

MINUTES OF BENTON COUNTY QUORUM COURT

September 27, 2007

A regular meeting of the Benton County Quorum Court was held on Thursday, September 27, 2007 at 5:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

In the absence of County Judge Gary Black, JP Stephenson made motion that JP Tim Summers be elected to chair the meeting, seconded by JP Schindler. Motion passed by unanimous voice vote.

Deputy Clerk Betsy Deaton called roll as follows:

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

The presiding officer led the pledge of allegiance to the flag. Reverend Debbie Martin of the Bentonville Church of the Nazarene 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 Stephenson made motion to approve the Minutes of the regular meeting of August 23, 2007 as distributed, seconded by JP Hill. Motion to approve the minutes carried by unanimous show of hands vote.

COUNTY JUDGE'S REPORT:

JP Summers recognized the following 4-H members in attendance: Kayla Boling of Gravette, Caleb and Caitlin Taylor of Centerton, Sarah Connolly of Avoca, and Extension Agents Jessica Street and Janice Shofner. County Attorney Robin Green read a proclamation declaring the month of October as National 4-H Month in Benton County.

JP Summers stated that County Judge Gary Black has appointed Larry Johnson to the 9-1-1 Administration Board, and has requested that the Quorum Court affirm that appointment. JP Moore made motion to confirm the appointment, seconded by JP Schindler. Appointment confirmed by unanimous show of hands vote.

ELECTED OFFICIALS REPORT:

None

COMMITTEE REPORTS:

JP Stephenson reported that the Personnel Committee met on September 26, 2007 to hear requests for additional personnel in 2008, and will meet again on October 1, 2007 to rank the personnel requests in order of priority, and also to address the regrades and reorganizations.

OLD BUSINESS:

- (A) Third and Final Reading of Proposed Ordinance for the Declaration and Abatement of Public Nuisances; Sponsor: Environmental Committee

JP Hobbs made motion to amend the agenda, moving Old Business ahead of Public Comments, and tabling Item A to the October 25, 2007 Quorum Court meeting, to be relocated to the Old High Middle School Auditorium or Judge Keith's courtroom in order to allow everyone in attendance to hear what is being said, seconded by JP Glass.

There being no further discussion on the motion to table Old Business Item A, a roll call vote was recorded as follows:

- 9 yeas: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Stephenson, Summers, Winscott
- 1 nay: Moore
- 1 abstain: Schindler
- 2 absent: Wolf, Wozniak

Motion passed to table Item A definitely to the October 25, 2007 Quorum Court meeting to be held at the Old High Middle School Auditorium.

Court recessed.

After a 5-minute recess, Quorum Court business resumed as follows:

PUBLIC COMMENTS:

Peggy Ramsay, Homer Hon, Tanya Lewis, Sue Elverston, Genet Cramlet, Brenda Parcell, Warren Phillips, Cindy Sigman, Bob Kossieck, and Joel Jones spoke against the proposed nuisance abatement ordinance.

James Gately, Penny Trudeau, Cheryl Murphy, and Margo Hill spoke in favor of the proposed nuisance abatement ordinance, and Margo Hill read a statement from Ryan Callie in favor of the ordinance.

NEW BUSINESS:

- (A) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2006-24 (2007 Benton County Budget) Appropriating Additional Monies; Authorizing a Transfer of Funds Between Categories and Line Items; and Authorizing Expenditures in Department 03, Circuit Clerk, Fund 610 and Department 23, Non-Departmental, Fund 010; Sponsor: JP Tim Summers

Deputy Clerk Betsy Deaton read the proposed appropriation ordinance by title only. JP Moore made motion to adopt, seconded by JP Schindler.

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

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

Appropriation Ordinance duly adopted and assigned No. **O-2007-21**.

- (B) Proposed Ordinance Providing For the Establishment of a Flood Damage Prevention Program For Benton County; Adopting Such Code By Reference And Declaring An Emergency Therefor; Sponsor: Environmental Committee

JP Hubbard made motion to delete the above Item B and to substitute a new revised ordinance as follows:

- (B) Proposed Ordinance Amending Certain Sections of Chapter 38 (Floods) of the *Code of Ordinances of Benton County, Arkansas* to Update the Flood Damage Prevention Program for Benton County; and Declaring an Emergency: Sponsor: Environmental Committee

Motion seconded by JP Brown. There being no discussion, motion passed by unanimous show of hands vote.

JP Stephenson made motion to read the proposed substituted ordinance by title only, seconded by JP Hubbard. Motion passed by unanimous voice vote. JP Deputy Clerk Betsy Deaton read the proposed ordinance by title only. JP Moore made motion to adopt, seconded by JP Harrison. JP Brown stated that Benton County has received a 30 day extension to adopt a Floodplain Ordinance, so the Environmental Committee voted to amend the current code to adopt the updated maps, and make any further changes required during the extension period.

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

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

Appropriation Ordinance duly adopted and assigned No. **O-2007-22**.

OTHER BUSINESS:

- (A) Request for Approval to Include the Cost of Hight-Jackson Feasibility Study on the Renovation of St. Mary's Hospital Renovation for a Juvenile Detention Center in the 2007 Budget Adjustment Ordinance; Sponsor: Committee of Thirteen

JP Stephenson made motion for approval, seconded by JP Winscott. Environmental Services Director Jim Ecker was recognized to answer questions. JP Hubbard stated that he will be voting against approval, because he feels this is too rushed and would rather wait until after the October 4th Committee of Thirteen meeting when they will have more information. JP Harrison stated that they cannot proceed without the information from the study. JP Glass asked if Jim Ecker had determined if Benton County will own the results of the feasibility study. Jim Ecker explained that they are just getting an estimate, and are not receiving any prints or working drawings that could be used by another architect. JP Winscott stated that he has never had an architect that has refused that requirement, and noted that JP Glass stated at a previous meeting that Wal-Mart never allowed that to slide by. Jim Ecker stated that with all due respect, Wal-Mart was negotiating contracts worth millions, and the county is purchasing a \$14,000 study, for which the nearest bid from another firm was \$48,000. There was more discussion concerning the copyright of architectural plans. Jim Ecker stated that the feasibility study will be ready for the October 25th Quorum Court meeting.

JP Summers stated that county officials will be meeting with officials from the St. Vincent DePaul School to hear their concerns about the JDC being located in the St. Mary's building. JP Hubbard stated that he is still concerned about not being able to combine the justice system with the JDC. JP Summers stated that in his opinion, the deal breaker will be the cost of the renovation, and they have to get that information.

County Attorney Robin Green stated that she wanted to correct a statement that appeared in a local newspaper, which quoted her as saying that the Juvenile Court cannot be relocated to Rogers. She said that her statement was that there is an inherent risk in regularly holding Circuit Court in a city outside the county seat, and Benton County's Administrative Judge, two of the Circuit Judges, and the Administrative Office of the Courts have concurred. She said that they cannot know for sure until a case is heard by the Arkansas Supreme Court, or the State Legislature takes action to clarify the statutes. She distributed copies of Prosecuting Attorney Van Stone's request for an Arkansas Attorney General's opinion on the matter.

JP Winscott expressed concern that the feasibility study will not contain much information, because a thorough study would cost \$40,000 to \$50,000, and this study is apparently one man working for 14 days, because all architects get \$1,000 a day. He said it will merely be a budgetary figure, and they can figure on a plus or minus factor of 30%. JP Summers stated that is what they need.

JP Brown noted that there will be a significant savings in rental costs if other departments can be relocated at the hospital building. JP Schindler stated that it is important to get the information on the JDC, because it is possible to move it over there without the Juvenile Court, and they could save \$200,000 in rental costs by moving other offices to the hospital building.

Motion passed by a show of hands vote—10 in favor, 1 opposed (Hubbard).

JP Schindler stated that for months they have heard about property rights, and he would like for someone to provide him with a definitive list of “property rights”, and some research showing where this list is located, because he has been unable to find it in either the United States Constitution or the Arkansas Constitution.

JP Stephenson expressed frustration that the Quorum Court has allowed the ordinance process to get completely out of hand, because it should not have taken 2 years for an ordinance to be drafted. He said there are only so many reasons to be for or against something, and they have heard them over and over, so it is time to either get the ordinance enacted, revise it, or forget about it.

JP Moore read a statement explaining that some of the things in the nuisance ordinance that are causing concern are covered in the Junkyard Ordinance, and he would like to see the current proposed nuisance ordinance revised.

JP Glass stated that Director Jim Ecker has recently informed him that they are satisfied with enforcing State laws. He added that they have delayed the process since the current ordinance will appear on the October 25 agenda, and it is apparent that it is not what anyone wants.

JP Stephenson expressed frustration with the State Health Department’s lack of action on the Carousel Mobil Home Park located outside the city limits of Siloam Springs. He said that if they cannot adopt an ordinance to do something about situations like that, they should pack up and go home.

JP Hubbard stated that he favored an election to decide on the ordinance, and said that the high level of interest has helped to educate people on what the Quorum Court does.

JP Winscott stated that he agreed with JP Stephenson that the same public comments are being repeated over and over. JP Glass stated that they will face the problem again at the next Quorum Court meeting. JP Hobbs stated the ordinance needs to go back to the drawing board.

JP Summers stated that it is apparent that the ordinance still needs work, and he is concerned about the process because they have forwarded it to the next Quorum Court meeting. He said that they need to discuss it at the next Committee of Thirteen meeting.

JP Stephenson made motion to place the proposed nuisance abatement ordinance back on this meeting’s agenda, seconded by JP Glass. County Attorney Robin Green stated that the Court took official action to table it until the next Quorum Court meeting, and she is not sure that they can bring it up again. She added that they announced the location of the next meeting in front of a large number of people who have now left the meeting. JP Summers stated that perhaps the person who made the motion to table the ordinance and move the meeting could withdraw it. JP Hobbs stated that she does not want to do that, because the main thing they did was change the meeting location, and many people left expecting to be able to come to Old High and address the Court. JP Summers stated that there are ample opportunities for communication. JP Hobbs disagreed. JP Summers stated that he had a problem holding a meeting to address a document which they are apparently not going to go ahead with. County Attorney Robin Green stated that legally, the safest course of action would be to hold the meeting at the location that has already been voted on, and at that meeting, make their motions concerning the ordinance as they see fit.

ANNOUNCEMENTS:

JP Summers announced that the Finance Committee will meet Tuesday, October 2, 2007 at 2:30 p.m., and the Committee of Thirteen will meet Thursday, October 4, 2007 at 6:00 p.m. to discuss the JDC. JP Winscott stated that he has been working on a presentation with the Maintenance Department and hopes to have it ready for the meeting. JP Moore stated that he would like to discuss a report which has been prepared containing Elected Officials' 10-year projections of their needs.

JP Stephenson announced that the Personnel Committee will meet Monday, October 1, 2007 at 2:00 p.m.

JP Summers stated that the regular Committee of Thirteen meeting will be Tuesday, October 9, 2007 at 6:00 p.m.

JP Hobbs stated that concerning the October 4 Committee of Thirteen meeting, she feels their time would be better spent if they waited on the report from Hight-Jackson. JP Winscott stated that he has requested a 10-year Plan from the County Judge, and he wants to know the status of that report, and would like to discuss it at the October 4 meeting.

JP Hubbard stated that a while back he read in the Code of Ordinances that they are supposed to receive a quarterly report from the County Judge's office, and he was not satisfied with the last report, because he did not feel like it followed the steps in the Code of Ordinances, especially concerning funding, and where they are on the budget. JP Summers stated that he should make a written request to the County Judge. Comptroller Richard McComas was recognized and stated that the budget is available online for inspection at any time. JP Hubbard stated that he is mainly interested in what is spelled out in the Code of Ordinances, on projected jobs and what was budgeted and what the actual cost was. He said if the report was prepared it would save them a lot of time and it is in the Code of Ordinances that the report is supposed to be done.

There being no further business to come before the court, upon motion and second the meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Mary L. Slinkard,
County Clerk

Prepared by: Betsy Deaton