

Committee of Thirteen Report

May 08, 2012

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, May 08, 2012 at 6:00 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

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

Others Present: County Judge Bob Clinard, County Attorney George Spence, Comptroller Richard McComas, Administrator of General Services Elizabeth Bowen

Media: Theresa Moss - Daily Record

Chair Kurt Moore called the meeting to order.

PUBLIC COMMENTS

None

Appropriation Ordinance Request: Planning, Department 31, Fund 010

JP Allen stated this appropriation ordinance request is to appropriate \$25,000 received for the Planning Department's Rain Garden project, and requires a 25% in-kind match.

JP Allen made motion to approve and forward the appropriation ordinance request to the May 24, 2012 Quorum Court agenda, seconded by JP J. Harrison

Motion passed by unanimous show of hands vote.

Appropriation Ordinance Request: County Assessor, Department 07, Fund 440

JP Allen stated this appropriation ordinance request is to appropriate an additional \$30,000 for the additional expenditures to complete the remodeling of the Assessor's Annex Facility.

JP Allen made motion to approve and forward an appropriation ordinance to the May 24, 2012 Quorum Court agenda with a do-pass recommendation, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

Appropriation Ordinance Request: Prosecuting Attorney, Dept. 21, Fund 440

JP Allen stated this appropriation ordinance request is to appropriate an additional \$20,000 to complete the remodeling of the Courthouse Tower East.

JP Allen made motion to approve and forward an appropriation ordinance to the May 24, 2012 Quorum Court agenda, seconded by JP J. Harrison.

JP Sandlin apologized for not being able to attend the Finance Committee meeting and asked what the remodeling of the Courthouse Tower East entailed.

County Judge Bob Clinard stated that when the old juvenile probation office was renovated, asbestos was discovered in the old tile, so the tile was removed and replaced at an additional cost around \$9,000, and when everything was moved out they realized that the original carpet was in such bad shape, that it was replaced. He added that walls were repainted, and that a window for collecting hot check payments was installed. He stated that downstairs on the east end of the building that a sally port to bring the prisoners in through back of the building will be made and that openings in the walls to what used to be the exercise yard will be made so that jail transport buses can come through and let the prisoners off in a secured area. County Judge Bob Clinard stated that the Coroner's Office will be moved into the building, vacating leased space in Rogers, and that the Maintenance Department has already moved into the building. He stated that the old jail cells on the first floor will be used for file storage for the elected officials, and that the Equalization Board will hold their meetings in the former juvenile detention area.

JP Douglas asked if the possibility of putting in a jury box in the juvenile office area had ever been looked at. He added putting a jury box in that area would save the taxpayer's another \$50,000 a year by getting out of another leased space.

County Judge Bob Clinard stated that he was told a jury box could not be built in that area, and that he had looked at it and that there is really not a good place to add a jury box area.

County Judge Bob Clinard stated that he thinks that they need about a four- to five-year plan to move everything out to the Highway 102 property.

Motion passed by unanimous show of hands vote.

Appropriation Ordinance Request: Westside Road Facility, Dept. 44, Fund 440

JP Allen stated this appropriation ordinance request is to appropriate an additional \$20,000 to complete the construction of the Westside Road Facility.

JP Allen made motion to approve and forward an appropriation ordinance to the May 24, 2012 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

Appropriation Ordinance Request: Road Department, Dept. 44, Fund 020

JP Allen stated this appropriation ordinance request is to appropriate \$104,980 to reimburse the City of Bentonville for easement acquisitions on Windmill Road.

He stated that this was approved by the Finance Committee as an exception to the rule that the county does not normally pay for rights of way, and no one should expect this to be done again in the future, but with the spirit of cooperation and the fact that they know this needs to be done, the Finance Committee voted unanimously to forward this appropriation ordinance request to the Committee of 13.

JP Allen made motion to approve and forward an appropriation ordinance to the May 24, 2012 Quorum Court agenda, seconded by JP Carr.

JP Jones stated he agrees that Windmill Road needs to be done, but that he feels that the county is getting taken for a ride by the City of Bentonville. He stated that the county is providing the labor and paying for easements, and that he sees no reason why the City of Bentonville would not at a later date come along and annex the road after it is finished, like they do anytime the county paves a road. He stated that the City of Bentonville receives a very large share of the road taxes and should have plenty of money to take care of the acquisitions themselves.

JP Jones stated that paving the road is a good idea, but he does not know if he could support paying the City of Bentonville back for the easement acquisitions.

JP Hawkins stated that he seconded JP Jones' opinion, and asked what caused the Finance Committee to break from their traditional position, and why did they decide to approve the acquisitions when they have never done so before.

JP Allen stated this situation is unique due to the location, and that the boundaries are literally so tight and close together involving about 1.2 miles of road, and half of the road. He stated this is unique in that respect, and the county does not want to hold up the progress of building a school due to the road not being completed. He added this would be an injustice to the schools, students, teachers, and the parents driving those roads, to school buses and everybody else out there, for that matter.

JP Allen stated that he basically supports this appropriation ordinance request because he doesn't want to hold up progress that needs to get done.

JP Jones stated he voted for this in the Finance Committee meeting, and that this is a unique situation; because it is so close to the city and that the city has already started negotiating with property owners about paying for easements. He stated that it would be kind of hard to go back and say that the county will not pay for their easements. He stated that he didn't particularly like the situation because he does not see why the City of Bentonville does not just take care of it.

JP Sandlin stated that she does not think that the City of Bentonville can pay for easements on county property, although if they annexed that strip into the city then they could.

She stated that paying \$25,000 per acre is pretty steep for an easement.

JP Douglas stated that Central Park at Morning Star school on Liberty Road is already there, and another school is under construction on Bright Road that will open this fall, and this opens up alternative routes to make it safer and easier for people to get their children to school. He stated that he does not like it either; but that he would support the request for the

sake of doing what is right for the people that travel those roads, and that even though he does not practically like it, it is just one of those things that needs to be done.

JP Carr stated these are still our citizens, this is still Benton County, and he does not like it any better than anybody else does. He stated that doing what is right, is not always easy, but in order to expedite the process, move forward and make this happen for our citizens, and for the safety of the children, that he would support the appropriation request.

JP Kevin Harrison asked by what specs the road is being built, the city or county standards.

County Judge Bob Clinard stated that they are buying enough easement for a 50-foot-wide road, but that the county will build the road 30 feet wide with no curb and gutter. He stated that sometime in the future, that the road could be expanded to 50 feet with curb and gutter, and that the city would pay for the easements if, they ever annexed the property. He stated that he was not aware that the city could just annex the right of way that they would have to annex the property adjacent.

JP Sandlin stated that as long as you can identify the land and the property owner, the municipalities and the counties are all agreeable, it can be annexed.

County Judge Bob Clinard stated that this is unique, that the city pays for the right-of-way on both sides of the road, and that the county will be paying for both sides. He stated that the reason this is different is that 99.9% of the time when the county is improving a county road and there are county residents on both side, the residents will give the county the right-a-way because they want the road improved, and to improve their property values and access to their land. He stated that this was discussed a long time ago and it was agreed to share and co-op this road. He stated that this right-of-way situation came up later, when we got to thinking about how the city is going to be out there buying right-a-way property and that the county is asking the people that are next door to give the county their property that somebody is going to get really upset. He added this is a unique situation, but it will be safer for our children and the buses and a good cut through for our county residents. He added there is a time for cooperation with the city and doing what is right.

JP Sandlin stated her entire area is the City of Bentonville, and portions there of, that she was trying to watch the taxpayers money.

County Judge Bob Clinard stated other than the manpower and the equipment that the City of Bentonville and the school system will be splitting the costs of all materials, including the red dirt, granular fill, culverts, fencing, they are paying for everything.

JP Allen stated that this will be a great east-west cut through, and that this needs to be done and that he would support the request.

Further discussion was held on the City of Bentonville buying easement acquisitions on Windmill Road and the cost to the county.

JP Winscott stated the he had empathy for every position that has been registered here this evening, and that he feels like that they, as the county government have to be guarded against buying easements for roads, and at the same time he feels like that they have the responsibility to make it safe for our children to get to school, for buses and traffic, and that very reluctantly he would support this and called for the question.

A roll call vote was recorded as follows:

12 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Jones,
Sandlin, Douglas, Blaty, Curry, Carr, Moore
1 nay: Hawkins

Motion passed by unanimous vote.

JP Allen stated that since Justice Winscott called for the question, he didn't get a chance to ask a question, and that he was interested in the point that Justice Jones brought up on the reimbursement stated in the ordinance. He stated in the ordinance that was approved to go to the Quorum Court it states that the county will reimburse the City of Bentonville for the right-a-way, is that the way that it should be worded, or should the county pay directly to purchase the property.

County Attorney George Spence stated that the ordinance was set up that way for a reason, and after discussions, they decided that they would not have any problems purchasing the property this way. He stated the question would be, would they have the condemning authority, and that might have to actually come from county at some point and that they would have to work that out.

JP Allen asked County Attorney George Spence if he was satisfied with the way that the ordinance was written.

County Attorney George Spence stated he did not write the ordinance, but that the language is fine.

Appropriation Ordinance Request: Emergency Management, Department 30, State Homeland Security Grant FY 2010 LETPA Grant, Fund 297

JP Allen stated this is to transfer \$3,780.00 from Machinery & Equipment to Small Equipment from the LETPA grant fund.

JP Allen made motion to approve and forward an appropriation ordinance to the May 24, 2012 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

OTHER BUSINESS

None

ANNOUNCEMENTS

JP Wincott gave an update of the Emergency Medical Services (EMS) study by Ludwig Group LLC. JP Wincott stated because some of the Mayors turned their questionnaire in late, that Ludwig Group LLC hopes that the study will be ready for review by the Public Safety Committee by the end of May.

PUBLIC COMMENTS

None

ADJOURNMENT

Upon motion and second meeting adjourned at 6:38 p.m.