

## MINUTES OF BENTON COUNTY QUORUM COURT

**January 25, 2007**

A regular meeting of the Benton County Quorum Court was held on Thursday, January 25, 2007 at 5:00 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:

13 JP's Present: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler, Stephenson, Summers, Winscott, Wolf, Wozniak

The presiding officer led the pledge of allegiance to the flag, and Jim Dixon of the Destiny Church led the prayer.

JP Stephenson made motion to amend the agenda to add a transfer of county property to the Benton County Solid Waste District as Item "D" under New Business, and to add a Resolution authorizing the application for a Family Drug Court Grant as Item "A" under Other Business, seconded by JP Summers. Motion passed by unanimous voice vote.

### **MINUTES:**

JP Stephenson made motion to approve the Minutes of the regular meeting of December 28, 2006 as distributed, seconded by JP Hill. Motion to approve the minutes carried by unanimous voice vote.

### **COUNTY JUDGE'S REPORT:**

County Judge Gary Black presented a plaque to former Assessor Shirley Sandlin in appreciation of her 27 years of service to Benton County.

Department of Emergency Management Deputy Coordinator Michael Dixon explained how the department typically responds to an emergency, and reported on the relief efforts during the January 13, 2007 ice storm. He said that up to 5,000 residents were without power for periods of from 2 to 7 days, and that the Red Cross set up 3 shelters which housed 137 people, and also served 244 meals. He said that the Salvation Army canteen served 1,750 meals, some of which were delivered to homes by local fire department personnel, and the National Guard provided generators for the water treatment and water delivery systems so that the residents were never without water. He said that the State of Arkansas has taken approximately 300 applications for disaster assistance, and a per capita amount for each of the towns affected has been designated

by the State, for a total in relief aid of \$300,000. He said that Benton County will receive 35% of that amount as reimbursement.

Tim Riley, representing Congressman John Boozman, read letters commending the Benton County Department of Emergency Management and the fire departments of Gravette, Gentry, Decatur and Sulphur Springs for their quick responses to the needs of Benton County citizens affected by the storm.

### **ELECTED OFFICIALS REPORT:**

Sheriff Keith Ferguson stated that the inmate work detail will continue to assist with road cleanup in the areas hit by the ice storm. He said that he has provided all of the Quorum Court members with a brochure detailing the functions of the Sheriff's Department, and thanked the Quorum Court for providing funding for the Drug Interdiction Investigators, and thanked County Attorney Robin Green who, while serving as Prosecuting Attorney, assisted him in making the request.

**COMMITTEE REPORTS:**

JP Moore reported that an Organizational Meeting of the Long Range Planning/Properties and Equipment Committee was held on January 23, 2007.

JP Wolf stated that the Grievance Committee convened on January 10, 2007 at 3:00 p.m., but the complainant failed to appear.

**PUBLIC COMMENTS:**

Margo Hill read a New Year’s Resolution that was published in “CitiScapes” Magazine calling for all rural Benton County residents to take pride in their homes and clean up junk in their yards.

Jeff Wynant spoke concerning the condition of Pine Top Road, and stated that he had been unable to get information on the paving schedule without filing a Freedom of Information Act Request. He stated that there are approximately 50 homes and families in the area, and the road serves a \$9 million water treatment facility which serves 14,000 customers. He said that the plant has pledged \$30,000 toward the cost of paving the road, which is 15 miles long and includes two steep hollows. He said the area receives no county services other than a road wrecker [*sic*] which comes through periodically, and the operator would not provide any explanation for why he was doing it.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

- (A) Proposed Resolution Authorizing the County Judge of Benton County to Apply for a *Safe Havens Supervised Visitation and Safe Exchange* Grant from the United States Department of Justice, Office of Violence Against Women; Sponsor: JP Tim Summers

Deputy Clerk Betsy Deaton read the proposed Resolution in full. JP Summers made motion for approval, seconded by JP Stephenson. JP Summers stated that this program will allow for parents involved in domestic dispute cases to maintain safe and supervised contact with their children. JP Wolf asked who will be responsible for the upkeep of a building if one is purchased, and for the cost of employees. JP Summers stated that those costs will all come out of the grant budget. Grants Administrator Kathy Bannister stated that it is a 3-year grant, and they will ask for renewal at the end of that time, but the grant money will be used for rent, not construction. JP Wolf asked if Benton County will in any way be financially responsible for the program. Kathy Bannister stated that this grant is basically a flow-through grant, and that the Arkansas Visitation Exchange Center will be responsible for the costs.

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

- 13 yeas: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler, Stephenson, Summers, Winscott, Wolf, Wozniak

Resolution duly adopted and assigned No. **R-2007-01.**

- (B) Proposed Resolution Expressing the Appreciation of Benton County, Arkansas to Our Men and Women Serving In the Armed Forces and Calling For All Civic Organizations to Recognize Them; Sponsor: Committee of Thirteen

Deputy Clerk Betsy Deaton read the proposed Resolution in full. JP Summers made motion for approval, seconded by JP Hill. JP Summers stated that Americans have opinions on a wide variety of subjects, but could all agree on the need to support of our personnel in the Armed Forces. He recognized Specialist Dwight Luper who served in Desert Storm, Sgt. 1<sup>st</sup> Class Chuck Nolter who served in Iraq and recently returned from a tour of duty in Kosovo, Reconnaissance and Intelligence Platoon Sgt. Al Watts, who served in Korea and Viet Nam, holds the Distinguished Service Cross and is a member of the Legion of Valor, Lt. Commander Durand Young, who served in World War II and Korea, Lt. Colonel Darwin Krumrey, who has a

total of 35 years in service to the country, and Lance Corporal Kirk Plepla who served in Somalia and was awarded the Marine Combat Badge, and acknowledged several of their family members who were present. Sgt. Nolter stated that he wanted to express appreciation to Benton County for the support his unit received during their tour of duty in Kosovo, and thanked the Sheriff for the police escort from the airport upon their return home. Specialist Luper expressed his appreciation to Benton County and the Support the Troops of Northwest Arkansas organization.

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

13 yeas: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler, Stephenson, Summers, Winscott, Wolf, Wozniak

Resolution duly adopted and assigned No. **R-2007-02**.

(C) Proposed Ordinance Prescribing the Method of Distributing Funds Received Pursuant to A.C.A. §6-16-1101 From the Department of Education For Fish and Wildlife Conservation Education Programs; Sponsor: JP Tim Summers

JP Summers made motion to suspend the rules and read by title only, seconded by JP Hill. Motion passed by unanimous voice vote. Deputy Clerk Betsy Deaton read the proposed Ordinance by title only. JP Stephenson made motion for approval, seconded by JP Moore.

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

13 yeas: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler, Stephenson, Summers, Winscott, Wolf, Wozniak

First reading passed.

JP Wolf made motion to suspend the rules and place the ordinance on second reading by title only, seconded by JP Hill.

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

13 yeas: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler, Stephenson, Summers, Winscott, Wolf, Wozniak

Motion passed.

Deputy Clerk Betsy Deaton read the proposed ordinance by title only. JP Moore made motion for approval, seconded by JP Wolf.

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

13 yeas: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler, Stephenson, Summers, Winscott, Wolf, Wozniak

Second reading passed.

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

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

13 yeas: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler, Stephenson, Summers, Winscott, Wolf, Wozniak

Motion passed.

Deputy Clerk Betsy Deaton read the proposed ordinance by title only. JP Moore made motion for approval, seconded by JP Hill.

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

13 yeas: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler, Stephenson, Summers, Winscott, Wolf, Wozniak

Ordinance duly adopted and assigned No. **O-2007-01**.

County Judge Gary Black pointed out that the procedure for passing ordinances by three readings in one meeting are outlined on page 30 of the "Procedural Guide for Quorum Courts".

(D) Approval of Transfer of County Property to Benton County Solid Waste District

JP Stephenson made motion to authorize the transfer of county property on the attached list of equipment to the Benton County Solid Waste District, seconded by JP Wozniak. County Judge Gary Black cited Ordinance O-2005-29, which allows the County Judge to transfer county property to the Solid Waste District after notifying the Quorum Court and upon its approval. He recognized Solid Waste District Director Jim Ecker. Jim Ecker stated that the Solid Waste District has taken over most of the recycling responsibilities from Benton County's Environmental Services Department, and most of the equipment on the list was purchased with ADEQ grant money intended to aid recycling programs. He said that the other equipment was salvaged from items intended for auction or to be thrown away.

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

13 yeas: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler, Stephenson, Summers, Winscott, Wolf, Wozniak

Motion to approve the transfer passed.

**OTHER BUSINESS:**

(A) Proposed Resolution Authorizing the Application for a Grant and Participation in 2007 Family Drug Courts Program Available Through the U.S. Department of Justice; Sponsor: JP Tim Summers

Deputy Clerk Betsy Deaton read the proposed Resolution in full. JP Summers made motion for approval, seconded by JP Stephenson. JP Summers stated that Benton County currently has a Drug Court Program, and the wish to involve the families in the process. He said it is possible that the county will be responsible for some costs at the end of the three-year period, but he thought it would most likely be continued under Judge Finch's court. JP Stephenson stated that there is legislation being proposed in the current session that will provide funding for Drug Courts statewide, because they have been successful at rehabilitating people and getting them back to being productive members of society. JP Summers stated that this is another proactive way to reduce crowding in the County Jail. JP Hill asked if Benton County will have to pick up the costs after the end of the 3-year grant period. JP Summers stated that if there is any cost it will be very small, and he expects that it will continue under Judge Finch's current program. JP Hill asked if he knew what that amount would be. JP Summers stated that the average cost per participant is between \$7 and \$8 a day, which is much less than the cost of housing them in the County Jail. JP Hobbs asked for an explanation of the sustainability plan. JP Summers stated that means that they will continue the program after the grant period expires, and it will be developed by the administrators of the current Drug Court program.

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

13 yeas: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler,  
Stephenson, Summers, Winscott, Wolf, Wozniak

Resolution duly adopted and assigned No. **R-2007-03**.

**ANNOUNCEMENTS:**

JP Summers announced that the Finance Committee will meet on Tuesday, February 6, 2007 at 2:30 p.m., and the Committee of Thirteen will meet on Tuesday, February 13, 2007 at 5:00 p.m.

JP Wozniak announced that the Environmental Committee will meet on Wednesday, January 31, 2007 at 4:00 p.m. and Planning Director Ashley Pope will be speaking on the Nuisance Abatement Plan that she has developed. He said that the proposed Nuisance Ordinance will have its first Public Hearing at the February 7, 2007 Planning Board meeting at 5:30 p.m.

There being no further business to come before the court, upon motion and second the meeting was adjourned at 6:12 p.m.

Respectfully submitted,

Mary L. Slinkard,  
County Clerk

Prepared by: Betsy Deaton