

# Committee of Thirteen Report

July 10, 2007

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, July 10, 2007 at 5:00 P.M. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

12 JPs Present: Brown, Glass, Harrison, Hill, Hobbs, Moore, Schindler, Stephenson, Summers, Winscott, Wolf, Wozniak

1 Absent: Hubbard

Others Present: County Judge Gary Black, Assessor Bill Moutray, Sheriff Keith Ferguson, County Attorney Robin Green, Richard McComas, Barbara Ludwig, Dennis Cottrell, Joyce Higgins

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

Chair Tim Summers called the meeting to order.

## **PUBLIC COMMENTS:**

Connie Henry stated that she wanted to assure the Committee that the Beaver Shores Property Owner's Association does not intend to dump all of their problems on the Quorum Court if the Nuisance Ordinance is adopted. She said they will continue going through the normal process of notifying and trying to work with property owners. She said they are depending on the Quorum Court as their leaders to keep Benton County clean and beautiful, and recognized those in attendance from the Beaver Shores P.O.A. and said they were there to show support for the Nuisance Ordinance.

Judith Day asked the Committee to make sure that what they are passing is really what the people from Beaver Shores are wanting, and that it is something the county really needs. She stated that the county needs something, but that they should be very sure that this is it before they vote to adopt it.

Don Day stated that he would prefer to make his comments before a particular item is discussed, since the Nuisance Ordinance is the last item on a very long agenda. He said that this is the last time he will speak regarding the Nuisance Abatement Ordinance, and he is not suggesting any changes, or urging them to adopt it or not adopt it. He said that he would like to acknowledge those who have contributed to the development of the ordinance including former County Attorney Ed Gartin, Tim Sorey, John Butler, Scott Borman, and former Justice of the Peace Bob Tharp, for allowing citizen participation in the discussion during committee meetings, a practice that was continued by JP Wozniak when he succeeded Bob Tharp as committee chair. He thanked JP Wozniak for encouraging citizens to develop their own version of an ordinance, many parts of which are included in the present version, and thanked Randall Ward and Bob Kossieck for their contributions, and Theresa Pockrus for her comments at Planning Board hearings. He also thanked County Attorney Robin Green for pointing out constitutional issues with some of the earlier versions, and the local newspapers, particularly Jennifer Turner of the

Benton County Daily Record and Scarlet Simms of the Morning News. He said that he cannot say that any of the people mentioned would be in favor of the current version, but he would like to point out that they have a valuable resource in the citizens of this county, and he asked them to carefully look over the ordinance and see if there are any unintended consequences. He asked that they be able to honestly say to themselves, before they cast their votes, that this is the best they can do. He said that the worst thing a legislator can do is vote to adopt something that they really do not like with the intention of fixing it later.

Bob Trager stated that Benton County is the fastest growing county in the state, and they need an ordinance in place. He urged the committee to think of where the county will be in 5 or 10 years without it, and said other people in the state envy what we have in Benton County. He asked them to use their best judgment.

## **NEW BUSINESS:**

### **1. Discussion: Nuisance Abatement Ordinance**

JP Summers stated if no one had any objections, he would like to move Item #7 up since it seems to be the item of most interest. There were no objections. He said that if this Committee moves the ordinance forward, it will go to the Quorum Court, where it will require three separate readings, and will take effect 30 days after the final reading and adoption. JP Wozniak made motion to forward the proposed Nuisance Abatement Ordinance to the July 26, 2007 Quorum Court meeting, seconded by JP Stephenson.

JP Moore asked County Attorney Robin Green to define “untenable”. Robin Green stated that it means that the structure would be unlivable. JP Moore asked if “not fit for habitation” would be a fair description. Robin Green stated that it would.

Motion passed by unanimous show of hands vote.

### **1. 2007 Budget Adjustment Item – Juvenile Court Grant**

JP Summers stated that they are allocating grant funds received by the Juvenile Court for Court Reporting. JP Wolf made motion to include the appropriation in the 2007 Budget Adjustment Ordinance, seconded by JP Stephenson. Motion passed by unanimous show of hands vote.

### **2. Resolution Request: Waiver of JESAP Salary Range Policy (Hire-in Rates and Internal Equity) Various Departments**

JP Stephenson made motion to forward the proposed resolution to the July 26, 2007 Quorum Court meeting, seconded by JP Hill. JP Stephenson stated that the resolution is authorizing a waiver of the midpoint for the hire in rate, and to correct some internal equity issues. Motion passed by unanimous show of hands vote.

### **3. Ordinance Request: Amending Schedule 4, Reorganizations and Regrades – Various Departments**

JP Stephenson made motion to forward the proposed resolution to the July 26, 2007 Quorum Court meeting, seconded by JP Schindler. JP Stephenson stated that this is authorizing the regrading of several positions, and some reorganization of several departments. He added that is has been through the JESAP, Personnel, and Finance Committees, and occurs at least once a year. JP Moore noted that it also adds the three positions recommended by the Finance Committee—the Community Services Program Coordinator and the two Jail Nurses. JP Winscott noted that is also adds the two positions in the Collector’s Office. JP Summers stated

that the Collector is a commissioned account, so the cost is less than 10% to County General, and the positions are necessary to continue the collection and disbursement of tax money. JP Winscott asked what the total cost of the 5 positions would be to the county. Barbara Ludwig stated that the budget impact will be \$53,749 in 2007, including benefits, and \$139,747 in 2008. She said the impact of the Collector's positions is 7.26% of the cost, which is approximately \$5,000 for the two positions.

Motion passed by unanimous show of hands vote.

#### **4. Resolution Request: Expressing Willingness to Participate in Jail Inmate Litter Pick Up Program**

JP Hobbs made motion to forward the proposed resolution to the July 26, 2007 Quorum Court meeting, seconded by JP Moore. JP Stephenson stated that he thought we were already participating in a litter pick up program. JP Hobbs stated this is a new program where the county receives reimbursement in the amount of \$2.00 per inmate per hour from the State Highway Commission. County Judge Gary Black stated that the program was not offered to everyone, and they can receive up to \$50,000 per year. County Attorney Robin Green noted that there is a provision to cancel the program with 30 days notice by either party, so if a problem arises they can stop participating. JP Winscott asked if the money will go straight to the Sheriff's Department. Richard McComas stated that it would go to the General Fund.

Sheriff Keith Ferguson stated that they probably would not be able to earn the entire \$50,000, because they are not able to work the inmates outside when the temperature drops below 40 degrees, but they are already doing litter pick up and not receiving any money for it, so this is a win-win situation. JP Glass asked if any of the Saturday hours that the community service participants are working could be applied toward this program. County Judge Gary Black stated that he would look into it, but the reimbursement is only for pick up on State Highways, and those people are usually used on county and city roads.

Motion passed by unanimous show of hands vote.

#### **5. Ordinance Request: Correcting Legal Description EMSD (VAS)**

JP Glass made motion to forward the proposed ordinance to the July 26, 2007 Quorum Court meeting, seconded by JP Stephenson. JP Hill asked if the legal description will have to be read in full. County Attorney Robin Green stated that the legal description was adopted as an attachment, so it will not have to be read. JP Summers stated that it will have to be read three times, so they will probably want to do it in one meeting. Motion passed by unanimous show of hands vote.

#### **6. Ordinance Request: Correcting Legal Description NEBCO Volunteer Fire Department**

JP Glass made motion to forward the proposed ordinance to the July 26, 2007 Quorum Court meeting, seconded by JP Hill. JP Summers stated that this ordinance will also need to be read three times at one meeting. Motion passed by unanimous show of hands vote.

#### **OTHER BUSINESS:**

JP Harrison requested that consideration of other personnel be place on the next Finance Committee agenda for review. Richard McComas stated that he will take care of it.

JP Wozniak stated that there may be an Environmental Meeting called by one of his committee members in his absence to move the National Flood Insurance Program ordinance through the process, because it has to be adopted at the August Quorum Court meeting.

JP Summers stated that the county is in very early preliminary discussions with St. Mary's Hospital concerning the possibility of obtaining the current facility that will be vacated next year. He asked JP Stephenson if he would begin discussion in the JDC Ad Hoc Committee to consider the feasibility of using it for a new Juvenile Detention Center facility.

JP Stephenson distributed copies of a report detailing the specifications and space needs for a Juvenile Detention Center provided by JDC Director Dennis Cottrell.

**ANNOUNCEMENTS:**

JP Summers reminded the Committee that the Northwest Arkansas Conservation District picnic is at 6:30 at the Benton County Health Department building.

JP Moore announced that the Long Range Planning/Properties and Equipment Committee will meet on Tuesday, July 17, 2007 at 5:30 p.m.

After motion and second the meeting was adjourned at 6:46 p.m.