

MINUTES OF BENTON COUNTY QUORUM COURT

November 19, 2009

A regular meeting of the Benton County Quorum Court was held on Thursday, November 19, 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 County 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 JP Frank Winscott.

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 were any additions, corrections, or deletions to the agenda. Agenda approved by unanimous voice vote.

MINUTES

County Judge David Bisbee asked if there were any additions or corrections to the Minutes of the October 22, 2009 Quorum Court meeting. Seeing none, Judge Bisbee stated that the minutes would be filed as presented.

ELECTED OFFICIALS' REPORT:

None

COUNTY JUDGE'S REPORT:

County Judge David Bisbee stated that a letter had been provided for the Quorum Court notifying them that he has signed a Court Order to destroy surplus items, including some obsolete electronic equipment. He said that the County Assessor has appraised the items and has given them a zero value, and they are in the process of having the surplus items destroyed.

JP Douglas questioned if the items were going to be recycled or just destroyed. Judge David Bisbee stated that the surplus items are taken to the state prison where they are disassembled, rebuilt, or refurbished, and we do that in cooperation with the Solid Waste District and Wal-Mart. He added that any electronics collected on Saturday mornings are also sent there.

County Judge David Bisbee recognized CenCom Manager Matt Garrity and his wife Theresa, and presented a Certificate of Appreciation from the Office of the Benton County Judge to Terry Van Hook, a Good Samaritan who aided Theresa Garrity following a very bad wreck on September 23, 2009 on Highway 71 in Bella Vista.

COMMITTEE REPORTS:

Judge David Bisbee stated that the 2010 Budget books have been updated, and they will vote on the budget at the December Quorum Court meeting. He stated that he felt that it was a very good budget and that they had worked very hard on it.

JP Wozniak stated that the Environmental Committee met just prior to the Quorum Court meeting, and forwarded a recommendation to pursue the Reverse 9-1-1 system from Cooper Notification to the December 1, 2009 Finance Committee meeting agenda.

PUBLIC COMMENTS:

Gregg Spragg, co-chair of the Steering Committee of the Center For Nonprofits at St Mary's, presented a letter signed by all of the committee members encouraging the Quorum Court to support the relocation of the Benton County Health Department to the Center for Nonprofits.

Angela Albright, Executive Director of the Northwest Arkansas Women's Shelter stated that they are a tenant in the Center For Nonprofits, and that she is here to speak in favor of moving the Benton County Health Department to the Center For Nonprofits. She stated that the shelter housed over 400 women and children in 2009, and many of them use the services of the County Health Department, but have limited access to transportation or no transportation at all. She added that not having the Health Department in a good location creates obstacles for people who need its services, and that moving the Health Department to the Center For Nonprofits would be a progressive and environmentally healthy thing to do, and it would be in a centralized location for Benton County.

Jeff Bogue of Rogers stated that he wanted to voice his concern regarding law enforcement officers using their work vehicles for personal use, and the Benton County Sheriff's Department policy which allows it. He stated that tax dollars are paying for gas and wear and tear on the vehicles, and it is frivolous spending by our Law Enforcement Officers. He stated that he is against the policy and asked what could be done to stop it.

Jim Wilson, Administrative Manager for the Northwest Region of the Arkansas Department of Health expressed the support of Arkansas Department of Health for moving the Benton County Health Unit into the Center For Nonprofits. He said the current facility is pretty well maxed out for space, Benton County will continue to grow, and they will need to provide more services to a greater portion of the population. He expressed appreciation to the county for providing a building for the Health Department.

OLD BUSINESS:

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

Motion passed by unanimous voice vote.

- (A) Third and Final Reading of Proposed Ordinance Amending Section 82 of Chapter 42 of *The Code Of Ordinances Of Benton County, Arkansas* to Increase the Daily Fee Charged to Municipalities for Housing Prisoners in the County Jail; and For Other Purposes; Sponsor: JP Hubbard

Deputy County Clerk Janet Reaves read the proposed ordinance by title only. JP Hubbard stated that this is the third and final reading of the ordinance, which is to increase the daily fee charged to cities for housing inmates from \$32.50 to \$40.00 per inmate.

JP Hubbard made motion to adopt, 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

Ordinance duly adopted on third and final reading and assigned No. **O-2009-42.**

NEW BUSINESS:

- (A) Proposed Resolution Confirming the Appointment of Thomas C. Jenkins to the 9-1-1 Administration Board – Fire Chief Position; Sponsor JP Jay Harrison

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

Judge David Bisbee stated that Kevin Monroe has resigned as Highway 94 East Volunteer Fire Department Chief, so the Fire Chief position on the 9-1-1 Administration Board is now vacant. He said he has appointed Rogers Fire Chief Thomas C. Jenkins to that position, and the proposed resolution is to confirm that appointment.

JP Harrison made motion for approval, seconded by JP Stephenson

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

Resolution duly adopted and assigned No. **R-2009-21.**

- (B) Proposed Resolution Confirming the County Judge's Appointment of Mike Jones to the Benton County Dive Team Board; Sponsor: JP Jay Harrison

Deputy County Clerk Janet Reaves read the proposed resolution by title only. JP Harrison stated that the proposed resolution is to confirm the appointment to the Dive Team Board, and has been discussed at the Committee of Thirteen meeting.

JP Harrison made motion for approval, 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

Resolution duly adopted and assigned **No. R-2009-22.**

- (C) Proposed Resolution Confirming the County Judge's Appointment of Marc Trollinger to the Benton County Dive Team Board; Sponsor: JP Jay Harrison

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

JP Harrison made motion for approval, 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

Resolution duly adopted and assigned **No. R-2009-23.**

- (D) Proposed Resolution Confirming the County Judge's Appointment of Thomas C. Jenkins To the Benton County Dive Team Board; Sponsor: JP Jay Harrison

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

JP Harrison made motion for approval, seconded by JP Lewis.

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

Resolution duly adopted and assigned **No. R-2009-24.**

- (E) Proposed Resolution Confirming the County Judge's Appointment of Jimmy L. Thompson to the Benton County Dive Team Board; Sponsor: JP Jay Harrison

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

JP Harrison made motion for approval, seconded by JP Lewis.

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

Resolution duly adopted and assigned **No. R-2009-25.**

- (F) Proposed Resolution Confirming the County Judge's Appointment of Chief Deputy Don Townsend to the Benton County Dive Team Board; Sponsor: JP Jay Harrison

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

JP Harrison made motion for approval, 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

Resolution duly adopted and assigned **No. R-2009-26.**

County Judge David Bisbee stated that it is his responsibility to assign the board members to terms of one to five years, and that a letter has been sent to the newly appointed members stating their term. He added since the county's ordinance creating the Dive Team Board is moot as to how the Chair is selected, he is taking the prerogative to appoint Chief Thomas Jenkins as Chair of the Benton County Dive Team Board.

- (G) Proposed Resolution Authorizing the County Judge of Benton County to Apply for a Grant to Enhance Security in the Benton County Courthouse; Sponsor: JP Shirley Sandlin

Deputy County Clerk Janet Reaves read the proposed resolution by title only. JP Sandlin stated that this is a pass-thru grant and will provide for additional equipment requested by the Circuit Court Judges for security in the courthouse.

JP Sandlin made motion for approval, seconded by JP Wolf.

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

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

Resolution duly adopted and assigned **No. R-2009-27.**

- (H) Proposed Resolution Authorizing the County Judge of Benton County to Apply of a Grant on Behalf of the NEBCO Volunteer Fire Department; Sponsor: JP Tawnya Lewis

Deputy County Clerk Janet Reaves read the proposed resolution by title only. JP Lewis stated this is a pass-thru grant, and the fire department has already raised the amount needed for matching funds to purchase a tanker truck.

JP Lewis made motion for approval, seconded JP Hubbard.

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

Resolution duly adopted and assigned **No. R-2009-28.**

- (I) Proposed Resolution Authorizing the County Judge of Benton County to Apply for a Grant on Behalf of the Hickory Creek Volunteer Fire Department;
Sponsor: JP Frank Winscott

Deputy County Clerk Janet Reaves read the proposed resolution by title only. JP Winscott stated this is a pass-thru grant for \$6,000.

JP Winscott made motion for approval, seconded by JP Lewis.

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, Harrison, Winscott, Stephenson

Resolution duly adopted and assigned **No. R-2009-29.**

- (J) Proposed Resolution Authorizing the County Judge of Benton County to Apply for a Grant on Behalf of the Pleasure Heights Volunteer Fire Department;
Sponsor: Frank Winscott

Deputy County Clerk Janet Reaves read the proposed resolution by title only. JP Winscott stated this is a pass-thru grant in the amount of \$7,400.

JP Winscott made motion for approval, seconded by JP Blaty.

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, Harrison, Winscott, Stephenson

Resolution duly adopted and assigned **No. R-2009-30.**

- (K) Proposed Resolution Authorizing the County Judge of Benton County to Designate the Northwest Arkansas Economic Development District, Inc. as the Project Administrator For the ACEDP-Septic Installation Project Grant; Sponsor: JP Kurt Moore

Deputy County Clerk Janet Reaves read the proposed resolution by title only. JP Moore stated that this is a pass thru grant and has been discussed considerably.

JP Moore made motion for approval, seconded by JP Lewis.

County Judge David Bisbee stated that the Northwest Arkansas Economic Development District, Inc. is who normally administers any kind of sewer or water project in the county, and this grant is coming from those same funds.

JP Hubbard asked if the septic designs had been turned in and gone out for bid yet. Grants Administrator Kathy Bannister stated that the contractor had 30 days to engage the Designated Representative to perform the soil testing, and that time has not passed. County Judge David Bisbee stated that they have let the contract for the designer of the septic systems, and once the designs are completed, bids will be let for the installation of the systems.

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, Harrison, Winscott, Stephenson.

Resolution duly adopted and assigned **No. R-2009-31.**

- (L) Proposed Resolution Authorizing a Property Tax Levy for Benton County General Fund and Benton County Road Fund for the Year 2009 to be Collected in the Year 2010; Sponsor: JP Kurt Moore

JP Moore made motion to read item (L) in its entirety as it is a resolution, seconded by JP Lewis. Motion passed by unanimous voice vote.

Deputy County Clerk Janet Reaves read the proposed resolution in its entirety.

JP Moore made motion for approval, seconded by JP Sandlin

JP Winscott stated that he wanted to point out to the public in attendance that this is not a tax increase but lowers the tax by one-tenth of a mill.

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

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

Resolution duly adopted and assigned **No. R-2009-32.**

Judge David Bisbee stated for the benefit of any of the first time visitors to the Quorum Court that although it appears that they are moving very rapidly, he would like to note that many hours of meetings and preparation occur each month before an item goes to the Quorum Court. He added that although Quorum Court meetings usually go very quickly, Quorum Court business is never taken lightly.

OTHER BUSINESS:

None

ANNOUNCEMENTS:

JP Moore announced that a Finance Committee meeting will be held Tuesday, November 24, 2009 at 5:30 p.m. to consider the building proposal forwarded from the Long Range Planning/Real Estate & Buildings Committee.

Judge David Bisbee stated that the Katy Building on Highway 12 at 5121 Runway Drive in Bentonville, which is the subject of the proposal by the Long Range Planning/Real Estate & Buildings Committee, will be open and available for a walk through Tuesday, November 24, 2009, from 3:00 p.m. to 5:00 p.m.

JP Stephenson stated that a special Committee of Thirteen meeting will be held on Tuesday, November 24, 2009 at 6:00 p.m., following the Finance Committee meeting scheduled for 5:30 p.m.

There being no further business to come before the court, upon motion and second the meeting adjourned at 6:46 p.m.

Respectfully submitted,

Tena O'Brien,
County Clerk

Prepared by: Janet Reaves