove three old

structures and clean up behind the restaurant. Mr. Carpenter said the addition under the deck would add about 2,500 square feet to his restaurant and would primarily be used for private parties. The enclosure will be glassed in and have a great view of the river. He said as for the clean up outside, there is an old golf cart shed, storage shed and red barn that he would like to tear down. He said we would like to clean up the area, place some picnic tables and add some additional parking. He said the picnic tables would also have a great view of the river. Mayor Elumbaugh said he had visited with Parks Director Randy Palmer and he said Randy was okay with Mr. Carpenters but was concerned about having enough room to store his greens mower and a couple of other items that he currently stores in the red barn during the winter months. Mr. Carpenter said he would salvage all the material and add a structure onto one of the golf sheds for Mr. Palmer to store his items in. After a discussion, Councilmember Krug moved to allow Mr. Carpenter to proceed with his requests as long as he meets all the city code requirements and rebuilds Mr. Palmer a structure for his equipment. He also added to his motion that after the addition to the restaurant is complete, the City would revisit and make any necessary revision to Mr. Carpenter's lease with the City. Councilmember Insell seconded the motions and all the council voted in favor.

### **C) PUBLIC HEARING TO CONSIDER PLACING LIENS ON CERTAIN PROPERTIES**

Mayor Elumbaugh opened the public hearing at 6:25 PM. He then read the list of addresses being considered for lien placements and asked if there was anyone in the audience that would like to address the council in this matter. There being none, the public hearing was closed at 6:27 PM. The list of properties and owners are as follows; 1860 Porter Street, Lee Mourer owner, 545 Gap Road, Wells Fargo Bank NA owner, 2574

Goff Drive, Federal Home Loan Mgmt. Corp. owner, 2411 Case Street, Lee Mourer owner, 2450 Case Street, Lee Mourer owner, 116 Robin Street, Billy and Judy Stewart owners, 2029 Neeley Street, Commissioner of State Lands owner, 1712 Lyon Street, Ernest Halcom owner, 149 E. Pine, Commissioner of State Lands owner, 394 Pine, Commissioner of State Lands owner, 8<sup>th</sup> & Oak Streets, Commissioner of State Lands owner. Councilmember McDonald moved to place the liens on all the above mentioned properties. Councilmember Insell seconded and all voted for.

#### **D) ENGINEER'S REPORT**

Mr. Damon Johnson addressed the council with this bi-monthly Engineer's Report.

#### **E) REVIEW OF SEPTEMBER 2010 FINANCIALS**

The council was given a copy of the September 2010 financials.

#### **MAYOR COMMENTS**

Mayor Elumbaugh announced that the city had received two bids for the Greenway Trails Grant. Councilmember Shetron asked that the minutes reflect that he has recused himself from any action regarding the Greenway Trails Grant. The two bids received were Cox Paving out of Bald Knob for \$36,589.00 and Atlas Asphalt for \$25,352.66. Councilmember McDonald moved to accept the low bid and Councilmember Krug seconded. All voted in favor except Councilmember Shetron who abstained.

The Mayor read a letter of resignation from Councilmember Richard O'Neal. Mr. O'Neal recently moved out of the city limits and resigned as of October 19, 2010. Councilmember Bryant moved to accept the resignation and declare a vacancy in Ward 3 Position 2. Councilmember McDonald seconded and all voted for. Mayor Elumbaugh said anyone living in Ward 3 who would be interested in fill the position to please contact the Mayor's office.

Mayor Elumbaugh asked for out of state travel approval for City Clerk Denise Johnston to attend a regional Clerks meeting in Baton Rouge. The conference is scheduled for December 2-4. Councilmember Matthews moved to approve the out of state travel and Councilmember Krug seconded. All voted for.

The Mayor also asked for out of state travel approval for him to attend the National League of Cities conference in Denver, CO. The conference is scheduled for Nov. 30 through December 4. Councilmember McDonald moved to approve the out of state travel. Councilmember Henley seconded and all voted for.

#### **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**