

MINUTES OF BENTON COUNTY QUORUM COURT

January 24, 2008

A regular meeting of the Benton County Quorum Court was held on Thursday, January 24, 2008 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Gary Black called the meeting to order.

Deputy Clerk Betsy Deaton called roll as follows:

11 JP's Present:	Brown, Glass, Harrison, Hobbs, Hubbard, Moore, Stephenson, Summers, Winscott, Wolf, Wozniak
2 Absent:	Hill, Wozniak

JP Wolf made motion to suspend the rules and read all ordinances and emergency ordinances by title only, seconded by JP Stephenson. Motion passed by unanimous show of hands vote.

The presiding officer led the pledge of allegiance to the flag. JP Tim Summers led the prayer.

A moment of silence was held in support of the men and women serving in the United States Armed Forces.

MINUTES:

JP Wolf made motion to approve the Minutes of the re-convened meeting of November 29, 2007 meeting and the regular meeting of December 20, 2007 as distributed, seconded by JP Moore. Motion to approve the minutes carried by unanimous show of hands vote.

COUNTY JUDGE'S REPORT:

County Judge Gary Black presented the Quarterly Road Department Report which included "2007 Road Work Totals by Road", and explained that this is a new report that tracks every dime spent on a particular road. He said that this is a new system of reporting, and that there may be some errors because the superintendents are still learning it. He said that grading and brush cutting are not included in this report, but that information is available separately if needed. He said other sections of the report include "2007 Bridge Work", "2007 Contracted Work", and "State Aid" which pays 90% of the costs, and totaled \$273,000 in 2007.

County Judge Gary Black stated that the next part of the report is entitled "2008 Road Work Plans and Estimated Costs", which includes the roads that they plan to work on in 2008, the type of work that is planned, the district they are located in, the costs of the materials, and the time they expect to spend on the project. He listed three projects planned for 2008: a 7-mile stretch of Gailey Hollow Road, which will cost \$784,000 in State Aid funds; Logan Cave Road which will cost \$50,000; and

Logan Road, which will cost \$33,000. He noted that the weather could possibly impact their ability to follow the schedule, and in fact they are still trying to clean up debris from the storm damage which occurred earlier in the month. He said that they have nearly completed work on the bridge on Mill Dam, and encouraged everyone to go see it, because he felt the Road Department did a very good job on it.

County Judge Gary Black announced that he has re-appointed Keith Hull, John Holloway, and Bobby Fanning to the Rural Development Authority Board, and asked for a show of support for the appointments by saying "yes". The appointments were unanimously supported.

County Judge Gary Black announced that he has appointed Jenny Harmon to the Benton County Historical Commission, and she will be replacing Montie Harris, whose term expired.

A roll call vote was recorded as follows:

11 yeas:	Brown, Glass, Harrison, Hobbs, Hubbard, Moore, Williams, Stephenson, Summers, Winscott, Wolf
2 absent:	Hill, Wozniak

Appointment confirmed.

County Judge Gary Black asked if the Quorum Court would like more information on the appointees. JP Glass stated that he would like for the appointees to be in attendance so they could answer questions. JP Winscott stated that if the appointment is up to the Quorum Court, he would like to be contacted to see if he has any recommendations. JP Harrison suggested that an information sheet on each person could be provided.

County Attorney Robin Green was recognized, and reported that the Arkansas Supreme Court has granted Benton County's request for oral arguments in the Road Tax litigation, and in fact will hold the hearing on April 24, 2008 in the Wal-Mart Auditorium of the Shoemaker Center.

ELECTED OFFICIALS REPORT:

None

COMMITTEE REPORTS:

JP Moore reported that the Long Range Planning/Properties & Equipment Committee met on January 15, and heard a progress report on obtaining architectural services for a new Juvenile Detention Center, and a report from Jim Ecker on new courtroom space.

PUBLIC COMMENTS:

JoAnn Hoffman commented on Equalization Board procedures.

Bob Kossieck commented on the Regional Mobility Authority, noting that no tax levies were necessary to build the Northwest Arkansas Regional Airport, and he is bothered by the fact that Arkansas' gas tax is higher than any neighboring state, and suggested that the four counties in Northwest Arkansas join together and take legal action to force the State of Arkansas to appropriate funds on a more equitable basis, based on the number of citizens using the roads and the degree of difficulty in building them.

OLD BUSINESS:

None

NEW BUSINESS:

- (A) Proposed Ordinance Providing for Benton County’s Participation in a Multi-County Regional Mobility Authority; and Approving an Agreement With Washington County Effectuating the Creation of the Northwest Arkansas Regional Mobility Authority; Sponsor: JP Marge Wolf

Deputy Clerk Betsy Deaton read the proposed ordinance by title only. JP Wolf made motion for approval, seconded by JP Stephenson. JP Wolf urged adoption of the ordinance, and stated that some good questions have been asked and answered over the past two months. She added that no one spoke against it during an earlier public forum, and that there were several major employers in attendance who spoke in support of it. She said they also heard from a State Highway Commissioner who stated that the only way that needed projects are going to get funded is to supplement state funds with local funds. She added that eminent domain is not being established, because the State already has that authority, and it is their job as JPs to make sure that it is employed as fairly as possible. She said it is also their job to look to the future, and this is where they need to go.

JP Summers stated that he favored moving this ordinance along as quickly as possible, because of the potential economic impact, such as creating jobs and boosting the local construction industry. He said that even if it is adopted tonight, it will be a long time before they will see any funds. JP Winscott asked if there would be any cost to the county. JP Summers stated that any costs would have to be appropriated by the Quorum Court. Scott VanLaningham stated that the Quorum Court would have to refer any question to a vote of the people. JP Stephenson suggested that each member of the Authority could contribute a nominal amount in start up costs until the RMA receives revenue. JP Hubbard asked if the county would have to pay for the elections. Scott VanLaningham stated that they would hope to be able to get questions on the ballot for an already scheduled election, and added that grants are sometimes available to cover start up costs. He added that the Northwest Arkansas Council has offered staff support to the RMA. Northwest Arkansas Regional Planning Director Jeff Hawkins was recognized and stated that they have also offered staff support.

There being no further discussion, a roll call vote was recorded as follows:

- 11 yeas: Brown, Glass, Harrison, Hobbs, Hubbard, Moore, Stephenson, Summers, Williams, Winscott, Wolf
- 2 absent: Hill, Wozniak

First reading passed.

JP Summers made motion to suspend the rules and place the proposed ordinance on second reading, seconded by JP Wolf.

There being no discussion, a roll call vote was recorded as follows:

11 yeas: Brown, Glass, Harrison, Hobbs, Hubbard, Moore, Stephenson,
Summers, Williams, Winscott, Wolf
2 absent: Hill, Wozniak

Rules suspended.

Deputy Clerk Betsy Deaton read the proposed ordinance by title only. JP Wolf made motion to adopt, seconded by JP Stephenson.

There being no discussion, a roll call vote was recorded as follows:

11 yeas: Brown, Glass, Harrison, Hobbs, Hubbard, Moore, Stephenson,
Summers, Williams, Winscott, Wolf
2 absent: Hill, Wozniak

Second reading passed.

JP Summers made motion to suspend the rules and place the proposed ordinance on third and final reading, seconded by JP Wolf.

There being no discussion, a roll call vote was recorded as follows:

9 yeas: Brown, Glass, Harrison, Hubbard, Moore, Stephenson, Summers,
Williams, Wolf
2 nays: Hobbs, Winscott
2 absent: Hill, Wozniak

Rules suspended.

Deputy Clerk Betsy Deaton read the proposed ordinance by title only. JP Wolf made motion to adopt, seconded by JP Stephenson.

There being no discussion, a roll call vote was recorded as follows:

9 yeas: Brown, Glass, Harrison, Hubbard, Moore, Stephenson, Summers,
Williams, Wolf
2 nays: Hobbs, Winscott
2 absent: Hill, Wozniak

Ordinance duly adopted and assigned **No. O-2008-01.**

- (B) Proposed Emergency Ordinance Calling a Special Election on the Question of the Levy of the Annual Dues of the Northeast Benton County (NEBCO) Volunteer Fire Department for Fire Protection Services; Designating the County Official Who Will Collect and Remit the Annual Dues Charged by the Department; and Prescribing Other Matters Pertaining Thereto; Sponsor: JP Christian Glass

Deputy Clerk Betsy Deaton read the proposed emergency ordinance by title only. JP Glass made motion to adopt, seconded by JP Moore. JP Glass stated that the NEBCO Volunteer Fire Department is asking for an increase in dues, and this will go to the voters to either approve or disapprove. Jerry Sheridan, Chairman of the NEBCO Board of Directors, stated that the increase is necessary to meet the budget, and noted that Benton County's Quorum Court supported the initiative to get legislation passes that enabled Volunteer Fire Department dues to be placed on property tax statements with voter approval. JP Stephenson asked if this is an emergency. Jerry Sheridan explained that they need to have the election in June so that they will have time to get the necessary paperwork processed and delivered to the Collector in October. JP Winscott asked for clarification of "appraised value". Jerry Sheridan explained that it is based on the County Assessor's appraised value.

There being no further discussion, a roll call vote was recorded as follows:

11 yeas: Brown, Glass, Harrison, Hobbs, Hubbard, Moore, Stephenson,
Summers, Williams, Winscott, Wolf
2 absent: Hill, Wozniak

Emergency Ordinance duly adopted and assigned **No. O-2008-02.**

- (C) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2007-30 (2008 Benton County Budget) to Amend *Schedule 1—Revenues by Fund* in the **2008** Benton County Budget to Reflect Additional Revenues Received From the Edward Byrne Memorial Discretionary Grant Program For a Sex Offender and Violent Crime Task Force; To Appropriate Monies Received From Said Grant; And to Authorized Expenditures Therefor in Department 05, Sex Offender and Violent Crime Task Force, Fund 245; Sponsor: JP Tim Summers

Deputy Clerk Betsy Deaton read the proposed appropriation ordinance by title only. JP Summers made motion to adopt, seconded by JP Stephenson. JP Summers stated that this has been through the Finance Committee and Committee of Thirteen, and is necessary to appropriate grant money.

There being no further discussion, a roll call vote was recorded as follows:

11 yeas: Brown, Glass, Harrison, Hobbs, Hubbard, Moore, Stephenson,
Summers, Williams, Winscott, Wolf
2 absent: Hill, Wozniak

Appropriation Ordinance duly adopted and assigned **No. O-2008-03.**

- (D) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2007-30 (2008 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 44, County Road, Fund 020, and Amending *Schedule 1— Revenues By Fund* in the 2008 Benton County Budget By Increasing the Amount of Transfer to the County Road Fund; Sponsor: JP Tim Summers

Deputy Clerk Betsy Deaton read the proposed appropriation ordinance by title only. JP Summers made motion to adopt, seconded by JP Stephenson. JP Summers stated that this money was actually appropriated in 2007 for the engineering study on War Eagle Bridge, and is the next step in the renovation process.

There being no further discussion, a roll call vote was recorded as follows:

11 yeas: Brown, Glass, Harrison, Hobbs, Hubbard, Moore, Stephenson,
Summers, Williams, Winscott, Wolf
2 absent: Hill, Wozniak

Appropriation Ordinance duly adopted and assigned **No. O-2008-04.**

- (E) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2007-30 (2008 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 51, County Health, Fund 010; Sponsor: JP Tim Summers

Deputy Clerk Betsy Deaton read the proposed appropriation ordinance by title only. JP Summers made motion to adopt, seconded by JP Stephenson. JP Summers stated that this is for a 4% increase in professional services that they were not aware of during the budget process last October.

There being no further discussion, a roll call vote was recorded as follows:

11 yeas: Brown, Glass, Harrison, Hobbs, Hubbard, Moore, Stephenson,
Summers, Williams, Winscott, Wolf
2 absent: Hill, Wozniak

Appropriation Ordinance duly adopted and assigned **No. O-2008-05.**

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2007-30 (2008 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 01, County Judge, Fund 010; Sponsor: JP Tim Summers

JP Stephenson stated that they need to seriously look into the possibility of purchasing the Tucker Building, and he feels that if Washington County should decline to participate in the Regional Mobility Authority, Benton County should go ahead and participate.

JP Hubbard stated that he has distributed copies of minutes which support his argument that the Permitting Office should be self-funded, and said that while a hay barn does not require a permit, if the structure is on a slab or has electricity then a permit is required. He encouraged all of the JPs to attend the meeting which has been scheduled for 5:30 p.m. January 29 to discuss the permitting fees.

County Judge Gary Black stated that the Planning Board has requested that a Zoning Committee be formed, but before they proceed, they want to know that the Quorum Court supports the formation of such a committee. There was discussion regarding what is included in a Zoning Ordinance and whether a Land Use Plan should be adopted first. A show of hands vote was unanimous in support of forming a Zoning Committee.

ANNOUNCEMENTS:

JP Summers announced that the Finance Committee will meet Tuesday, February 5, 2008 at 2:30 p.m., and the Committee of Thirteen will meet Tuesday, February 12, 2008 at 6:00 p.m.

JP Moore announced that the Long Range Planning/Properties & Equipment Committee will be holding a roundtable discussion with the Downtown Bentonville Association at 4:30 p.m. on January 29, 2008, and the Permitting Fee Committee will meet at 5:30 p.m.

There being no further business to come before the court, upon motion and second the meeting was adjourned at 7:42 p.m.

Respectfully submitted,

Mary L. Slinkard,
County Clerk

Prepared by: Betsy Deaton