

Committee of Thirteen Report

March 13, 2012

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, March 13, 2012 at 6:00 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

12 JPs Present: King, Winscott, J. Harrison, K. Harrison, Hawkins, Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

1 Absent: Allen

Others Present: County Judge Bob Clinard, County Attorney George Spence, Comptroller Richard McComas, Administrator of Administrator of General Services Elizabeth Bowen, Juvenile Probation Director Petie Cobb, DEM Director Robert McGowen

Media: Tom Sissom - Daily Record

Chair Kurt Moore called the meeting to order.

PUBLIC COMMENTS

Pat Adams of Rogers introduced himself to the committee members and stated that he is a candidate for JP District 6.

1. Resolution Request: Reappointment of Cindy Jones to the Benton County Planning Board, Position #7.

JP Douglas made motion to approve and forward the resolution request to re-appoint Cindy Jones to the Benton County Planning Board, Position #7 to the March 29, 2012 Quorum Court agenda, seconded by JP J. Harrison.

Administrator of General Services Elizabeth Bowen stated that Cindy Jones has been serving on the Planning Board since May of 2011, and that Ms. Jones plans to attend the next Quorum Court meeting.

Motion passed by show of hands vote.

2. Resolution Request: Arkansas Department of Human Services Grant

JP Jones stated this resolution request was forwarded from the Finance Committee and is to allow the County Judge to apply for the Arkansas Department of Human Services Grant for \$18,000 with a 10% match to establish a Juvenile Victim/Offender Mediation program.

JP Jones made motion to approve and forward the resolution request to the March 29, 2012 Quorum Court agenda, seconded by JP Sandlin

Juvenile Probation Director Petie Cobb stated that it had been asked, if a probation officer could handle the mediations and what type of special training the probation officer would need to hold the mediations. She stated that she had talked with Alternative Dispute Resolution (ADR) and that they said that it would be a conflict for a probation officer to do these mediations; that it needs to be a neutral impartial person. She stated the cases that will be sent for mediation is; negligent homicide, burglaries, breaking and entering, and criminal mischiefs. She added that victims of the community have asked the prosecutor for this type of mediation, and that this is something that the victim needs in order to have some type of closure.

Petie stated that Alternative Dispute Resolution (ADR) will be working with the Law School in Fayetteville to set up a program with the school and that they will also be working with the Division of Youth Services Provider and Teen Action Support Center (TAS). She added that Teen Action Support Center (TAS) will continue to work with us after the grant money is gone.

JP Douglas asked how many cases would be going to this mediation. Petie stated that through this grant they are looking at 25. Petie stated that the judge will order the mediation to be done, and then the Mediator will meet with the victim and offender prior to the mediation, then they will bring the victim and the offender together to perform the mediation, and that after the mediation they will meet with each one of them individually to determine the outcome.

Further discussion was held on the mediations, security provided for the mediations, and the number of mediations to be done this year.

Motion passed by unanimous show of hands vote.

3. Ordinance Request: Amend Chapter 38, Benton County Code of Ordinances.

JP Jones stated this ordinance request is to amend sections of Chapter 38 (Floods) of the Benton County Code of Ordinances to update the flood damage program for Benton County.

Richard McKeehan, Senior Planner, Floodplain Administrator of the Benton County Planning Department reported that FEMA has contacted the county and different communities within the county and that they are going to study several creeks and

tributaries of the creeks in the county to update the flood maps. He stated the process was started in 2009 and has carried on into the past year and that they have identified eleven particular maps that need to be updated. The updated maps will come into effect on June 5, 2012. He stated that these maps have been reviewed by the different cities and that the comments made by those cities have been sent back to FEMA. He stated to continue the process, application, and participation in the National Flood Insurance Program; we need to accept these maps as the updated maps for eleven particular areas of the county. He stated that some of the areas and communities affected are; the unincorporated areas of Benton County, Avoca, Bentonville, Cave Springs, Centerton, Highfill, Little Flock, Lowell, Pea Ridge, Rogers, and Springtown.

JP Curry asked if the property owners are aware of these changes that are coming, and how it will affect them.

Richard McKeehan stated that notifications have been sent out to those property owners that the study has affected.

JP Sandlin asked what difference this makes to the existing maps that we have.

Richard McKeehan stated that some flood plain areas have increased because of the more detailed topography study. He added since there has been so much development, there is more run off, more structures and more detention areas, and that is why the study was done.

Administrator of General Services Elizabeth Bowen stated that less than 20 property owners in the unincorporated areas have been notified.

JP Sandlin stated that she would like to know; how much damage to the property owner values they are looking at, and has it increased significant in size to the point that they are losing a fourth of their acreage or only a few feet.

Richard McKeehan stated that it would be difficult to determine without going into each and every area that has been studied. He stated that people do come in and ask questions and ask for letters of map revision that would take their property or their house out of the flood plain.

Further discussion was held on the new flood plain maps and how the new maps affected the unincorporated areas in the county.

JP Jones asked why the emergency clause when this doesn't go into effect until June 5, 2012. He stated he was weary of doing emergency clauses when it seems like there is months before it goes into effect.

Elizabeth Bowen stated that she would check to see if the emergency clause is needed and then get back with the court.

Lengthy discussion was held about the property owners receiving the correct notifications and proper disclosure of the flood plain issues, and if there was an appeal process for the property owners.

JP Douglas made motion to approve and forward the ordinance request to the March 29, 2012 Quorum Court agenda, seconded by JP Sandlin.

PUBLIC COMMENTS:

Pat Adams of Rogers voiced his opposition of the Federal Emergency Management Agency (FEMA) update to the flood damage prevention program of Benton County's ordinance.

There being no further discussion or comments the motion passed by show of hands vote.

11 in favor: King, Winscott, J. Harrison, K. Harrison, Jones, Sandlin, Douglas, Blaty, Curry Carr, Moore

1 opposed: Hawkins

1 absent: Allen

4. Appropriation Ordinance Request: 2012 Budget Amendment, Unemployment Insurance

JP Jones stated this appropriation ordinance request is to appropriate \$165,903.24 to pay unemployment claims for 2011.

JP Jones made motion to approve and forward the appropriation ordinance request to the March 29, 2012 Quorum Court agenda, seconded by JP Douglas.

Motion passed by unanimous show of hands vote.

5. Appropriation Ordinance Request: Create New Fund 241, FY 2012 National Association of County and City Health Officials (NACCHO)

JP Jones stated this appropriation ordinance is to appropriate \$5,000 to Fund 241 to establish the Medical Reserve Corp.

JP Jones made motion to approve and forward the appropriation ordinance request to the March 29, 2012 Quorum Court agenda, seconded by JP J. Harrison.

Motion passed by unanimous show of hands vote.

7. Appropriation Ordinance Request: Emergency Services, Dept 30, Fund 296

JP Jones stated this appropriation request is to appropriate \$142,633 for anticipated expenditures from State Homeland Security SHSGP FY 2012 Grant for CENCOM and Urban Search and Rescue.

JP Jones made motion to approve and forward the appropriation ordinance request to the Thursday March 29, 2012 Quorum Court agenda, seconded by JP Carr.

JP Douglas questioned the need for the Urban Search and Rescue equipment that was recommended by the state.

D.E.M. Director Robert McGowen stated that the equipment was meant for use on a regional scale and could help in trench rescue situations or in the aftermath of tornadoes and earthquakes, in addition to potential manmade terrorist events.

JP Douglas stated it is hard to vote against public safety and homeland security, but it is tax dollars and that he always tries to look at what is the best use of our tax dollars. He added we did not have any collapsed buildings last year or in the last 10 years, and that we can't be prepared for everything. He stated it is up to us to decide if it's wasteful spending or not, we can't prepare for everything, and he cannot support this.

JP Sandlin asked who made the decision to apply for this.

Robert McGowen stated that the use of the money was decided locally, in consultation with state officials who surveyed all Arkansas counties and identified urban search and rescue readiness as a deficiency. He added that the county didn't make the request without giving it some thought and has rejected proposals that were thought to be unnecessary.

JP Jones stated that we don't have to accept this going forward, and that we can stop accepting these grants up front. He added that he would support this somewhat reluctantly, but that we need to look at in general, if we don't stop they are not going to stop.

Further discussion was held on the use of the equipment being purchased with the grant money.

Robert McGowen stated if we don't spend the money it will go back to the State of Arkansas, and they will award it to another county in the state. He added that if they don't think that it is being spent on a good purpose, they don't ask for it, and they don't take this lightly.

Motion passed by show of hands vote.

8 in Favor: J. Harrison, K. Harrison, Hawkins, Jones, Sandlin, Curry, Carr, Moore

4 against: King, Winscott, Douglas, Blaty

1 absent: Allen

7. Appropriation Ordinance Request: Emergency Services, Dept. 30 Fund 297

JP Jones stated this appropriation request is to purchase bomb suits for the Benton County Bomb Squad housed in Bentonville.

JP Jones made motion to approve and forward the appropriation ordinance request to the March 29, 2012 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

8. Appropriation Ordinance Request: Emergency Services, Dept. 30 Fund 294

JP Jones stated this appropriation request is to purchase X-ray equipment for the Bentonville Bomb Squad.

JP Jones made motion to approve and forward the appropriation ordinance request to the March 29, 2012 Quorum Court agenda, seconded by JP Carr.

Bentonville Police Sergeant and Bentonville Bomb Squad Commander Russell Hines, stated that the specialized equipment being sought in this case is an X-ray machine. He

stated that it will give them the ability to examine suspicious packages quickly, and is important even if it won't be used daily. He added that one unit will be housed in Bentonville and the other in Little Rock and both will be for use across the state and nearby areas. He added not everybody needs to have one, but somebody's got to have one or somebody dies.

Russell stated that this particular piece of equipment is not something that they would use on every call out, but it is something that would be used at large events. He added that they have had eight calls this year and the new machine probably wouldn't have been used for all of those calls.

Russell reported that there are six Bomb Squads in the state; 1) Bentonville Police Department; 2) Fort Smith Fire Department; 3) Little Rock Fire Department; 4) Conway Fire Department, 5) Eldorado Police Department; and 6) Arkansas State Police. He added there are also two bomb technicians with the Federal Bureau of Investigation (FBI) stationed in Little Rock that supports all of the squads.

Motion passed by unanimous show of hands vote.

OTHER BUSINESS

JP Moore stated since next week is Spring Break and there is another Thursday in March that the March 22, 2012, Quorum Court meeting could be moved to March 29, 2012.

JP Blaty made motion to have County Judge Bob Clinard approve moving the Thursday March 22, 2012 Quorum Court Meeting to Thursday, March 29, 2012, seconded by JP Carr.

Motion passed by unanimous show of hands vote.

ANNOUNCEMENTS

JP Jones announced that the Finance Committee will meet Tuesday, April 3, 2012 at 5:30 p.m.

PUBLIC COMMENTS

None

ADJOURNMENT

Upon motion and second meeting adjourned at 7:22 p.m.