

Committee of Thirteen Report

November 8, 2005

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, November 8, 2005 at 5:00 P.M. in the QC Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

12 JPs Present: Adams, Allen, Harrison, Hill, Moore, Schindler, Sheridan, Stephenson, Summers, Tharp, Wolf, Wozniak
1 Absent: Sampier
Others Present: County Judge Gary Black, Sheriff Keith Ferguson, Richard McComas, Travis Harp, Hunter Petray, Don Townsend, Gene Drake, Barbara Ludwig, Tom Wilkerson, Michelle Crain
Media: Jennifer Turner – Daily Record, Joe Askins – Morning News

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

PUBLIC COMMENTS:

None

1. 2006 Budget – Richard McComas

Richard McComas stated that copies of the 2006 Budget had been distributed to all Quorum Court members. JP Wolf made motion to recommend that the 2006 Budget be adopted at the November 29, 2005 Quorum Court meeting, seconded by JP Stephenson. Richard McComas noted that the budget contains a 3.1% salary increase for all employees and a millage rate of 4.8 for County General and 1.2 for County Road. He said that no personnel were added except for those funded by commissioned accounts. JP Summers asked what the sales tax increase was for the year. Richard McComas stated that it was between 8% and 10%. He also added that the county is paying off a Road Department note which is due in December, and that there is a little over one-half million dollars left after Amendment 59 lawsuit settlements were paid. He stated that the Circuit Clerk will turn back \$300,000, and they will transfer \$625,000 to Capital Projects, which will bring that account balance to almost \$2 million. JP Schindler asked if the county will have to purchase election equipment next year. Richard McComas stated that the State of Arkansas is going to pay for the new equipment. JP Sheridan asked if the Elected Officials' salaries listed in the budget included benefits. Richard McComas stated that they did not, but those were included in the individual departments' budgets. JP Adams stated that he had read the budget and commended the Finance Committee and the Accounting staff for an excellent job. He stated that he wanted it made clear to the public that the increase over last year's Quorum Court line item was due to an increase in attendance to meetings, and that mileage reimbursement has increased. Motion passed by unanimous show of hands vote.

2. Resolution – Waiver of Salary Range Policy

Richard McComas stated that these variances had been forwarded from the Personnel Committee, and stated that, in an attempt to cut down on the number of variances addressed by the Quorum Court, Human Resources Manager Barbara Ludwig had done an internal salary audit. He said that these variances would balance out some inequities among various departments. JP Stephenson made motion to forward the Resolution to the November 29, 2005

Quorum Court meeting, seconded by JP Tharp. JP Stephenson stated that they will never do without variances altogether, but that it had been pointed out to the Personnel Committee that it is the Quorum Court's job to set salaries. He added that they will make every attempt to address the bulk of the variances in the month of August each year. Motion passed by unanimous show of hands vote.

3. Inspection Fee Schedule Ordinance – Michelle Crain

JP Tharp made motion to forward the proposed fee schedule ordinance to the November 29, 2005 Quorum Court meeting, seconded by JP Hill. JP Tharp asked why they had chosen 25 cents per square foot, and if that amount fit the budget of what would be needed to fund the department. JP Wozniak asked if the impact on those people already paying inspection fees in Lost Bridge Village and Bella Vista had been addressed. Michelle Crain stated that those two communities would not be charged additional inspection fees. She added that they would inspect in those two areas only at the property owner's request. JP Schindler complimented Michelle Crain on the information she had provided, and stated that since Benton County's cost for inspections is lower than all of the surrounding cities, he did not think that homebuilders would be too upset. JP Allen stated that he was still concerned about the cost for larger buildings of 100,000 to 500,000 square feet. Michelle Crain stated that the figures were comparable with surrounding cities for base permit fees without any of the surcharges that the cities usually add on. JP Wolf asked if the county has to pay state surcharges when these fees are collected, and if those fees were included in the proposed fee schedule. Michelle Crain stated that they paid membership fees to the International Code Council, and they had not been informed of any surcharges. JP Wolf stated that they should get that information so the surcharges could be included in the fees. JP Adams asked if legal counsel had reviewed the exclusion of Bella Vista and Lost Bridge Village. County Attorney Ed Gartin stated that based on a factual investigation, it was acceptable to charge only one fee in those areas. He said that it appears that the State of Arkansas is welcoming the possibility of Benton County performing inspections, as it will relieve some of the burden on them. He added that the two areas also welcome the county beginning inspections because it increases the availability of county inspection services in addition to those already offered to those areas. JP Tharp stated that he would hate to see a negative impact on small businesses in the county. He added that he would still like to see information on expected revenues compared to the expenditures necessary to provide the service. JP Wolf suggested that the fee should be standardized throughout the county, so that Bella Vista and Lost Bridge Village residents pay the same fees as county residents. She asked if there will be enough staff in place to handle the inspections if the county takes over the State's responsibility. Michelle Crain stated that they currently have one inspector on staff, and have requested more positions, but were told that those positions would have to wait until the fee schedule was in place. JP Stephenson asked how the present inspections being performed in Bella Vista and Lost Bridge Village compare to the ones that will be performed by Benton County inspectors. Michelle Crain stated that the inspectors are following the Codes, and all receive the same training. JP Sheridan asked if Benton County would receive copies of the permits that are done in Bella Vista and Lost Bridge Village. Michelle Crain stated that they are working on that process. JP Sheridan stated that the information on the permit should be passed on to 9-1-1 for addressing purposes, and to the Assessor's Office, so there may need to be some type of fee to cover that processing cost. Michelle Crain stated that they could charge the \$25.00 fee to everyone if that was the Court's wish. JP Tharp asked how the State's inspection requirements will fit in if the County assumes responsibility for inspections. Michelle Crain stated that they had met with members of the State Boards, and they were very welcoming of Benton County taking over the inspections. JP Tharp stated that it appeared to be like other

areas of the State, that since they weren't doing their job, they were looking to the counties to do it for them. JP Tharp asked if anyone had looked at the \$375.00 fee for a 1,500 square foot building and determined that that was what would be spent in providing the permit and inspections, because he did not think the fee should become a profit center. Michelle Crain stated that they intended to come out even on the costs. JP Tharp asked if anyone had determined what it will actually cost to do an inspection on a 1,500 square foot home. Michelle Crain stated that they will need a Building Inspector, equipment, and vehicles. Richard McComas stated that the figures were in the budget books. JP Adams asked if they would be halting construction in the county if they enact this process without enough inspectors on the ground ready to go. Michelle Crain stated that they were not going to halt development, but would operate much like the Health Department does, and allow construction to move ahead even if the inspectors are behind in performing the inspections. She said if it became necessary, they would allow licensed contractors whose work they were familiar with to continue, and catch up on the inspections later. JP Allen expressed concern about slowing down construction, and stated that they need to be careful about charging fees just because they can. Michelle Crain stated that she would love to come back mid-year and review the costs and then make any adjustments that are needed.

JP Wozniak referred to an earlier question by JP Sheridan, and stated that Bella Vista takes care of notifying 9-1-1 and the Assessor's Office when they issue permits. JP Stephenson stated that they had to start somewhere, and the fees are based on the best figures that are available at this time. JP Sheridan stated that this had been discussed for several months, and they can increase or decrease the figures at anytime if necessary. JP Wolf stated that Michelle Crain had done a great job, and that she was not concerned about the fees. She said that she is concerned with starting out behind the 8-ball, and getting into a situation where they are band-aiding problems all the way through this thing from the very beginning. She stated that she thought turf issues would be a big problem, and that there would be other things that will come up that cannot be set aside while we do other things. She said if that happens it will become a big mess. Michelle Crain stated that as far as turf issues were concerned, cities are not allowed to do inspections or issue permits outside their corporate limits. JP Wolf stated that she believes that starting out with a lack of inspectors and not charging the same fees across the county will cause us to start out with problems that need to be handled immediately. JP Moore noted that the figures on the handout were incorrect, and the numbers were corrected. JP Allen stated that they should not be a profit center, and should charge only what it costs to do the inspections. He said if they are not charging enough, they can come back in a few months and increase the fees, but he did not think that would be the case. JP Tharp stated that the bottom line is that they are providing a tool with which to protect their constituents, so that when they buy a new home they can be confident that is has been built to Code.

JP Summers reminded the Committee that the inspection fees would be in addition to the watershed fees and possible storm water management fees, and asked if there had been face to face meetings with people from the Bella Vista ACC and Lost Bridge Village. Michelle Crain said she had had several phone conversations with ACC representatives, but had not met with Lost Bridge Village people at all. She said they had met with people from the State. JP Summers stated that those meetings need to happen before they vote on the fee schedule ordinance. JP Wozniak asked if Bella Vista could charge higher fees than the county. County Attorney Ed Gartin stated that since they had different costs, they could charge different fees. Michelle Crain pointed out that Bella Vista had been approved as a Master Plan Development. Motion to place the fee schedule ordinance on the November 29, 2005 Quorum Court agenda passed by unanimous show of hands vote. JP Summers asked Michelle Crain to meet with Comptroller Richard McComas to double check all of the figures.

4. 2005 Tax Levy Ordinance

JP Summers stated that some numbers were still coming in from the various taxing units, so the ordinance was not in its final form. JP Stephenson made motion to place the proposed tax levy ordinance on the November 29, 2005 Quorum Court agenda, seconded by JP Moore. Motion passed by unanimous show of hands vote.

OTHER BUSINESS:

1. Historic Preservation Easement for War Eagle Bridge – Travis Harp

Assistant County Administrator Travis Harp stated that several months ago they had applied for a grant from the Arkansas Historic Preservation Commission, and as part of the grant application process the Commission is asking the county to grant an easement for War Eagle Bridge. He said that he, Grants Administrator Kathy Bannister, and County Attorney Ed Gartin had met with the Commission in Little Rock to address some concerns about the agreement. He said that they had had easement agreements on buildings in the past, but had never done one on a bridge. He said if the Committee agreed, they would have a Resolution for the November 29, 2005 Quorum Court meeting authorizing the County Judge to enter into the easement agreement, and that the agreement was binding in perpetuity. He stated that the County Judge would have authority to make emergency repairs, but any other changes must be accepted by the Historic Preservation Commission in order to maintain the facade of the bridge as long as the bridge exists. Travis Harp stated that it was the same type of agreement that they made on the Courthouse Building. JP Stephenson asked who presently owns the bridge. Travis Harp stated that the county owns the bridge. JP Stephenson stated that if they pass a resolution granting the easement, then the county will be responsible for maintaining and repairing the bridge, but will in effect no longer own it. County Attorney Ed Gartin stated that the county would always own the bridge, but the Historic Preservation Commission would have the right of easement. JP Stephenson stated that that would give them the right to tell the county what to do with the bridge. Travis Harp stated that they could tell the county what to do with the facade if it was damaged or needed rehabilitation. JP Sheridan asked who would pay for replacing the bridge if the county did not want to replace it and the Historic Preservation Commission wanted it replaced. Travis Harp stated that the county would pay for it. JP Wolf stated that they were selling the façade, and if the bridge washed out, they could not replace it with a newer style bridge, but would have to build it back just as it looked before it was destroyed. She added that she would support a Resolution. JP Adams stated that in his experience with the Historic Preservation Commission, they were allowed to make changes to the interior of the building, but had to maintain its outside appearance. Travis Harp stated that it was hard to tell the difference between the inside and outside of a bridge, and that normal routine maintenance will not be affected. JP Moore asked if the easement would still be in effect if engineers determine that the bridge is unsafe for vehicular traffic. Travis Harp stated that that determination would be made by an architectural engineering firm, who would then notify the county and the Historic Preservation Commission. County Attorney Ed Gartin stated that he does not like the easement agreement, because the facade is the bridge, and it will bind this Court and future Courts into doing whatever the Historic Preservation Commission tells them to. JP Stephenson stated that he did not have positive experience with the Historic Preservation Commission. JP Sheridan asked what advantage the county would have in doing the easement. Travis Harp stated that the purpose was to obtain \$33,000 money to help pay for the engineering study that is necessary before any restoration can be done, and that the Court has already passed a Resolution to make up the difference of approximately \$16,000. Travis Harp stated that \$640,000 has been set aside in the Federal Highway bill and another \$100,000 from the State of Arkansas that was obtained through the

efforts of local legislators. JP Sheridan asked if that money would be awarded whether or not we obtain the \$33,000 grant. Travis Harp stated that it would. County Attorney Ed Gartin stated that they do not have the final draft version of the agreement yet, but should have it ready for the November 29, 2005 Quorum Court meeting.

2. Revisions to Proposed Watershed Protection Ordinance – Tom Wilkerson

JP Schindler recognized Tom Wilkerson who reported several revisions that have been made to the Beaver Watershed Protection Ordinance. Tom Wilkerson stated that two revisions to the Watershed Ordinance are being proposed to address water runoff from impervious surfaces. The first change would be to reduce the number of dwellings allowed which are connected to a Publicly Owned Treatment Works in Special Use Area “A” from four per acre to two per acre. The second change reduces the number of dwellings allowed in a Planned Unit Development in Special Use Area “B” from 12 units per acre to 6 units per acre. Tom Wilkerson stated that they wanted to make one other change in the language describing Properties of Record. He said rather than stating “...parcels that were platted prior to the effective date of these regulations and are smaller than one acre in size”, they would like to change it to “...parcels that existed prior to the effective date...” because there are some parcels of land that have not been platted.

JP Schindler stated that if the Committee was in favor of these changes, the Watershed Ordinance will go on the Benton County Planning Board for a public hearing. JP Summers stated that he had spoken with some developers in the area, and they did not seem to have a problem with it. JP Stephenson made motion to approve the revisions that are being requested, and that the Watershed Ordinance be submitted to the Planning Board for a public hearing, seconded by JP Adams. Motion passed by unanimous show of hands vote. Tom Wilkerson stated that they would make the amendments and the ordinance would be presented at a public hearing on November 17, 2005 at 5:30 in the Quorum Court room. JP Summers encouraged all Justices to attend.

ANNOUNCEMENTS:

JP Tharp announced that the Environmental Committee would be meeting on November 15, 2005 at 3:30 p.m.

JP Moore announced that County Judge Gary Black has called a Long Range Planning/Properties Summit to be held on November 15, 2005 at 1:30 p.m., and that they would be hearing from various Elected Officials concerning facility and personnel needs over the next five years.

JP Summers reminded that Committee that the next Quorum Court meeting will be held on Tuesday, November 29, 2005 at 5:00 p.m.

The meeting was adjourned at 6:25 p.m.