

MINUTES OF BENTON COUNTY QUORUM COURT

October 28, 2010

A regular meeting of the Benton County Quorum Court was held on Thursday, October 28, 2010 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

The meeting was called to order by County Judge David Bisbee.

Deputy Clerk Janet Reaves called roll as follows:

12 JPs Present: Wozniak, Millager, Sandlin, Lewis, Hubbard, Moore, Allen,
Douglas, Blaty, Winscott, Harrison, Stephenson
1 Absent: Brown

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Prayer was led by Pastor Rocco Vanni of Radiant Life Church.

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

Changes to the Agenda

County Judge David Bisbee asked if there were any additions, corrections, or deletions to the agenda. There being none, the agenda was approved as presented.

MINUTES:

County Judge David Bisbee asked if there were any additions or corrections to the Minutes of the September 23, 2010 Quorum Court meeting. County Judge David Bisbee stated that the minutes would be filed as presented.

ELECTED OFFICIALS' REPORT:

Sheriff Keith Ferguson introduced Sergeant of Internal Affairs Chris Sparks who gave a presentation on the "PAL" Program, or Police Athletic League, which was started in April of 2009. He stated that PAL is a national sport, educational, and juvenile crime prevention program started in 1940, by the New York City Police Department. He stated that a 12-member Board of Directors was appointed in April 2009, consisting of community leaders from throughout the county, such as police

officers, insurance agents, schoolteachers, and school counselors. He added that PAL has also teamed up with the Rogers Activity Center and the Boy's and Girl's Club. He also added that through the PAL program, they have started a Junior Police Academy which has 60 participants who learn about all types of activities that law enforcement does. He stated that the Sheriff comes in on Monday morning, speaks with the kids, and gives them a County Jail or Sheriff's Office tour. He listed other areas of law enforcement that the participants have been exposed to such as the K-9 Unit, the S.W.A.T. Team, the helicopters and motorcycles, and the DUI simulator, to let them know what it is like to drive while under that type of situation. Chris Sparks stated that the program is free, but those wanting to participate in the club have to submit an application telling why they want to be involved in the program.

He said the PAL Lunch Club goes to the Bentonville and Rogers schools every other Tuesday to have lunch and play various sports with the kids during recess. He added that he has seen the effect that this has on the kids and how it changes their lives.

He described a third PAL program called RAD KIDS, which is a self-defense program for kids aged 5-12 years old. He added that it teaches them what to do in situations such as child abuse, sexual abuse, bullying at school, or child abduction. He added that over two hundred kids have been trained through this program, which is a national program made possible in Northwest Arkansas by a \$10,000 donation from Wal-Mart. He stated that the program builds up the children's confidence and teaches them what to do if they are put in bad situations. He stated that they are taught that it is not their fault, that no one has the right to hurt them, and they do not have the right to hurt anyone else including themselves. He said that through the Junior Police Academy, the Lunch Kids Clubs, and the RAD Kids, these kids are being taught a lot of different safety programs and drills.

He stated that the PAL program has its 501(c) (3) nonprofit certification, and receives many donations from throughout Benton County. He added that Wal-Mart just donated \$35,000, and that Arvest Bank has donated \$25,000.

Sheriff Ferguson stated that behind the new Jail Annex building, there is a piece of county-owned property large enough for a building that would house some of the PAL Program's activities. He stated that if PAL has the funds to build the building, and pay for all of the hook ups and utilities, that it would benefit the Sheriff's Office and the children in the community. He stated that an entrance and exit are already established, and there is already a building located at the back of the property that would be very accessible for everyone. He stated that the organization cannot afford to go out and buy commercial property and that if a building is built, it would become county property.

County Attorney George Spence stated that the county has several options. He stated that PAL is a private entity, so the county cannot just go out and give them a building. He stated that the county could build the building and allow PAL to use it, because they are basically an extension of the Sheriff's office, but that is not what is being proposed. He stated that the PAL organization has money to build a building; they just need some real estate. He stated that the County Judge and Sheriff have been

discussing some real estate at the jail location that they do not think that the county will have use for in the future. He stated that the county could arrange some sort of lease on the property, which would essentially be a bargain lease. He added that the reason that the county could enter into such a lease, which normally cannot be done with a private corporation, is that you can enter into private lease as long as you are getting value. He added that the value could be money, or something called "public convenience", meaning the county is essentially getting some sort of benefit out of it, and whether the benefit is sufficient would be a consideration for the court to decide. He said what he would suggest is that they allow PAL to use the land and build their own building. He said the lease would have to include how the building would be owned and how PAL will be compensated if the county decides at some point in the future that they need that piece of land for a future project. He added that County Judge David Bisbee is willing to continue the discussion, and what the Sheriff is looking for tonight is some sort of affirmation from the court that they think that this is something that they should move forward with and bring more details to them next month.

JP Winscott asked if the county assumes liability if a child is hurt or something else was to happen there. County Attorney George Spence stated that the county has tort immunity, and that would be included as part of the negotiation process. Sheriff Keith Ferguson stated that PAL does have liability insurance.

Further discussion was held on exempt and charitable organizations and the liability insurance that they are required to carry.

JP Moore stated that this property location would be the perfect place to put this particular building that PAL is proposing, and that he does not see any other use for this piece of property. JP Stephenson questioned the property being in a flood plane. County Judge David Bisbee stated that he had looked at the property, and that it was very manageable.

JP Sandlin asked if the county would be taking responsibility of the insurance and maintenance of the building. County Judge David Bisbee stated that the Sheriff has assured him that no money will be spent out of the General Fund.

COUNTY JUDGE'S REPORT:

County Judge David Bisbee stated that the old Health Department building is empty and ready to be remodeled and occupied. He added that the county has an on call contract with Hight-Jackson to do design work, and that Hight-Jackson wants to spend \$3,500 to \$5,000, checking out the mechanical aspects of the building, such as the roof, furnace, and interior updates to meet codes. County Judge David Bisbee stated if it is the desire of the court to do this, an appropriation ordinance will be needed. He stated after the preliminary work is done, and the court approves, it will be ready to let for bid. County Judge David Bisbee asked the pleasure of the court. JP Stephenson made motion to delay any action be taken on the Health Department building until after the first of the year, seconded by JP Hubbard.

JP Moore stated that the Election Commission lease is going to expire on December

31 and that we have talked about putting them in that building. County Judge David Bisbee stated that they have negotiated the lease for the Election Commission, and they will have consecutive 60-day extensions.

JP Wozniak stated that the Election Commission could move in the old Health Department building when their contract is up.

JP Douglas stated he does not understand why the county would want to wait to get started, and that in addition to the Election Commission, they have talked about moving the Public Defender out there, then moving the Prosecuting Attorney into the Public Defender's office. He stated that the county would be looking at \$9,000 to \$10,000 dollars per month in savings on leases.

JP Allen questioned what is required and why does the county need to hire Hight-Jackson.

County Judge David Bisbee stated that the Election Commission needs a certain amount of security, the Public Defender needs considerable security, and that new doors will have to be put in. He added that when new doors are put in, an architect will have to sign off on adequate fire egress and other code issues. He added that there are a few bathroom issues, and some walls to be moved.

Richard McComas reported that there is \$15,000 in the County Judge's emergency account.

Further discussion was held on the old Health Department building, and the savings that the county would have by getting out of leases.

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

6 yeas: Sandlin, Lewis, Hubbard, Winscott, Harrison, Stephenson
6 nays: Wozniak, Millager, Moore, Allen, Douglas, Blaty
1 absent: Brown

Motion failed.

JP Moore made motion to authorize County Judge David Bisbee to expend funds from the County Judge's Emergency Fund to hire Hight-Jackson Architects to do design work and a report on the former Health Department building in an amount not to exceed \$5,000, seconded by JP Douglas.

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

11 yeas: Wozniak, Millager, Sandlin, Lewis, Moore, Allen, Douglas,
Blaty, Winscott, Harrison, Stephenson
1 nay: Hubbard
1 absent: Brown

Motion passed.

COMMITTEE REPORTS:

JP Moore announced that the next Finance Committee meeting will be held Tuesday, November 2, 2010 at 4:30 p.m., and that following the regular Finance meeting they will go into Budget discussions.

JP Allen announced that a Personnel Committee meeting will be held Monday, November 1, 2010 at 3:00 p.m.

JP Winscott reported that the pre-bid meeting held on the Juvenile Justice Center went very well. He announced that the Long Range Planning/Real Estate & Buildings Committee meeting scheduled for November 4, 2010 has been canceled, and that Crossland Construction will be at the November 09, 2010 Committee of Thirteen meeting

PUBLIC COMMENTS:

JoAnn Hoffman commented on her credit report.

JP Jay Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Lewis.

OLD BUSINESS:

- (A) Third and Final Reading of Proposed Ordinance Confirming the Number of Members of the Benton County Planning Board and Their Terms; Sponsor: JP Frank Winscott

County Attorney George Spence read the proposed ordinance by title only. JP Winscott made motion for approval, seconded by JP Harrison.

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

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

Ordinance duly adopted and assigned **No. O-2010-45.**

- (B) Third and Final Reading of Proposed Ordinance to Repeal Article 4 of Ordinance No.2008-14 Relating to Completion Bonds; Sponsor: JP Bobby Hubbard

County Attorney George Spence read the proposed ordinance by title only. JP Hubbard made motion for approval, seconded by JP Sandlin.

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

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

Ordinance duly adopted and assigned **No. O-2010-46.**

NEW BUSINESS:

- (A) Proposed Resolution Confirming an Appointment by the County Judge to the Northwest Arkansas Regional Airport Authority Board of Directors; Sponsor: County Judge David Bisbee

County Attorney George Spence read the proposed resolution by title only. JP Winscott made motion for approval, seconded by JP Sandlin.

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

12 yeas: Wozniak, Millager, Sandlin, Lewis, Hubbard, Moore,
Allen, Blaty, Winscott, Harrison, Stephenson
1 abstain: Douglas
1 absent: Brown

Resolution duly adopted and assigned **No. R-2010-18.**

- (B) Proposed Resolution Certifying Local Government Endorsement of Business to Participate in the Tax Back Program (As Authorized by Section 15-4-276 (d) of the Consolidated Incentive Act of 2003); Sponsor: JP Tom Allen

County Attorney George Spence read the proposed resolution by title only. JP Allen made motion to adopt, seconded by JP Douglas.

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

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

Resolution duly adopted and assigned **No. R-2010-19.**

- (C) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2009-46 (2010 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items; Appropriating Additional Monies and Authorizing Additional Expenditures in Department 47, Rural Fire Services, Fund 010; Sponsor: JP Robert Stephenson

County Attorney George Spence read the proposed appropriation ordinance by title only. JP Stephenson made motion to adopt, seconded by JP Lewis.

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

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

Appropriation Ordinance duly adopted and assigned **No. O-2010-47**.

OTHER BUSINESS:

County Judge David Bisbee stated that the November Quorum Court meeting falls on Thanksgiving Day, so the meeting will need to be moved up one week to Thursday, November 18, 2010 at 6:00 p.m.

He stated that the December Quorum Court meeting is on the 23rd, one day before Christmas Eve, so it will be moved up to December 16, 2010 at 6:00 p.m.

There were no objections.

ANNOUNCEMENTS:

JP Douglas stated that the Benton County Quorum Court Legislative Issues list handed out contains the list of issues that will be discussed at the Benton /Washington County joint meeting to be held on Monday, November 15, 2010 at 6:00 p.m. He added that if anyone wanted to make any additions or had any concerns, to please contact him.

There being no further business to come before the court, upon motion and second the meeting was adjourned at 7:08 p.m.

Respectfully submitted,

Tena O'Brien
County Clerk

Prepared by: Janet Reaves