

MINUTES OF BENTON COUNTY QUORUM COURT

May 28, 2009

A regular meeting of the Benton County Quorum Court was held on Thursday, May 28, 2009 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 David Bisbee called the meeting to order.

Deputy Clerk Janet Reaves called roll as follows:

13 JP's Present: Wozniak, Wolf, Sandlin, Brown, Lewis, Hubbard, Moore, Allen,
 Douglas, Blaty, Winscott, Harrison, Stephenson

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Prayer was led by Jeff Odom of Word of Life Church.

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

CHANGES TO AGENDA

County Judge David Bisbee asked if there are any additions, corrections or deletions to the agenda. He noted that the "County Judge's Report" was left off of the agenda and would be inserted between items 8 and 9.

JP Hubbard made motion to approve the agenda as noted, seconded by JP Winscott.

Approval of agenda passed by unanimous voice vote.

County Judge David Bisbee asked if there were any additions or corrections to the Minutes of the April 23, 2009 Quorum Court meeting.

Seeing none, Judge Bisbee stated that the Minutes of the April 23, 2009 Quorum Court meeting would be filed as distributed.

ELECTED OFFICIALS' REPORT:

Sheriff Keith Ferguson reported that in 2007, a grant of \$1.5 million funded by the Edward Byrne Memorial Grant Fund was awarded to Benton, Carroll, Madison, and Washington counties. He stated that the United States Marshal's office, along with Arkansas' congressional delegation, was instrumental in helping establish a local task force, and that U.S. Deputy Marshals Dwaine Allen and Matt Byrum are present tonight to give a presentation on the task force.

U.S. Deputy Marshal Dwaine Allen stated that he is the Operational Commander of the Northwest Arkansas Sex Offender and Violent Crimes task force. He reported that they have twenty-two full and part-time members, who are all special deputies for the U.S. Marshal's office. He stated that the task force is made up of eleven different agencies, and that they are the largest fugitive task force in the State of Arkansas. He stated that every year they run a special operation called Operation Falcon (Federal and Local Cops Organized Nationally) which targets registered sex offenders, violent crime probation violators, and gang members. He added that over 463 arrests were made in a one-week period last year in Northwest Arkansas.

COUNTY JUDGE'S REPORT:

Director of Public Safety Greg Hines reported on the Benton County Road Department's proposed projects, including building up road bases and fixing bridges. He stated that there is a great need for collaborative effort between County Properties, 9-1-1, and the Road Department to work more closely and diligently to insure that our system of roads, bridges, and slabs are accurately identified and cataloged for GPS.

Lengthy discussion was held on the Road Department Report, the percentage that the State pays on the total costs of a project, repair work on roads, and the breakdown of materials and costs for the projects. Some discussion was held regarding the Tilley Road project and why the project has been delayed.

Judge Bisbee stated he believes he is required by ordinance to make an annual Road Department report to the Quorum Court, which is due in January. He stated that he would like to amend that ordinance to change the due date to April. JP Stephenson suggested that County Attorney George Spence look into amending the ordinance.

COMMITTEE REPORTS:

None

PUBLIC COMMENTS:

None

JP Wolf made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Moore.

Motion passed by unanimous voice vote.

OLD BUSINESS:

- (A) Second Reading of the Proposed Ordinance Creating Procedures With
Regard to the Disposition of Unclaimed Corpses; Sponsor: JP Jim
Wozniak

Deputy Clerk Janet Reaves read the proposed ordinance by title only.

JP Wozniak stated that the Environmental Committee requested that the proposed ordinance be read at three separate meetings, and made motion to forward the proposed ordinance to the June 25, 2009, Quorum Court agenda for the third and final reading, seconded by JP Wolf.

Motion passed by unanimous voice vote.

County Judge Dave Bisbee stated that the proposed ordinance would be placed on the June 25, 2009, Quorum Court agenda for the third and final reading.

NEW BUSINESS:

- (A) Proposed Resolution Confirming the Appointment of Kevin
Monroe to the 9-1-1 Administration Board – Fire Chief Position

Deputy Clerk Janet Reaves read the proposed resolution by title only.

JP Sandlin made motion to approve the appointment of Kevin Monroe to the 9-1-1 Administration Board, seconded by JP Wolf.

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

13 yeas: Wozniak, Wolf, Sandlin, Brown, Lewis, Hubbard, Moore, Allen,
Douglas, Blaty, Winscott, Harrison, Stephenson

Appointment confirmed.

Resolution duly adopted and assigned **No. R-2009-11.**

- (B) Proposed Resolution Confirming an Appointment by the County
Judge to the Benton County Rural Development Authority

Deputy Clerk Janet Reaves read the proposed resolution by title only.

JP Wolf made motion to approve the appointment of Craig Hull to the Benton County Rural Development Authority, seconded by JP Sandlin.

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

13 yeas: Wozniak, Wolf, Sandlin, Brown, Lewis, Hubbard, Moore, Allen,
 Douglas, Blaty, Winscott, Harrison, Stephenson

Appointment confirmed.

Resolution duly adopted and assigned **No. R-2009-12.**

(C) Proposed Resolution Confirming an Appointment by the County
 Judge to the Benton County Rural Development Authority

Deputy Clerk Janet Reaves read the proposed resolution by title only

JP Stephenson made motion to approve the re-appointment of Cassie Elliott to the Benton County Rural Development Authority, seconded by JP Moore.

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

13 yeas: Wozniak, Wolf, Sandlin, Brown, Lewis, Hubbard, Moore, Allen,
 Douglas, Blaty, Winscott, Harrison, Stephenson

Appointment confirmed.

Resolution duly adopted and assigned **No. R-2009-13.**

(D) Proposed Resolution Confirming an Appointment by the County
 Judge to the Benton County Planning Board

Deputy Clerk Janet Reaves read the proposed resolution by title only.

JP Moore made motion to approve the appointment of Kenneth Knight to the Benton County Planning Board, seconded by JP Stephenson.

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

13 yeas: Wozniak, Wolf, Sandlin, Brown, Lewis, Hubbard, Moore, Allen,
 Douglas, Blaty, Winscott, Harrison, Stephenson

Appointment confirmed.

Resolution duly adopted and assigned No. **R-2009-14**.

- (E) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O- 2008-33 (2009 Benton County Budget) to Appropriate Additional Monies and Authorize Additional Expenditures in Department 01, Piney Point Fire Department Rural Services Grant Fund, Fund 489; Sponsor: JP Kurt Moore

Deputy Clerk Janet Reaves read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Sandlin. JP Moore explained that the purpose of this ordinance is to re-appropriate funds that were not used in last year's budget and that no county money is involved.

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

13 yeas: Wozniak, Wolf, Sandlin, Brown, Lewis, Hubbard, Moore, Allen,
 Douglas, Blaty, Winscott, Harrison, Stephenson

Appropriation Ordinance duly adopted and assigned No. **O-2009-15**.

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2008-33 (**2009** Benton County Budget) Authorizing a Transfer of Funds between Categories and Line Items and Authorizing Additional Expenditures in Department 02, County Clerk's Automation Fund, Fund 430: Sponsor JP Kurt Moore

Deputy Clerk Janet Reaves read the proposed appropriation ordinance by title only.

JP Stephenson made motion to adopt, seconded by JP Sandlin. JP Moore explained that this appropriation comes from the County Clerk's Automation Fund for the purchase of a new marriage software program.

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

13 yeas: Wozniak, Wolf, Sandlin, Brown, Lewis, Hubbard, Moore, Allen,
 Douglas, Blaty, Winscott, Harrison, Stephenson

Appropriation Ordinance duly adopted and assigned No. **O-2009-16**.

- (G) Proposed Ordinance to Allow Burning of Certain Structures to Prevent or Eliminate Fire Hazards; Sponsor: JP Jim Wozniak.

Deputy Clerk Janet Reaves read the proposed ordinance by title only.

JP Wozniak stated that the requested changes have been made in order to comply with state law, and that this ordinance is to allow burning of certain structures, to prevent or eliminate fire hazards, and requested that the proposed ordinance be allowed to go through the normal process of three separate readings.

JP Wozniak made motion to forward the proposed ordinance to the June 25, 2009, Quorum Court agenda for second reading, seconded by JP Sandlin.

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

13 yeas: Wozniak, Wolf, Sandlin, Brown, Lewis, Hubbard, Moore, Allen, Douglas, Allen, Blaty, Harrison, Stephenson

First reading passed.

County Judge Dave Bisbee stated that the proposed ordinance would be placed on the June 25, 2009 Quorum Court agenda for the second reading.

- (H) Proposed Ordinance Amending Ordinance No. O-2007-11 Related To Additional Fines to Support Jail Construction, Maintenance, Operation and Other Purposes as Allowed by Law; Sponsor: JP Kurt Moore

Deputy Clerk Janet Reaves read the proposed ordinance by title only.

JP Kurt Moore stated that the Quorum Court enacted Ordinance O-2007-11 on June 28, 2007 to provide additional fines to support jail construction and expenditures. He stated that the General Assembly in 2009 enacted Act 209 that allows an increase in fines.

Discussion was held regarding what entity would be receiving the increased revenue, and how it may be spent. County Judge Dave Bisbee explained that the first year, five dollars goes to the State Police Retirement Fund and that after the first year, the money goes towards jail construction and jail maintenance. County Attorney George Spence stated that he would prepare a report for the next Quorum Court meeting that will explain exactly where the funds go and the restrictions on how they may be spent.

JP Sandlin made motion to forward the proposed ordinance to the June 25, 2009, Quorum Court agenda for second reading, seconded by JP Hubbard.

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

12 yeas: Wozniak, Wolf, Sandlin, Brown, Hubbard, Moore, Allen,
 Douglas, Blaty, Winscott, Harrison, Stephenson
1 nay: Lewis

First reading passed.

Judge Bisbee stated that this proposed ordinance would be placed on the June 25, 2009, Quorum Court agenda for the second reading.

- (I) Proposed Ordinance Amending Section 2-137 of the *Code of Ordinances of Benton County* Regarding Reimbursement of Allowable Expenses to Allow Reimbursement of Tips in Accordance with State Law; Sponsor: JP Moore

Deputy Clerk Janet Reaves read the proposed ordinance by title only.

JP Moore explained that this ordinance is to allow reimbursement of tips in accordance with state law. JP Stephenson asked if either Item “H” or Item “I” had been to the Committee of Thirteen. It was determined that Item “H” had been on the May 12, 2009 Committee of Thirteen agenda, but Item “I” had not. Discussion was held regarding how the proposed ordinance had been placed on the agenda.

JP Stephenson made motion to approve, seconded by JP Sandlin. JP Stephenson added that he did not want to start a trend of bypassing the Committee of Thirteen.

JP Wolf asked if there were any other changes to the ordinance, other than tips. Attorney George Spence stated that the phrase “limited to 15 percent of the purchase amount of the meal” is the only other change. JP Moore requested that future revisions to the Code of Ordinances be provided in “mark-up” form.

Discussion was held on the reimbursement of tips made by county employees. JP Brown spoke against the ordinance.

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

7 yeas: Wozniak, Wolf, Sandlin, Moore, Allen, Winscott, Stephenson
6 nays: Brown, Lewis, Hubbard, Douglas, Blaty, Harrison

First reading passed.

County Judge David Bisbee stated that this proposed ordinance would be placed on the June 25, 2009, Quorum Court agenda for the second reading

OTHER BUSINESS:

County Judge David Bisbee reported that he and Comptroller Richard McComas have spent several days putting together actual expenditure and income figures, and that they have created a new simple layout of the 2009 Budget. He stated that he would like to schedule a time for each of the JP's to come in and review and discuss the new layout of this information.

JP Winscott asked if County Judge David Bisbee could provide an update on FEMA and the reimbursement for the ice storm damage. County Judge David Bisbee stated they are now receiving a payment from FEMA about every week, and have reached an agreement with FEMA on all of the charges. He stated that they still have to clean up the burn sites and compile the bills for the county's equipment time, so they believe that with the money that the county earned, and the percentage of reimbursement from FEMA, the disaster will have cost the county approximately one-half of a million dollars. He said he believes that they have gotten well more than one-half of a million dollars in good just from cleaning up the roadways in the county that they might never have gotten cleaned up otherwise. He added that Benton County is ahead of every other county and city in the state in getting reimbursement from FEMA. He stated that the total cost of the ice storm damage in Benton County was \$5.5 to \$6 million.

JP Douglas stated that he is a little frustrated at the pace of county government. He stated that he is speaking of the fact that the JP's have been presented with the notion that the building at 101 West University in Siloam Springs needs more work before it can be rendered a county public health unit. He said he would like to actually look at the building.

County Judge David Bisbee stated that Gary Jackson, an architect, has estimated that the cost to renovate the building and get it ready for a health clinic to be less than \$100,000. He stated that he has not brought this estimate to the Quorum Court to begin letting bids for this project because he wanted to have a termite inspection on the building first. JP Stephenson stated that a little over one year ago, the building was being used by a doctor to see patients, so if they get a few more years' use out of it before the floor has to be replaced, he would be satisfied. Judge Bisbee stated that he knows that the two heating units need to be replaced, and that he was trying to bring all of the information to the court, so that it would not be another situation like Judge Schrantz's courtroom.

Further discussion was held on costs and work to be done to the building at 101 West University in Siloam Springs.

JP Stephenson made motion to proceed on getting bids without a termite inspection, seconded by JP Sandlin.

JP Allen asked what the next step in the process would be. Judge Bisbee stated that they would need to begin the bid process.

JP Sandlin stated that she felt that it would be good to tour the building to see the work that needs to be done. Discussion was held on the time and date to tour the building.

JP Hubbard suggested that the County Judge obtain construction bids and termite policy bids at the same time. Judge Bisbee stated that as of this date, he could not find a termite company that wants to deal with it, but he will try to get the bids both ways.

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

12 yeas: Wozniak, Wolf, Sandlin, Brown, Hubbard, Moore, Allen, Douglas
 Blaty, Winscott, Harrison, Stephenson
1 nay: Lewis

Motion to proceed on getting bids without a termite inspection passed.

The date and time to tour the building at 101 West University in Siloam Springs was set for Thursday June 4, 2009 at 1:00 p.m.

ANNOUNCEMENTS:

JP Wozniak reported that the Pyro-Meds safe pharmaceutical disposal program has destroyed 1,500 pounds of drugs since it began 15 months ago.

JP Moore reported that the Finance Committee meeting will be held on Tuesday June 9, 2009 at 3:00 p.m. and that the Elected Officials will be there to answer any questions regarding their budgets.

There being no further business to come before the court, upon motion and second the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Tena O'Brien,
County Clerk

Prepared by: Janet Reaves