

# Committee of Thirteen Report

October 11, 2005

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, October 11, 2005 at 5:00 P.M. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

10 JPs Present: Adams, Allen, Hill, Moore, Schindler, Sheridan, Stephenson, Summers, Tharp, Wolf  
3 Absent: Harrison, Sampier, Wozniak  
Others Present: Comptroller Richard McComas, County Judge Gary Black, Assistant County Administrator Travis Harp, Dr. Brad Johnson, Michelle Crain, David Cone  
Media: Jennifer Turner – Daily Record, Joe Askins – Morning News

JP Tim Summers called the meeting to order at 5:00 p.m.

## **Public Comments:**

None

### **1. Discussion: NWA Ambulance Service Funds – Richard McComas**

Comptroller Richard McComas distributed copies of expenses related to the ambulance purchased by Benton County, which is currently being operated by the City of Gravette. He stated that \$100,000 in General Improvement Funds have been awarded to Benton County and the Quorum Court needs to decide how that money will be distributed. Dr. Brad Johnson, Benton County Medical Director, stated that it was the recommendation of the Office of Emergency Management and the Ambulance Service Committee to reimburse Benton County the \$24,626 that was used to purchase the ambulance, and give the remainder to the Northwest Arkansas Ambulance Service, to allow them to continue to provide ambulance service for Northwest Benton County. JP Summers asked what legal entity was operating the ambulance. Dr. Johnson stated that the Gravette Volunteer Fire Department was operating it. JP Tharp stated that it was his understanding that Volunteer Fire Departments answer to the mayor, and that the City of Gravette was closely involved. He asked if the City of Gravette was in favor of expanding the service. Dr. Johnson stated that they were considering purchasing a second ambulance. JP Moore asked if it would be legal to donate the \$24,626 to the Northwest Arkansas Ambulance service instead of accepting it as reimbursement. Richard McComas stated that it had been the intention from the beginning to give Gravette the seed money to get started, and then seek state funds to support the service and reimburse the county. JP Wolf asked if the money was earmarked for ambulance service only. Dr. Johnson stated that Senator Hendren had envisioned the money going toward ambulance service when he obtained it. County Judge Gary Black was recognized, and he explained that the purpose of the original appropriation was to get the service up and going, and the goal had always been to eventually cut ties. He added that Gravette is now selling memberships in the ambulance service. JP Stephenson made motion to allow the City of Gravette to have the \$100,000 from the State of Arkansas, and to accept reimbursement from the City of Gravette for the county's portion of the expenses associated with establishing ambulance service in Northwest Arkansas, seconded by JP Tharp. JP Summers asked if there was any official action required by the Quorum Court. County Attorney Ed Gartin

stated that no document was needed, but it should go on the agenda of the next Quorum Court meeting to ratify the action. Motion passed by unanimous show of hands vote.

JP Stephenson asked Dr. Johnson to address the county's inability to deal with conditions that are hazardous to public health, such as raw sewage running on the ground. Dr. Johnson said he would help in any way he could, and stated that the State Health Department should be involved. JP Stephenson stated the county apparently has a complete lack of ability to get the State Health Department's attention or cooperation. Dr. Johnson stated that he had worked with the State Health Department before and understood the bureaucracy involved, and he would try to help them find another channel to go through.

## **2. Proposed Appropriation Ordinance – Benton County West Municipal Court APERS Contribution**

Comptroller Richard McComas stated that a \$125,000 proposed appropriation was forwarded from the Finance Committee to pay the required county share of the contribution to APERS for Benton County West District Court, and to cover a shortfall in the fund this year. He said that paying it all at one time saves a considerable amount of money compared to paying it out over 30 years. He explained that the District Court fund used to be self-sustaining through the Administration of Justice Fund, but the state is not funding it at the same level that it used to and the reserves are gone. JP Sheridan made motion to forward the proposed appropriation to the October 27, 2005 Quorum Court meeting, seconded by JP Tharp. JP Stephenson stated he objected having to fund the retirement for a former judge convicted of a felony whose resignation was delayed until he had qualified for retirement at full benefits. County Attorney Ed Gartin stated that money from court costs comes back to County General from the state, so the county is not actually losing money in funding the courts. Motion passed. (9 for, 1 against-Stephenson)

## **3. Planning – Michelle Crain**

### **A. Adoption of Fee Schedule**

Planning Manager Michelle Crain stated that revisions had been made to the fee adoption ordinance. She said that the Planning Board has decided to charge 25 cents per square foot for both residential and commercial buildings, and would like the Quorum Court to set a cap for commercial buildings. She also said that they had gotten data from the Assessor's Office, the Health Department, and 9-1-1 to estimate the number of new homes that will be built in Benton County next year. JP Allen stated that he was concerned that the county might price themselves out of the commercial market, and suggested a graduated cap. JP Summers asked why the inspection process was more expensive for commercial buildings. JP Allen stated that there were more regulations to enforce in commercial buildings. JP Adams asked if a budget for the department had been developed yet. Michelle Crain stated that the five new positions would cost \$186,000, plus miscellaneous expenses such as computers, desks, vehicles, etc. JP Summers recalled that the total was close to \$300,000. JP Summers asked when they planned to begin the inspections. Michelle Crain stated that they planned to start on January 1, 2006. JP Summers stated that he did not want to see any construction held up due to a builder waiting on inspections. Michelle Crain stated that they planned to phase in the inspections. JP Allen stated that they should look at the implementation very closely, because there was a huge bottleneck when they first started doing inspections in Rogers, and it was bad for the economy. Michelle Crain stated that they had given it a lot of thought and had a plan in place. JP Tharp stated that he would like to see that plan in the form of a document. JP Summers stated that it looked like the dollars would be available to fund the support staff, but the inspections were going to require a lot of man-hours and he was concerned about the turnaround time. He also asked when the

ordinance needed to be moved forward. Michelle Crain said she would like it to have its first reading at the October Quorum Court meeting. JP Hill stated that he would like to see a sliding scale for commercial buildings. JP Tharp stated that he wanted to make sure that they continued to encourage new business ventures within the county. JP Adams made motion to table the proposed ordinance until the November Committee of Thirteen meeting. Motion died for lack of second. JP Allen stated that he did not think they needed to move forward through the Quorum Court without a sliding commercial fee scale in place. Michelle Crain stated that the Planning Board was asking the Quorum Court for guidance on that issue. JP Stephenson suggested that the maximum commercial inspection fee be set so as not to exceed the most expensive fee in Benton County. Michelle Crain stated that they did not know what that was—that they had considered \$10,000 but were concerned that would not be enough to cover the cost of a large project like Lowe's. JP Moore asked what the permit fee for a large-scale project is now. Michelle Crain stated that they currently pay \$300 for the permit fee and plan review. JP Allen stated that he felt that government should be responsible, and not charge a fee just because they could, and if the budget can be met with a lower rate, then that's what they should use. JP Summers suggested forming an ad hoc committee to study the commercial fee structure. JP Wolf asked if there wasn't some data from other counties that they could use as a benchmark. Michelle Crain stated that they had looked at a couple of counties in Missouri, but they were much higher. JP Hill suggested a flat fee for both residential and commercial. Michelle Crain stated it would not be reasonable for the builder of an 1,800 square foot home to pay the same fee as someone building a 5,000 square foot home.

County Attorney Ed Gartin stated that the law envisions the Quorum Court setting a fee that has a reasonable relationship to the expense of the service that is provided, and not necessarily a fee that would motivate someone to build in the county, especially if setting a ceiling on the fee was detrimental to providing the service. JP Stephenson stated that they needed to start somewhere, and the fee schedule could be modified later. JP Stephenson made motion to forward the proposed ordinance as submitted to the October 27, 2005 Quorum Court meeting, with the understanding that it may be modified, seconded by JP Sheridan. JP Allen asked if it would be modified before or after it is passed. JP Stephenson stated that it could be modified anytime after it is passed if they find that they are not providing a service that is commensurate with the charge. JP Allen stated he could not support the motion, because he believes the information they need can be gathered from a couple of municipalities and counties that he knows of, and he would be happy to work on that. He said they should also find out what kind of manpower is required. JP Moore stated that he would support the motion with the proviso that they find a solution before it goes to Quorum Court. He said if they do not come up with a solution that is acceptable to the majority of the members, then the ordinance could be tabled at that point. JP Adams stated that he also thought they should get it right before passing it. He said that there has been increased growth for the last 20 years and this has never been considered, so he saw no reason to rush into it at this time. JP Schindler suggested a 3 to 5-member committee to gather the information that they need. JP Sheridan stated that he would support the motion to forward to the Quorum Court with the understanding that corrections can be made, and if they are not acceptable, it can be voted down at that time. JP Summers asked what response is needed for the Planning Board as far as a suggestion for commercial rates. Michelle Crain stated that they had not rushed into anything, that they had been working on the plan since March of 2004, and they have not taken it lightly. She added that she would be happy to share with anyone who would like to be on the committee the numbers that they have. JP Wolf called the question. JP Tharp stated that their purpose was to provide legislative direction in the county, and they are about to spring something on the county and he does not think they are prepared to move forward with it. He said he is uncomfortable with saying that they will do something and then correct it at a later

date. JP Summers asked to have the motion read again. Deputy Clerk Betsy Deaton read the motion. Motion passed (6 for, 4 against- Adams, Allen, Tharp, Wolf). JP Summers encouraged the committee to give Michelle Crain any thoughts they had as to how to proceed. JP Moore stated that this was a time-sensitive issue because several positions that will be considered during the budget process are related to the passage of this ordinance.

#### **4. Justice of the Peace Mileage Policy – JP Tim Summers**

County Attorney Ed Gartin stated that he had looked at Arkansas statutes regarding mileage reimbursement. He cited two statutes which address mileage reimbursement—one which requires reimbursement for Quorum Court meetings and committee meetings, and one which allows the Quorum Court to pass an ordinance specifying other allowable reimbursements, including mileage. He said that in 2001 the Quorum Court passed an ordinance which lists circumstances under which mileage is reimbursed, including any time a Justice of the Peace uses a personal vehicle for meetings with constituents, attending meetings at the request of an Elected Official or Department Head, and Quorum Court small committee meetings.

#### **Other Business:**

Michelle Crain gave the committee an update on the Comprehensive Land Use Plan and Zoning Ordinance. She said that they are putting both proposals on the back burner for now, and are looking at hiring a consultant to produce the map showing the different zones. JP Summers asked if they had money in their budget to hire a consultant. Michelle Crain stated that they did not have it this year, but are working on cost proposals at this time, and expect it to be spread over several years because it will be around \$500,000. JP Summers stated that they should contact Northwest Arkansas Regional Planning to see if they can help with part of it.

#### **Announcements:**

JP Tharp announced that there will be a Joint Environmental Committee/Planning Board meeting on Tuesday, October 18, 2005 at 5:00 p.m., and that all other JPs are invited to attend, as they will be discussing the proposed Beaver Lake Watershed Protection Ordinance in depth.

JP Moore announced that the Long Range Planning and Properties Committee would be meeting Thursday, October 20, 2005 at 5:00 p.m. to examine the Road Department Maintenance Facility plans.

JP Summers announced that the Finance/Budget Committee would be meeting on Tuesday, October 18, 2005 at 1:00 p.m.

The meeting was adjourned at 6:40 p.m.