

MINUTES OF COUNCIL
OCTOBER 23, 2012

The Batesville City Council met in regular session on October 23, at 5:30 PM at the Municipal Building. Mayor Elumbaugh called the meeting to order. Cemetery Supervisor Johnny Abbott gave the invocation. Upon roll call, the following council answered present; Tommy Bryant, Margaret Henley, Paige Hubbard, Davy Insell, Fred Krug, Douglas Matthews, Chris Poole, and David Shetron. Also present were the City Clerk and the City Attorney.

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. Councilmember Bryant seconded and all voted for.

CITIZENS COMMENTS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

A) MR. MARK LAMBERTH TO DISCUSS ISSUE #1

Mr. Mark Lamberth, a member of the Move Arkansas Forward Organization, addressed the council regarding Amendment 1 in the upcoming General Election. Mr. Lamberth said the proposed temporary sales tax, Issue #1 will provide for the construction and improvement of a four-lane highway system connecting all cities in the state with a population of 10,000 or more. It will also provide new turnback revenues for every city and county to be used for local

road and street projects. The proposal will be financed by a ½ cent temporary sales tax but will exclude purchases for groceries, medicine or gasoline. The tax is for a 10 year period. He said based on conservative numbers, Batesville would receive over \$182,000 each year and Independence County would receive over \$500,000 each year. Mr. Lamberth said the proposal will support 40 thousand jobs and is crucial for our State, Cities and Counties. He asked for the council's support on the issue and encouraged everyone to vote for Issue #1.

B) HEAR A REQUEST FROM A CITIZEN ABOUT VEHICLE DAMAGES

INCURRED

Mr. Dexter McDaniel addressed the council requesting the City pay for damages to his vehicle after he ran over a construction sign. Mr. McDaniel said he was traveling down Baker Street and saw construction signs but they were not in the road. When traveling back on the same street, one of the construction signs was in the street and he did not see it and ran over it. He had a picture of the damage to his bumper and three estimates for repairs. The Mayor said the low estimate was from Independence Custom Repair for \$1,164.31. City Attorney Lindsey Castleberry said the council has complete discretion on the matter and may if they so choose pay for the damages. However, the City is covered with Tort Immunity for such incidences. Councilmember Krug asked Mr. McDaniel if he had insurance and if so had he placed a claim. Mr. McDaniel said he did have insurance and his agent suggested that he request the City pay before he places a claim. It was discussed that in similar situations in the past, the City has reimbursed to a claimant the deductible they were out for the repairs. Mr.

McDaniel did not know how much his deductible is. The Council asked Mr. McDaniel to place a claim and gave the Mayor authority to resolve the claim.

C) CONSIDER A RESOLUTION TO APPLY FOR A TRAILS FOR LIFE GRANT FROM THE ARKANSAS PARKS AND TOURISM DEPARTMENT

Councilmember Insell introduced a resolution authorizing the Mayor to submit an application for a \$31,050.00 grant from the Arkansas Department of Parks and Tourism. Ms. Crystal Johnson, President and CEO of the Chamber of Commerce, addressed the council with specifics on the grant. Ms. Johnson had a PowerPoint presentation and said this would be Phase 3 for the Greenway Trail. Mr. Castleberry read the resolution in full. Councilmember Matthews voted to adopt the resolution. Councilmember Bryant seconded and all voted for. The resolution was given #2012-10-01-R.

D) EXECUTIVE SESSION

Councilmember Matthews moved to go into executive session. Councilmember Bryant and all voted for. Upon returning from executive session, Councilmember Shetron moved to reappoint Ms. Robin Brock to the Public Facilities Board. Councilmember Matthews seconded and all voted for. Ms. Brock's term will end 11/10/2017.

Councilmember Hubbard moved to reappoint Mr. John Dews to the Airport Commission. Councilmember Shetron seconded and all voted for. Mr. Dews term will expire 11/09/2017.

E) ENGINEER'S REPORT

City Engineer Damon Johnson addressed the council. Mr. Johnson said due to safety reasons, they were going to close the portion of Myers Street by Row Lake to finish their work. He said they are adding curbs and gutters and a sidewalk and will then pave the street. He said they will close the street at 8:15 each morning and then reopen it at the close of the work day. Mr. Johnson said the construction crew has started the work on the major sewer line rehab in West Batesville which will not be completed until sometime in 2014.

Bids were opened today for the first phase of the sewer rehab/replacement project for the City. The phase includes Bayou crossings and sewer lines from Chaney and Pioneer Drive, through the Goff Addition, ending on Dogwood East behind Home Depot. Mr. Johnson said because of the time restraints, they decided to pay for the improvements from the Utility Additions and Improvements Fund instead of from the ANRC monies. He said the rest of the improvements will be paid from the ANRC monies. The low bid was Spurlock, Inc. out of Searcy, AR for \$1,399,985.00. Councilmember Shetron moved to accept the low bid from Spurlock and proceed with the project. Councilmember Matthews seconded and all voted for.

F) REVIEW FINANCIALS

The council was given a copy of the September 30, 2012 financials.

MAYOR COMMENTS

A street light has been requested at the intersection of 8th and Boswell Streets. Councilmember Matthews moved to approve the street light and Councilmember Shetron seconded. All voted for.

The Mayor said Governor Beebe will be in town tomorrow from 11:15 to 12:15 to award Peco Foods a \$485,000 Arkansas Economic Development Commission grant.

The Mayor encouraged the council to attend the ceremony.

The Mayor wished former Councilmember and Police Chief Jim Mitchum happy 100th birthday. Mr. Mitchum was honored with a birthday party last Saturday. The Mayor said he was unable to attend but City Clerk Denise Johnston and Deputy Clerk Brenda Riley were able to attend and presented Mr. Mitchum with a key to the City.

LIAISON REPORTS

None

COUNCIL COMMENTS

Councilmember Bryant thanked the Arkansas Game and Fish Commission and several local and state officials for the new boat ramp on the White River. The new ramp is located West of Batesville between Lock 2 & 3. Mr. Bryant said he also talked to the Commission about restocking Row Lake. He said the Commission said fish had been ordered and would be restocked soon.

Councilmember Matthews showed the council several pictures of the progress at the Airport for the recent FAA 2.3 million dollar grant for Runway Safety.

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