

**MINUTES OF COUNCIL
JANUARY 24, 2012**

The Batesville City Council met in regular session on January 24, at 5:30 PM at the Municipal Building. Mayor Elumbaugh called the meeting to order. Councilmember Henley gave the invocation. Upon roll call, the following council answered present; 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 Tommy Bryant was absent.

Councilmember Insell 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 Insell seconded and all voted for.

CITIZENS COMMENTS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

A) RECOGNIZE MEMBERS OF THE BATESVILLE SCHOOL BOARD

Mayor Elumbaugh read a resolution recognizing Arkansas School Board Member Recognition Month and presented certificates to the Batesville School Board Members. The members present to accept their certificates were Dr. Paul Hance, Mr. George Latus and Mr. Scott Wood.

B) CONSIDER A RAILROAD EASEMENT AT THE NORTH COMPLEX

Mayor Elumbaugh asked City Attorney Castleberry to address the council and inform them of his findings regarding the legality of issuing an easement to American Silica on the extreme north portion of the North Complex. Mr. Castleberry said he visited extensively with legal council from the Arkansas Municipal League and he said all his concerns have been satisfied. He said American Silica has promised to donate 6-10 acres of land located south of the proposed railroad and adjacent to the North Complex for the easement rights. They also will pay for the costs associated with the relocation of the walking trail, any costs associated with the relocation of any and all utility lines resulting from the rail line, the construction of an 8' high chain link fence along the south line of the proposed rail line and compensate the city for the value of any trees removed. He also said the only decision before the council tonight was to give the Mayor authority to enter into the necessary agreements and contracts to grant American Silica legal interest for a railroad across the north end of the North Complex and to make sure all the stipulations discussed are in the legal documents. Mayor Elumbaugh then opened the floor for citizens to comments regarding the proposed American Silica plant project. Several citizens spoke and made their concerns known to the council. Mr. Dan Cooke, representative for American Silica, addressed the council and citizens with their concerns. After further discussion, Councilmember Krug moved to give the Mayor authority to enter into the necessary agreements and contracts on behalf of the City to grant American Silica, LLC and/or Missouri Northern Arkansas Railroad an appropriate legal interest for a railroad across the north end of the North Recreational

Complex between the property line and the ball field fence as long as American Silica will agree to donate to the City approximately 6-10 acres of land, south of the proposed railroad and adjacent to the North Complex and if American Silica agrees to pay the costs associated with the relocation of the walking trail, the costs associated with the relocation of any and all utility lines resulting from the rail line, to construct an 8' high chain link fence along the south line of the proposed rail line and compensate the City for the value of any trees removed. Councilmember Shetron seconded and the roll call count was 7 for and 0 against.

C) FIRE DEPARTMENT REPORT

Fire Chief Brent Gleghorn addressed the council with a year-end report for the Fire Department.

D) PUBLIC HEARING TO CONSIDER CONDEMNATION AT 149 E. PINE STREET

Mayor Elumbaugh opened the floor of the public hearing at 6:55 PM. Code Enforcement Officer Chad McClure addressed the council and gave the background on the property. There being no one who wished to address the council regarding the condemnation, the Mayor closed the public hearing at 6:57 PM.

E) CONSIDER A RESOLUTION FOR CONDEMNATION OF PROPERTY AT 149 E. PINE STREET

Councilmember Shetron introduced a resolution to condemn certain property located at 149. E. Pine Street. Mr. Castleberry read the resolution in full. Councilmember Matthews moved to adopt the resolution. Councilmember

Shetron seconded and the roll call count was 7 for and 0 against. The resolution was given #2012-01-02-R.

F) CONSIDER AN ORDINANCE TO MODIFY CERTAIN PROVISIONS RELATING TO REQUIRED CONDITIONS FOR THE USES IN GENERAL INDUSTRIAL ZONING DISTRICTS

Councilmember Matthews introduced an ordinance to amend Section 1, General Industrial District (I-2) Required Conditions of the Batesville Zoning Code. Code Enforcement Officer Chad McClure said the amendment is general house cleaning to correct what he believes was a typo in the adopted codes. Mr. Castleberry read the ordinance in full. Councilmember Shetron moved to suspend the rules and waive the second and third readings. Councilmember Insell seconded and the roll call count was 7 for and 0 against. Councilmember Shetron moved to adopt the ordinance and Councilmember Matthews seconded. The roll count was 7 for and 0 against. The ordinance was given #2012-01-04.

G) CONSIDER A RESOLUTION TO APPLY FOR A CDBG GRANT TO CONSTRUCT A NEW WORKFORCE TRAINING CENTER

Councilmember Matthews introduced a resolution authorizing the Mayor and City Clerk to enter into an administrative agreement with White River Planning and Development District to apply for a CDBG grant to construct a new Workforce Training Center. Mr. Castleberry read the resolution in full. Councilmember Insell moved to adopt the resolution. Councilmember Henley seconded and the roll call count was 7 for and 0 against. The resolution was given #2012-01-03-R.

**H) CONSIDER A RESOLUTION FOR THE FINANCING OF TWO NEW
SANITATION TRUCKS**

Councilmember Shetron introduced a resolution for the financing of two new sanitation trucks. Mr. Castleberry read the resolution in full. Councilmember Shetron moved to adopt the resolution and Councilmember Insell seconded. The roll call count was 7 for and 0 against. The resolution was given #2012-01-04-R.

I) ENGINEER'S REPORT

City Engineer Damon Johnson addressed the council with an update on various department activities throughout the City.

MAYOR COMMENTS

Mayor Elumbaugh asked for out of State travel for three employees in the Clerk's office and two Utility employees to go to Dallas, TX for Incode accounting training in April. Councilmember Matthews moved to approve the out of State travel and Councilmember Shetron seconded. All voted for.

The Mayor said he received a quote from the Election Commission of \$12,400.00 for the March Special Elections costs. The Mayor said no taxpayer dollars will be used to pay for the election costs. All the funds will be raised and paid for by private donations.

The Clerk informed the council of a fixed assets transfer of a 2011 Dodge Charger VIN#50721 from the Utility Safety Department to Metro.

LIAISON REPORTS

Councilmember Henley said she wanted to promote the Main Street Batesville Winter Gala scheduled for January 29th at 5:00 PM at Elizabeth's Restaurant.

COUNCIL COMMENTS

None

ADJOURNMENT

There being no further business, Councilmember Insell moved to adjourn the meeting. Councilmember Henley seconded and all voted for.

DENISE M. JOHNSTON, CITY CLERK

RICK ELUMBAUGH, MAYOR