

February 12, 2009

**LONG-RANGE PLANNING/REAL ESTATE & BUILDINGS
COMMITTEE REPORT**

The Long Range Planning/Real Estate & Buildings Committee met Tuesday, February 12, 2009 at 6:00 p.m., in the Quorum Court Meeting Room, Third Floor, County Administration Building, 215 East Central, Bentonville, Arkansas

Committee Members Present: Sandlin, Brown, Lewis, Hubbard, Winscott

Others Present: JP Moore, JP Douglas, County Attorney George Spence, County Judge Dave Bisbee, Chris Glass, Marsha Graham, Richard McComas, Dennis Cottrell

Media: Scarlett Simms–Morning News; Tabatha Hunter–Daily Record

The meeting was called to order by JP Winscott at 6:00 p.m.

Public Comments

None

Review of 2008 Project Priority List

JP Moore began discussion of the February 2008 minutes of the Planning Committee. JP Sandlin questioned if we have the description of the road property map that is mentioned in the booklet. JP Winscott stated there is a topic on the agenda regarding the road department property and would be open for discussion later in the meeting. JP Moore responded that as far as a legal description there is none. JP Moore stated that the concerns of the 2008 project priority list, are about the same for this year, but one concern not listed is the Health Department in Siloam Springs, which is under remodeling, and will be reopened soon. JP Moore stated the committee needs to be looking for permanent court room space. It is very likely that we will have another Judge coming in 2011 and there will be a need for more court room space.

Real Estate & Building Booklet

JP Winscott asked members of the committee to review the Real Estate & Building Booklet and stated that revisions in the different categories will be added and it will be up to the committee members to keep the book maintained and updated. JP Winscott thanked Marsha Graham for all of her hard work in putting the book together. Discussion was held among the members regarding the booklet and the different properties owned and leased by the county. JP Winscott noted that we are spending over \$300,000 on leased rental property and he feels the county should own and not lease property. The properties that the county leases are open leases and the county could get out of them in 12 months. JP Winscott stated that if any member had suggestions for improvements of the Real Estate & Building booklet please let him know. Other discussion was held regarding county properties owned and leased. JP Winscott referred to the Big Springs Dirt Pit as one of the properties in question. Discussion was held regarding possible uses for the property.

American Legion Property

JP Winscott recognized County Judge Dave Bisbee. Judge Bisbee stated that he has reviewed the original American Legion Property Lease, and explained how the Quorum Court, County

Government, and American Legion had traded an 85-year lease of the property where the American legion is now (old Benton County Jail), for title of the land where they wanted to build a new County Jail (current JDC and Judicial Center). He said the Legion has sublet this property, which they had the right to do, to a private individual for a long time. He said that the Legislative Audit objected to county-owned property being leased for other than public use, so the property was placed back on the tax rolls. He added that the lease is not up until 2053.

Judge Bisbee stated that he did not know if the old jail building has ever had an asbestos audit, and he would be somewhat concerned about that, and even if the county somehow obtained the property, the building is most likely of historic significance, so they couldn't tear it down to use the land. Judge Bisbee stated he could find no reason why the County would even want the old jail building. He stated that it is possible that the county could sue the American Legion to have the lease set aside because it was unconstitutional, but in order to treat all those involved fairly, and since the county entered the lease in good faith, he felt that suing to get it set aside would be an improper thing to do, and he would be uncomfortable in doing so.

Judge Bisbee explained that he has two possible solutions. He said they could sell the property with the leases in place; whoever bought the property would be aware of the leases and the Legion and the Fergusons would not be in jeopardy. He added however, the simplest solution would be to declare it surplus property, auction the property with leases in place, and whoever bought the property would be aware of the leases.

Judge Bisbee noted that the county is paying over \$3,000 per year for insurance and taxes on the property and explained that the County Judge can declare the property surplus property by court order, and then sell it at public auction, which is his recommendation. Judge Bisbee stated he would like to send this to the Quorum Court for approval.

JP Moore noted that this was a land swap back in the 60's and for some unknown reason the county did not get the title or deed to the property, but by selling the property at auction, the County would be completing the transaction that was begun many years ago. JP Bisbee stated that it is time to recognize the property as surplus, get rid of it, and move on.

County Attorney George Spence stated he would be glad to answer any questions concerning the American Legion and old jail building lease. Discussion was held regarding the property's tax exempt status. JP Bisbee stated the Constitution says the only property that is tax exempt is property that is used 100% for charitable purposes.

County Attorney George Spence stated that the property could be sold at auction, and that the property is a liability because we are paying taxes and insurance on it.

JP Sandlin made motion to forward to the March 10, 2009 Committee of Thirteen agenda, seconded by JP Brown.

Motion passed, 3 yeas (Sandlin, Brown, and Winscott) 2 nays (Lewis, Hubbard).

06. Ranking Projects by Priority.

JP Winscott presented committee members with a 2009 LRP Priorities list. He stated that the list was provided for the committee members to select how projects should be listed, and which should take first priority. Judge Bisbee reported on the electrical grant for the courthouse, and stated that at this time an electrical audit is being done on the building's electrical wiring by working with floor plans, marking walls that are masonry, and checking the wiring in the ceilings. Further discussion was held on the project lists, and projects that need to be done. JP Winscott noted the possibility of moving some of the courtrooms out to county property on Hwy 102. Judge Bisbee stated he had concerns for the downtown area because the development of the Crystal Bridges Museum will turn the area into a tourist destination. He said that for public relation purposes we need to get the convicts out of the Bentonville downtown area and keep them in a more secure environment. Judge Bisbee stated that he is developing a project list and would like to get back to the Committee with

his list so that he and the committee could compare and discuss. Discussion was held regarding the county road department property and Juvenile Detention Center. Judge Bisbee stated that the JDC is not a high priority to him at this time and we need to look at putting together a building program instead of building one building at a time. Comptroller Richard McComas stated there is \$4.7 million in the capitol projects account, and \$1,020,000 has been designated for the Sheriff's minimum security barracks, and another \$100,000 has been designated for the War Eagle bridge renovation. He said that the remaining funds are unrestricted, and transferring an additional \$2 million into the capitol projects fund will result in a balance of \$6.7 million. Discussion was held concerning the need for a new court facility, juvenile detention center, and moving the road department.

Open Discussion

JP Winscott noted that he has been doing research on the use of electronic surveillance and GPS systems for inmates on a 30-day jail sentence, who are not a threat to society. He said if an inmate was to be put on a GPS, there would be a monitoring system to keep track of his location, and the inmate would be required to pay for equipment. He said that the JDC is using some of the equipment now. JP Bisbee stated he didn't know until he became the County Judge how the system works regarding fines, court costs, court dates, failure to appear, and then ending up in the county jail. He said that society is getting nothing out of them being put in jail except a bill. He added that he has talked with Sheriff Ferguson, who has told him that approximately 20% to 40% of the inmates are in jail for not paying fines, and that Benton County has millions of dollars in outstanding fines which they can't collect. Judge Bisbee stated this is all relevant to the building needs and he is looking hard at expanding the work program.

Meeting Time & Date

JP Winscott stated that he would like to set the Committee meeting date and time for the Thursday following the Committee of Thirteen meeting each month. He announced the next meeting will be held March 12, 2009 at 5:30 p.m.

JP Winscott asked the committee members to study the priority list that was distributed, and bring back their recommendations for ranking the priorities.

Meeting adjourned at 5:45 p.m.