

MINUTES OF BENTON COUNTY QUORUM COURT

April 26, 2012

A regular meeting of the Benton County Quorum Court was held on Thursday, April 26, 2012 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 Robert D. Clinard called the meeting to order.

County Clerk Tena O'Brien called roll as follows:

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

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. JP Patrick Carr led the prayer.

CHANGES TO THE AGENDA:

None

JP Douglas made motion to approve the minutes of the March 29, 2012, Quorum Court meeting as distributed, seconded by JP Jones.

Motion passed by unanimous voice vote.

ELECTED OFFICIALS' REPORTS:

County Judge Bob Clinard introduced the elected officials in attendance – Sheriff Keith Ferguson, Centerton Mayor Bill Edwards, and Avoca Mayor Tommy O'Dell.

COUNTY JUDGE'S REPORT:

County Judge Bob Clinard reported that: 1) The Benton County West Road Facility construction is 99% complete; 2) The process of relocating several county offices into the recently vacated space in the courthouse is ongoing; 3) The bids received on the Assessor's Annex were slightly over budget, so the plans are currently being reviewed for possible cost reductions, and a recommendation will be brought to the May 1, 2012 Finance Committee Meeting; 4) The first draft of the Countywide Ambulance/EMS Study will be presented next month.

County Judge Bob Clinard explained the circumstances which led to the decision to not schedule a Spring County Wide Cleanup, adding that he has been approached by several people requesting that one be held. He said there is nothing in the budget precluding a Spring Cleanup, and with the court's approval he would like to schedule one using funds that are already in the Environmental Department budget. He said the only outstanding issue is the cost of hauling off

the waste that will be collected, and those bids will be presented to the Finance Committee next week.

Judge Clinard shared an email from Camp War Eagle Director Pete Day, expressing his appreciation to the county for the repaving of Ingram Place Road. Judge Clinard stated that the road had become a safety hazard with the heavy volume of traffic on it during the summer months when camp is in session, so the decision was made to repave the entire road instead of patching it. He said the completion of this project brings the total amount of paving done this year to 14 miles, compared to only 7 miles done all of last year, which is partially due to much better weather conditions this spring.

Judge Clinard asked for comments on whether or not to hold a spring cleanup.

JP Jones spoke in favor of holding one, stating that he thought it was one of the best services that the county can provide for taxpayers, and it reduces the amount of waste that is dumped throughout the county. JP Douglas stated that he agreed with the comments made by JP Jones, adding that he has also received several requests for some type of clean up day in the War Eagle area. Judge Clinard stated that they would work on getting something planned for the War Eagle area during the Fall Cleanup.

Judge Clinard explained that the flag hanging up tonight is an official Cherokee Braves flag which was carried by the Cherokee Mounted Rifles Brigade under the command of Brigadier General Stan Watty at the Civil War battles of Lee Town and Elk Horn Tavern in 1862. He said the flag was flown at the 150th Anniversary of the Battle of Pea Ridge on March 10, 2012 to honor the Cherokee Indians who served in the Confederate army during the battle.

Judge Clinard concluded his report by presenting plans for a new sidewalk to be constructed along 2nd Street between the Administration Building and the Courthouse, and a new sally port area to allow county prisoners to be transported and unloaded more securely and out of contact with the public.

JP Winscott asked for a status report on Fisher Ford Bridge. Judge Clinard stated that the county has received an offer to share in the costs for rebuilding Fisher Ford Bridge, as well as the addition of a bicycle path and walking trail. He said he will be bringing that proposal to the next Transportation Committee meeting. Transportation Committee Chair JP Douglas announced that the meeting will be held May 3, 2012 at 6:00 p.m. Judge Clinard stated that while he is not favor of adding bicycle paths and walking trails to every bridge in the county, he does feel that the county should consider it on a case by case basis, noting that Northwest Arkansas has led the way across the state in providing this type of amenity for its citizens. He also noted that a state bid project is in the works to pave Colonel Myers Road from Highway 264 to Reader Road which ties into Highway 112, which will eventually provide a bypass to the south of Cave Springs. He said he has not approached the State's engineers about including the paths in their bridge design, but since the State will be paying approximately 90% of the cost, he thinks it is something that should be considered.

COMMITTEE REPORTS:

JP Winscott stated that he expects to schedule a Public Safety Committee Meeting in late May, and will announce the date when he gets a completion date on the first draft of the County Wide Ambulance Service Study, which he expects will be in late May.

JP Allen announced that the Finance Committee will meet on Tuesday, May 1, 2012 at 5:30 p.m.

PUBLIC COMMENTS:

Avoca Mayor Thomas O'Dell spoke concerning the confusion and problems caused by Avoca residents having Rogers mailing addresses. He said that Avoca only missed becoming a city by a small number of residents in the 2010 Census, and he is sure that some were not counted because of their Rogers addresses. He cited Arkansas laws concerning what defines a person's address, and stated that as a resident and mayor of Avoca, neither he nor his citizens want to be known as a subdivision of Rogers.

County Judge Bob Clinard suggested that Mayor O'Dell meet with Administrator of General Service Elizabeth Bowen, adding that this is something that should not be too difficult to resolve with some help and cooperation.

JP Allen noted that he lives in Cave Springs and has a Bentonville address, although he does not represent any residents of Bentonville.

JP Hawkins stated that the problem lies with the Postal Service, because if a small town does not have a post office, the mailing address has to be the nearest routing city, and he too has had personal experience with the problems it causes.

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

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

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

Motion to suspend the rules passed.

OLD BUSINESS:

- (A) Second Reading of 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; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed ordinance by title only.

JP Allen made motion to suspend the rules and place the proposed ordinance on third and final reading, seconded by JP Harrison.

JP Jones questioned the reason for placing the ordinance on final reading. JP Allen stated that he has not heard any opposition to this ordinance, either from his constituents or anyone else. He recognized Senior Planner Richard McKeehan, who stated that FEMA has questioned why it has not yet received indication from Benton County that the new floodplain maps have been accepted and approved, which is a requirement if the county is to continue participating in the National Floodplain Insurance Program, and to maintain its eligibility for other grants and programs.

JP Jones questioned why they had been told earlier in this process that there was no problem in following the normal timeline of three separate readings. Richard McKeehan stated that the third reading would take place in late May, and due to the limited staff and

the volume of processing to be done in FEMA's Denton, Texas office, the delay could cause the county to be put in a status of "suspense".

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

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

Motion to suspend the rules passed.

County Attorney George Spence read the proposed ordinance by title only.

JP Allen made motion to adopt, seconded by JP Sandlin.

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

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

Ordinance duly adopted and assigned **No. O-2012-21.**

NEW BUSINESS:

- (A) Proposed Resolution of the Quorum Court of the County of Benton, State of Arkansas, Accepting the Audit Report for Benton County for The Period Ending December 31, 2010; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed resolution by title only.

JP Allen recognized Comptroller Richard McComas, who stated that everything in the report is pretty standard, and any issues that required a response have been addressed.

JP Allen made motion to adopt, seconded by JP Jones.

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

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

Resolution duly adopted and assigned **No. R-2012-05.**

- (B) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2010- 56 (2011 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items in Dept. 23, Non-Department/ Maintenance, Fund 010; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen stated that this is to cover some expenses incurred in 2011, and was reviewed at the Committee of Thirteen meeting.

JP Allen made motion to adopt, seconded by JP Jones.

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

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

Appropriation ordinance duly adopted and assigned **No. O-2012-22.**

- (C) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 23, Non-Department/ Maintenance, Fund 010; Sponsor: JP Dan Douglas

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen stated that this appropriation came through the Finance Committee and Committee of Thirteen with a recommendation for approval, and the breakdown of expenditures outlined in Article 2 includes insurance for the Juvenile Justice Center building, some unexpected rent expense due to the delay in moving to the new center, and some landscaping.

JP Allen made motion to adopt, seconded by JP Jones.

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

11 yeas: King, Winscott, J. Harrison, Allen, Hawkins,
Jones, Sandlin, Douglas, Curry, Carr, Moore
1 abstained: K. Harrison
1 absent: Blaty

Appropriation Ordinance duly adopted and assigned **No. O-2012-23.**

- (D) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) to Create a New Fund to be Named “Juvenile Accountability Block (JABG) Grant Fund” and Numbered No. 473 in Department 20, Juvenile Probation; to Amend *Schedule 1-Revenues by Fund* to Increase Revenues; and to Appropriate Additional Monies and Authorize Additional Expenditures Therein; Sponsor: JP. Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen stated that this involves the mediation program that Juvenile Probation Director Petie Cobb spoke to the Committee of Thirteen about.

JP Allen made motion to adopt, seconded by JP K. Harrison.

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

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

Appropriation Ordinance duly adopted and assigned **No. O-2012-24.**

- (E) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) To Appropriate Additional Monies and Authorize Additional Expenditures in Department 01, Rural Community Grant Fund, Rocky Branch Fire Department, Fund 483; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen stated that this appropriation came through the Finance Committee and Committee of Thirteen with a recommendation for approval.

JP Allen made motion to adopt, seconded by JP Sandlin.

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

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

Appropriation Ordinance duly adopted and assigned **No. O-2012-25.**

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 01, NEBCO Fire Department Rural Services Grant Fund, Fund 487; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen stated that this appropriation came through the Finance Committee and Committee of Thirteen with unanimous approval.

JP Allen made motion to adopt, seconded by JP Carr.

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

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

Appropriation Ordinance duly adopted and assigned **No. O-2012-26**.

- (G) Proposed Ordinance Authorizing the Establishment of an Inmate Health Care Policy at the Benton County Detention Center, Setting Fees, and for Other Purposes; Sponsor: JP Tom Allen

County Attorney George Spence stated that as previously requested by the Committee of Thirteen, he has removed the emergency clause from the ordinance.

County Attorney George Spence read the proposed ordinance by title only.

JP Allen stated that this was discussed extensively with representatives of the Sheriff's Department at the Committee of Thirteen meeting, and concerns co-pays for doctor's visits and prescription medications. He said he believes the proposed ordinance has the support of the entire court.

JP Allen made motion to adopt, seconded by JP Carr.

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

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

First reading passed.

County Judge Bob Clinard announced that members of the court are invited to attend the Employee Appreciation Picnic in Dave Peel Park on Friday, April 27, 2012, beginning at 11:30 a.m.

JP Douglas stated that he would like to reopen discussion on Item "G", because although it did not qualify as an emergency, it is a somewhat timely issue, and he felt it should move forward with its second and third readings.

JP Douglas made motion to suspend the rules and place the proposed ordinance on second and third reading, seconded by JP Allen.

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

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

Motion to suspend the rules passed.

County Attorney George Spence read the proposed ordinance by title only for purposes for second reading.

County Attorney George Spence read the proposed ordinance by title only for purposes for third reading.

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

Ordinance duly adopted and assigned **No. O-2012-27**.

OTHER BUSINESS

ANNOUNCEMENTS

ADJOURNMENT

There being no further business to come before the court, upon motion and second, the meeting adjourned at 6:58 p.m.

Respectfully submitted,

Tena O'Brien
County Clerk

Prepared by: Betsy Harrell