

## MINUTES OF BENTON COUNTY QUORUM COURT

**December 19, 2013**

A regular meeting of the Benton County Quorum Court was held on Thursday, December 19, 2013 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

Deputy Clerk Janet Reaves called roll as follows:

15 JPs Present: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Carr, Moore, Meyers, Moehring

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Justice of the Peace Steve Curry led the prayer.

### **CHANGES TO THE AGENDA:**

None

### **MINUTES:**

JP J. Harrison made motion to approve the minutes of the November 21, 2013 Quorum Court Meeting as distributed, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

Minutes approved.

### **ELECTED OFFICIALS REPORTS:**

None

### **COUNTY JUDGE'S REPORT:**

County Judge Bob Clinard reported: 1) the Courthouse Feasibility study is still in progress; 2) renovations are being completed at the Benton County Rogers Office

and scheduled to open March 1, 2014; 3) the FEMA flood damage inspection teams are continuing to process work orders for the road and bridge damage from the August flood; 4) the Emergency Medical Services District (EMSD) election to set an \$85 annual fee for EMS service in households outside incorporated cities and not in the Northeast Benton County Emergency Medical Service District has been set for February 11, 2014. He stated that a letter will be sent to all of the registered voters in the district to inform them of the facts about EMSD service; 5) in the interview process to fill the vacant IT Director position.

Judge Clinard stated that he wanted to thank the Road Department employees for the maximum effort expended during the recent ice and snow event.

**COMMITTEE REPORTS:**

JP Allen reported that the Finance Budget Committee had met and completed the 2014 Benton County Budget that it is on the agenda.

**PUBLIC COMMENTS:**

Mike Clifford of Bentonville commented on the APERS retirement fund.

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

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

15 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Carr, Moore, Meyers, Moehring

**OLD BUSINESS:**

(A) Second Reading Of A Proposed Ordinance Amending Sections 2-516, 2-517, 2-528 of the Code of Ordinances of Benton County, Arkansas and Creating A New Code Section 2-537, all Regarding Benton County Employment Policy; Sponsor: JP Sandlin

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

JP Sandlin made motion to approve and forward to the January 23, 2014 Quorum Court agenda; seconded by JP Curry.

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

15 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Carr, Moore, Meyers, Moehring

Second reading passed.

**NEW BUSINESS:**

(A) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (2013 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Dept. 67, Jail, Fund 010; Sponsor: JP Jay Harrison.

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

JP J. Harrison made motion to adopt, seconded by JP Sandlin.

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

15 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Carr, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **O-2013-80**.

- (B) Proposed Appropriation Ordinance Amending Appropriation Ordinance No, O-2012-67 (2013 Benton County Budget) to Amend *Schedule 1 – Revenues by Fund* by Authorizing Transfers from County General Fund 010 to County Road, Fund 020, Listed Herein to Account for Transfers Made During the Budget Year 2013; Sponsor: JP Kurt Moore

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

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

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

15 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,  
Sandlin, Anglin, Chiocco, Curry, Carr, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **O-2013-81**.

- (C) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (2013 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items and Authorizing Expenditures in Department 44, Road Department, Fund 020; Sponsor: JP Joel Jones

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

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

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

15 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,  
Sandlin, Anglin, Chiocco, Curry, Carr, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **O-2013-82**.

(D) Proposed Ordinance Adopting a New Planning Code by Reference;

Sponsor: JP Tom Allen

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

JP Allen made motion to approve and forward the proposed ordinance to the January 23, 2014, Quorum Court agenda, seconded by JP Jones.

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

15 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,  
Sandlin, Anglin, Chiocco, Curry, Carr, Moore, Meyers, Moehring

First reading passed.

(E) Proposed Ordinance Adopting a Revised Fee Schedule for Planning Review, and

Exempting Agricultural Land Use from Planning Review and Fees;

Sponsor: JP Tom Allen

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

JP Allen made motion to approve and forward the proposed ordinance to the January 23, 2014

Quorum Court agenda, seconded by JP Jones.

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

15 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,  
Sandlin, Anglin, Chiocco, Curry, Carr, Moore, Meyers, Moehring

First reading passed.

(F) Proposed Appropriation Ordinance to Establish the Benton County Annual Operating Budget for the calendar Year 2014; Sponsor: JP Tom Allen

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

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

JP Jones stated that he did not like going into next year without a plan for EMS, whether the Referendum passes or fails. He stated that he had said early on in the budget process that he did not want to fund EMS out of reserves. JP Jones stated that he wanted to propose cutting two fire trucks with the cost of \$450,000, a new \$90,000 dump truck from the Road Department's budget and reducing the department's asphalt budget by \$250,000, and cut \$5,105 from the Juvenile Detention Center food budget. He stated that the intention behind all of this, is to make sure that the county has operating revenue.

He stated that if the Referendum passes and the fee is upheld, then all of this can be put back into the budget.

JP Jones made motion to fund EMS through the end of 2014 without using reserve funds, in the event the Referendum should fail. He listed several budget adjustments by which this could be accomplished, seconded by JP Meyers.

JP Meyers stated that he did not think that they should jump the gun and approve funding EMS service until they find out if the referendum passes or fails.

JP Allen stated that we do not need to do anything until the Referendum election takes place. He stated that the county has agreed to fund EMS service temporarily based on what the cities

and the other providers have agreed upon for three months. JP Allen stated that he was not ready to pay for ambulance service if the emergency medical service district and the \$85 annual fee are voted down. He stated if they vote that way, he was going to take it, that they do not want to have ambulance service.

After further discussion was held on funding EMS service in the budget, a roll call vote was recorded as follows:

1 Yea: Jones

14 Nays: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Sandlin, Anglin, Chiocco, Curry, Carr, Moore, Meyers, Moehring

Motion failed.

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

15 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Carr, Moore, Meyers Moehring

Appropriation Ordinance duly adopted and assigned **O-2013-83**.

(G) Proposed Resolution Expressing the Willingness of Benton County to Utilize Federal-Aid Service Transportation Program – Attributable (STP-A) Funds Administered by the Northwest Arkansas Regional Planning Commission for Design Costs in Connection with the Replacement of Wildcat Bridge;  
Sponsor; JP Tom Allen

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

JP Allen stated that the replacement cost for the Wildcat Bridge is approximately \$377,000 and that the STP-A grant fund will provide \$301,600, and that the counties estimated share of costs is \$75,400 and made motion to adopt, seconded by JP Jones.

County Judge Bob Clinard stated we originally thought that we would replace this bridge out of the County's budget, but according to Arkansas State Law, the bridge has to be built according to the Arkansas Highway Department of Transportation (AHD) specs, and that the estimated total design costs related to the replacement of Wildcat Bridge is \$377,000, and if approved, since the (STP-A) funds are Federal-aid Funds; we have to design the bridge per federal specifications.

After some discussion regarding participating in the Federal-aid Service Transportation Program – Attributable (STP-A) Funds grant program, a roll call vote was recorded as follows:

15 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Carr, Moore, Meyers, Moehring

Resolution duly adopted and assigned **R-2013-35**.

**Other Business:**

None

**Announcements:**

JP Allen announced that a Legislative Committee meeting will be held Tuesday, January 21, 2014 at 6:00 p.m.

**Adjournment:**

There being no further business to come before the court, upon motion and second the meeting was adjourned at 7:18 p.m.

Respectfully submitted,

Tena O'Brien  
County Clerk