

Committee of Thirteen Report

February 13, 2007

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, February 13, 2007 at 5:00 P.M. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

11 JPs Present: Brown, Hill, Hobbs, Hubbard, Moore, Schindler, Stephenson, Summers, Winscott, Wolf, Wozniak

2 Absent: Glass, Harrison

Others Present: Jim Ecker

Media: Jennifer Turner – Daily Record, Scarlet Simms – Morning News,

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

PUBLIC COMMENTS:

Bob Kossieck stated that he would like to respectfully request that the Chair allow public comments following discussion of the agenda items tonight.

NEW BUSINESS:

1. Budget Adjustments – Drug Court and Department of Emergency Management

JP Summers stated that there are two budget adjustments that will be included in the clean up ordinance. He said that there is \$4,000 in Drug Court revenue that was not included in the 2007 Budget, and it will offset the cost of liability insurance and fuel for the Drug Court vehicle. He said the other one is a pass-through type grant, which reimburses the Department of Emergency Management \$6,900 for the Local Emergency Plan, and is very similar to the Weapons of Mass Destruction Grant. JP Stephenson made motion to approve the adjustments and place them on the February 23, 2007 Quorum Court agenda, seconded by JP Wolf.

2. Proposed Nuisance Abatement Ordinance Update – Planning Director Ashley Pope

JP Wozniak stated that the Planning Board held a public hearing on the proposed nuisance abatement ordinance February 7, 2007, and he was disappointed that some of the Board members had not seen the ordinance even though they knew it was on their agenda. He said that there was nothing new in the discussions about the ordinance, and there were still problems with the 10-acre exemption and the number of people on the Planning Board. He said the nuisance ordinance has already been through the Committee of Thirteen, and its next stop is the Quorum Court, and he needs to know how many of the new Justices of the Peace want more time to discuss the issue. JP Wozniak recognized Planning Director Ashley Pope, who reported on the comments made at the Public Hearing. She listed the concerns expressed by the Planning Board, and said that they decided they would like to do a red-line revision before returning it to the Quorum Court. The Committee discussed more of the Planning Board's concerns.

JP Stephenson asked what role the Planning Board plays in the adoption of the ordinance other than holding the public hearing. County Attorney Robin Green stated that the public hearing gives the Planning Board the opportunity to make recommendations to the Quorum Court on land use and zoning. She said the Quorum Court is the legislative body, and the hearing does not take away that

authority. She said it sounds like the ordinance is going through the proper process. JP Stephenson stated that they are strictly an advisory board, and have nothing to do with the implementation or enforcement of the ordinance. Robin Green stated that was correct. JP Winscott asked where the ordinance will go from here. Robin Green stated that historically, it would go from the Planning Board to the Committee of Thirteen, but that is up to the Justices of the Peace.

JP Moore asked if each member of the Planning Board is going to do their own draft, and then meet as a body to draft a document. Ashley Pope stated that is correct. JP Stephenson asked why the Planning Board is just now deciding that they should write the nuisance ordinance. Ashley Pope stated that she impressed upon the Board the need to move forward, and they believe that the only way to correct the deficiencies they saw in the ordinance was to correct it themselves and then send a copy of their draft to the Quorum Court. She added that they want to narrow down the ordinance in the way that they believe it should be done. JP Stephenson stated that at this point, if that is what it will take to get an ordinance that the Planning Board is satisfied with, he feels they should send it back to the Planning Board, give them 30 days to submit their version, and then vote the ordinance either up or down. JP Winscott asked how long it would take the Planning Board to come up with their revision. Ashley Pope stated that it would be late March. JP Hubbard stated that it seemed like the Planning Board had seen a new version of the ordinance every time it has come before them, and they felt that they might save some steps by making the revisions individually, then combining them into one document.

JP Wolf stated that it is wrong to assume that this body is incapable of writing an ordinance, and if there are two groups working on the same ordinance, they should be working together instead of going back and forth. JP Wozniak asked why it is going to be the end of March before the Planning Board is ready with their revisions. He said they can have an Environmental Committee meeting next week, and they have waited two months for the Planning Board to take action since forwarding the ordinance to them in December. Ashley Pope stated that the board is made up of professionals who have other jobs and meetings, and they have to give 15 days notice of a public hearing. She said that this is something that the Planning Board was asked to do, and they are working from an ordinance that was written by someone else. She said she would forward their displeasure to the board.

JP Moore asked if it would be possible for the Planning Board and Environmental Committee to have a joint work session to save the steps of going back and forth. Ashley Pope stated that they could do that. The committee discussed possible times and agreed to attempt to schedule a meeting for February 28, 2007. JP Wozniak requested copies of the proposed changes prior to the meeting. JP Hubbard stated that if the Planning Board members are concerned that the ordinance is not specific enough, they may need more time to come up with those specifics. He said it was his understanding that they were going to work on the ordinance individually, and then meet as a group. JP Stephenson made motion to ask the Planning Board to proceed with their revisions as quickly as possible, then meet with the Environmental Committee, and if necessary call a special Committee of Thirteen meeting in order to schedule a public hearing, and then forward the ordinance to the Quorum Court for an up or down vote, so that the first reading of the proposed nuisance abatement ordinance may take place at the April Quorum Court meeting, second by JP Wozniak. JP Wolf requested that the motion be restated. Deputy Clerk Betsy Deaton read the motion.

JP Schindler requested that the revisions be made available to all of the Justices prior to the next Environmental meeting. JP Moore asked if the rest of the Committee is in favor of having a joint work session with the Planning Board so that they do not ping pong the ordinance back and forth. JP Winscott stated that he is in favor of it. JP Summers stated that he would like for all of the Justices to be involved in order to accomplish some of the rehashing before the next Committee of Thirteen meeting. He stated they could do it at a Committee of Thirteen meeting, or all of the Justices could attend the next Environmental Committee meeting. JP Wozniak stated that they

would have more time at an Environmental Committee meeting because they would be focusing on only the nuisance ordinance. JP Hubbard expressed difficulty in locating a copy of the nuisance ordinance on the county website.

JP Hobbs stated that the same comments are being made over and over, and they should take those comments into consideration. She said that based on the comments she has heard, they should address the health and safety issues and leave out the extra ones. She said they do not have the resources or manpower to address the minor ones, and if they address the major issues people will feel less concerned about being dictated to concerning their property. JP Moore stated that they have heard a broad range of comments from both sides, and that what is one person's hazard is another person's annoyance, and vice versa.

The Committee discussed the procedural steps that will now be followed to process the ordinance: (1) the Planning Board will draft a red line version of the ordinance incorporating their recommended changes; (2) copies of the red line version will be made available to all Justices of the Peace prior to the joint meeting; (3) the Planning Board and Environmental Committee will hold a joint work session; (4) the result will be posted on the website; (5) Committee of Thirteen meeting; (6) a public hearing to be scheduled in accordance with legal requirements.

Motion passed by unanimous show of hands vote.

County Attorney Robin Green requested that she receive copies of all future versions of the proposed ordinance.

JP Wozniak distributed copies of a draft ordinance concerning the regulation of de-centralized sewer systems, and stated that this will be the next issue that the Environmental Committee will be addressing. JP Stephenson stated that Benton County not only has several decentralized systems in the county, but has experienced its first bankruptcy by an operator. He said the system has been left with no funding, no operator, no property owners' association, just raw sewage, and it is imperative that they address the issue.

Item 3 on the Agenda was deleted.

JP Wolf distributed a glossary of various motions explaining their purpose and the number of votes required for passage.

OTHER BUSINESS:

JP Summers stated that the Sheriff has invited the Quorum Court to take a tour of the Jail to view the overcrowding situation. Chief Don Townsend stated that they would try to schedule the tour for March 13, 2007, following the Committee of Thirteen meeting. Chief Townsend also gave an update on the condition of Sheriff Keith Ferguson, who was injured in an ATV accident at his farm. He said Sheriff Ferguson plans to return to work on Thursday, February 15.

JP Summers stated that the Committee voted to hold public comments at the beginning of meetings, but he would entertain a motion to allow additional comments at this time. No motion was made.

ANNOUNCEMENTS:

None

The meeting was adjourned at 5:46 p.m.