

MINUTES OF BENTON COUNTY QUORUM COURT
February 26, 2015

A regular meeting of the Benton County Quorum Court was held on Thursday, February 26, 2015 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

In the absence of County Judge Bob Clinard, County Attorney George Spence called the February 26, 2015 Quorum Court meeting to order, and stated that it will be necessary to elect a chair person to preside over the meeting.

JP J. Harrison made motion to elect JP Kurt Moore as Chair, seconded by JP Sandlin.

Motion and second was made that nominations cease.

Motion carried by unanimous voice vote.

Motion to elect JP Kurt Moore as Chair passed by unanimous voice vote.

Quorum Court Coordinator Janet Reaves called roll as follows:

14 JPs Present: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Curry, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Pastor Jeff Odom of Word of Life Fellowship Church led the prayer.

CHANGES TO THE AGENDA

None

MINUTES:

JP Meyers made motion to approve the minutes of the January 22, 2015 Quorum Court meeting as distributed, seconded by JP J. Harrison.

Motion passed by unanimous voice vote.

Minutes approved.

ELECTED OFFICIALS REPORTS:

Assessor Glenn "Bear" Chaney announced that he had submitted his resignation to accept an appointment from Governor Asa Hutchinson to serve as Director of the Arkansas Assessment Coordination Department.

COUNTY JUDGE'S REPORT/COUNTY PROPERTY DISPOSAL REPORT:

- Proposed location options for the new Benton County Justice Center will be discussed at the next Public safety Committee meeting. The first option will be a presentation of the proposed downtown Bentonville location. The proposed Highway 102 option near the County Sheriff's Office will be presented at the next meeting.
- Has a plan to improve county roads leading to the new Bentonville West High School location in Centerton. The work will be completed in the spring of 2016 and the cost will be included in the 2016 County Road budget.
- Weather has delayed completion of the remaining flood-damaged roads. Depending on weather, the work will be complete in three weeks.
- Engaging an engineering firm to formulate a repair strategy for the War Eagle Bridge. He stated that he will bring a budget to the court for review when an amount can be determined.
- He has decided to shift the funds budgeted for the paving of Sugar Creek road to other roads, preferably in the Northeast quadrant. Looney Road, Commonwealth Road, Andy Buck Road and others are being considered. This decision is based primarily on the fact that many residents on Sugar Creek Road and the Mayor of Garfield did not want the paving improvements. He stated that they have many other options in that part of the county which meet our criteria for paving improvements.
- He has heard nothing but rave reviews about the performance of the county road department on the snow and ice removal in the last storm. He asked the court to join him in congratulating them on a job well done.
- Exterior waterproofing on the Sheriff's office is complete and the interior microbial removal is scheduled to start next week. He is working with the Sheriff's Office on a conceptual plan to expand the jail in two areas. This discussion will be presented to the court next month.
- The February 2015 Property Disposal Report was reviewed.

2016 ROAD PLAN – UPDATE ON RECENT SNOW EVENT:

Administrator of General Services Jeff Clark reported on the 2016 Road Plan. He added that the replacement cost for materials used for the recent snow storm is \$23,750.40.

COMMITTEE REPORTS:

JP Allen reported that a Finance Committee meeting was held February 3, 2015 and that sales tax revenues were up for the fifth month in a row.

JP Curry reported that a Transportation Committee meeting was held February 12, 2015 and that the 2016 Road Plan was presented

JP K. Harrison reported that a Legislative Committee meeting was held February 2, 2015.

PUBLIC COMMENTS:

None

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

Motion passed by unanimous show of hands.

OLD BUSINESS:

- (A) Third Reading of Proposed Ordinance Setting the Penalty for Delinquent Timber Taxes; Sponsor: JP Barry Moehring

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

JP Moehring made motion to adopt, seconded by JP Chiocco.

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

- 14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Leadabrand, Moore, Meyers, Moehring
- 1 Absent: Easley

Ordinance duly adopted and assigned **No. O-2015-05.**

- (B) Third Reading of Proposed Ordinance Amending Ordinance No. O-2014-24 to Set the Per Diem Compensation for Justices of the Peace Attending Meetings of the Quorum Court; Sponsor: JP Joel Jones

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

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

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

- 10 Yeas: Shadlow, K. Harrison, Adams, Jones, Sandlin, Chiocco, Curry, Leadabrand, Moore, Meyers
- 4 Against: J. Harrison, Allen, Anglin, Moehring
- 1 Absent: Easley

Ordinance duly adopted and assigned **No. O-2015-06.**

NEW BUSINESS:

- (A) Proposed Resolution Confirming the County Judge's Appointment of Marc Trollinger to the Benton County Rural Development Authority; Sponsor: JP Shirley Sandlin

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

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

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

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams,
Jones, Sandlin, Anglin, Chiocco, Curry, Leadabrand, Moore,
Meyers, Moehring
1 Absent: Easley

Resolution duly adopted and assigned **No. R-2015-01.**

(B) Proposed Resolution Declaring Emergency Medical Services to be a Professional Service; Sponsor: JP Tom Allen

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

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

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

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams,
Jones, Sandlin, Anglin, Chiocco, Curry, Leadabrand, Moore,
Meyers, Moehring
1 Absent: Easley

Resolution duly adopted and assigned **No. R-2015-02.**

(C) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (**2015 Benton County Budget**) to Appropriate Additional Monies and Authorize Additional Expenditures in Department 0400, Sheriff's Office, Fund 1000; Sponsor: JP Barry Moehring

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

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

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

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams,
Jones, Sandlin, Anglin, Chiocco, Curry, Leadabrand, Moore,
Meyers, Moehring
1 Absent: Easley

Appropriation Ordinance duly adopted and assigned **No. O-2015-07.**

- (D) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (**2015** Benton County Budget) to Appropriate Additional Monies and Authorize Additional Expenditures in Department 0411, District Court 3 – Siloam Springs, Fund 3035; 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 Sandlin.

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

- 14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams,
Jones, Sandlin, Anglin, Chiocco, Curry, Leadabrand, Moore,
Meyers, Moehring
- 1 Absent: Easley

Appropriation Ordinance duly adopted and assigned **No. O-2015-08.**

- (E) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (**2015** Benton County Budget) to Appropriate Additional Monies and Authorize Additional Expenditures in Department 0100, County Judge, Fund 3751; Sponsor: JP Barry Moehring

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

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

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

- 14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams,
Jones, Sandlin, Anglin, Chiocco, Curry, Leadabrand,
Moore, Meyers, Moehring
- 1 Absent: Easley

Appropriation Ordinance duly adopted and assigned **No. O-2015-09.**

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O- 2014-84 (**2015** Benton County Budget) to Appropriate Additional Monies and Authorize Additional Expenditures in Department 0100, County Judge, Fund 3752; 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 Shadlow.

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

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams,
Jones, Sandlin, Anglin, Chiocco, Curry, Leadabrand, Moore,
Meyers, Moehring
1 Absent: Easley

Appropriation Ordinance duly adopted and assigned **No. O-2015-10.**

(G) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O- 2014-84 (**2015** Benton County Budget) to Amend Schedule 1 – Revenues by Fund by Authorizing a Transfer from Department 0100, County Judge, Fund 1000, to Department 0200 Road, Fund 2000, and Authorizing Additional Expenditures Listed herein; Sponsor: JP Michelle Chiocco

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

JP Chiocco made motion to adopt, seconded by JP Shadlow.

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

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams,
Jones, Sandlin, Anglin, Chiocco, Curry, Leadabrand, Moore,
Meyers, Moehring
1 Absent: Easley

Appropriation Ordinance duly adopted and assigned **No. O-2015-11.**

(H) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (**2015** Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items, Dept 0500, Emergency Services, Fund 3602; Sponsor: JP Barry Moehring

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

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

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

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams,
Jones, Sandlin, Anglin, Chiocco, Curry, Leadabrand, Moore,
Meyers, Moehring
1 Absent: Easley

Appropriation Ordinance duly adopted and assigned **No. O-2015-12.**

- (I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Dept 0104, County Collector, Fund 1801 to Balance out the Year 2014; 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 Sandlin.

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

- 14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Leadabrand, Moore, Meyers, Moehring
- 1 Absent: Easley

Appropriation Ordinance duly adopted and assigned **No. O-2015-13.**

OTHER BUSINESS:

Lengthy discussion was held on the procedure to be followed to fill the vacancy in the Office of Benton County Assessor.

JP Allen made motion for purpose of recording to appoint JP Shirley Sandlin as point person to head up the process of replacing Glenn “Bear” Chaney as the County Assessor, and bring forward to the March 10, 2015 Committee of the Whole meeting, seconded by JP Jones.

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

- 13 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Anglin, Chiocco, Curry, Leadabrand, Moore, Meyers, Moehring
- 1 Abstain: Sandlin
- 1 Absent: Easley

Motion passed.

JP Moehring made motion to move the March Quorum Court meeting date from March 26, 2015 to Thursday, March 19, 2015 at 6:00 p.m., seconded by JP Shadlow

Motion passed by show of hands vote.

JP Allen announced that the Thursday, March 05, 2015 Finance Committee meeting has been rescheduled to be held Tuesday, March 03, 2015 at 6:00 p.m.

JP Anglin reported that Senate Bill 333 was scheduled to be voted on by the Senate this week.

County Attorney George Spence stated that Senate Bill 333 could expose the county to litigation, calling it, “The Lawyers Full Employment Act.” He stated that the bill was previously introduced in the 2013 Legislative Session, and if approved, might give property owners a cause of action against the county if the Planning Board denied their planned use of a piece of property, or if some other action of the county in some way “damaged” the value of their property .

Lengthy discussion was held on having County Attorney George Spence draft a series of questions or talking points to be used when contacting area legislators to persuade them to defer action on the bill.

ANNOUNCEMENTS:

JP Jones announced that a Public Safety/Justice Facility Committee meeting will be held on Monday, March 2, 2015 at 6:00 p.m.

ADJOURNMENT:

After motion and second, meeting adjourned at 7:58 p.m.

Respectfully submitted,

Tena O’Brien
County Clerk