

## MINUTES OF BENTON COUNTY QUORUM COURT

**July 28, 2016**

A regular meeting of the Benton County Quorum Court was held on Thursday, July 28, 2016 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 Bob Clinard called the meeting to order.

Deputy Clerk Betsy Harrell called roll as follows:

12 JPs Present: Sheridan, Shadlow, J. Harrison, K. Harrison, Adams, Sandlin,  
Anglin, Chiocco, Slinkard, Leadabrand, Meyers, Moehring  
3 JPs Absent: Allen, Jones, and Moore

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag and the opening prayer.

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

None.

### **MINUTES:**

JP Slinkard made motion to approve the minutes of the June 23, 2016 Quorum Court meeting as distributed, seconded by JP J. Harrison.

There being no discussion, a show of hands vote was recorded as follows:

12 Yeas: Sheridan, Shadlow, J. Harrison, K. Harrison, Adams, Sandlin, Anglin,  
Chiocco, Slinkard, Leadabrand, Meyers, Moehring  
3 Absent: \*Allen, Jones, \*Moore

Minutes approved as distributed.

### **ELECTED OFFICIALS REPORTS:**

None

## **COUNTY JUDGE'S REPORT/COUNTY PROPERTY DISPOSAL REPORT:**

County Judge Bob Clinard reported that:

- Great River Engineering is working on the rehabilitation design for the War Eagle Bridge project. The design is 100% complete and awaiting signatures from AHTD and the Federal Highway Department, and they hope to go to bid on August 15.
- The Benton County Historic Courthouse interior renovations per the Walton Foundation Grant are in progress. The relocation back to the courthouse for the Prosecuting Attorney's office is scheduled for September 19.
- The Benton County Jail Expansion project is underway and progressing on schedule and on budget.
- Perkowitz & Ruth/Cromwell/Dewberry has completed Phase I of the needs assessment study Benton County Justice Facility. Phase Two of the report will be discussed this evening and begin as soon as approval is received.
- We have a tentative plan for a committee to work with the design group to give input on the Phase 2 study, and more information will be presented later.

Comptroller Brenda Guenther presented the July Property Disposal Report, noting that most of the items were sold at the surplus auction.

## **COMMITTEE REPORTS:**

Comptroller Brenda Guenther presented the Finance Committee report for JP Allen, and stated that representatives from Stephens Inc. presented information regarding financing options for the new courts facility. She said that the courthouse renovations were also discussed, as well as Phase 2 of the courts facility. The sales tax report showed an 8% increase for the month of July, which is more than half a percent higher than last year.

JP Adams reported that the Transportation Committee met and discussed changes to the county's road sign program, and in the future will be working on setting a path to designate the roads as public or private. He added that they also discussed some updates to ordinances concerning the Road Department, which will be included in the first supplement to the Code of Ordinances.

\*JP Moore entered the meeting.

## **PUBLIC COMMENTS:**

None

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

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

13 Yeas: Sheridan, Shadlow, J. Harrison, K. Harrison, Adams, Sandlin, Anglin,  
Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring  
2 Absent: Allen, Jones

Motion to suspend the rules passed.

**OLD BUSINESS:**

(A) Second Reading of Proposed Ordinance Adopting by Reference Codification of the Ordinances of Benton County, Arkansas; Sponsor: JP Mary L. Slinkard

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

JP Slinkard made motion for the ordinance to be approved on second reading, seconded by JP Chiocco.

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

13 Yeas: Sheridan, Shadlow, J. Harrison, K. Harrison, Adams, Sandlin, Anglin,  
Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring  
2 Absent: Allen, Jones

Second reading passed.

**NEW BUSINESS:**

(A) Proposed Resolution Confirming the Re-appointment of J. Ashley Tucker to the Benton County Planning Board, Position No. 7; Sponsor: JP Jay Harrison

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

JP J. Harrison stated that is a reappointment to another 4-year term for Tucker.

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

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

13 Yeas: Sheridan, Shadlow, J. Harrison, K. Harrison, Adams, Sandlin, Anglin,  
Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring  
2 Absent: Allen, Jones

Resolution duly adopted and assigned **No. R-2016-34.**

- (B) Proposed Resolution Confirming the Appointment of Robert D. Bracy to the Benton County Planning Board, Position No. 1; Sponsor: JP Jay Harrison

County Attorney George Spence read the proposed resolution 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:

13 Yeas: Sheridan, Shadlow, J. Harrison, K. Harrison, Adams, Sandlin, Anglin,  
Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring  
2 Absent: Allen, Jones

Resolution duly adopted and assigned **No. R-2016-35.**

- (C) Proposed Resolution Confirming the Appointment of Terry L. Maienschein to the Benton County Planning Board, Position No. 5; Sponsor: JP Jay Harrison

County Attorney George Spence read the proposed resolution 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:

13 Yeas: Sheridan, Shadlow, J. Harrison, K. Harrison, Adams, Sandlin, Anglin,  
Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring  
2 Absent: Allen, Jones

Resolution duly adopted and assigned **No. R-2016-36.**

- (D) Proposed Resolution Authorizing the County Judge of Benton County to apply for a Grant on Behalf of the Northeast Benton County Volunteer Fire-EMS Department (NEBCO Fire-EMS); Sponsor: JP Tom Allen

County Attorney George Spence read the proposed resolution 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:

13 Yeas: Sheridan, Shadlow, J. Harrison, K. Harrison, Adams, Sandlin, Anglin,  
Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring  
2 Absent: Allen, Jones

Resolution duly adopted and assigned **No. O-2016-37.**

- (E) Proposed Appropriation Ordinance Amending Ordinance No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0108, Non-Dept. & Maintenance, Fund 4000; Sponsor: JP Jerry Sheridan

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

County Judge Bob Clinard stated Bentonville Mayor Bob McCaslin has respectfully requested that the Dave Peel Park site be removed from any consideration as a location for a new courts facility.

JP Sheridan made motion to amend the appropriation ordinance to delete the costs associated with the study of the Dave Peel Park site, seconded by JP Sandlin

JP J. Harrison asked if Mayor McCaslin has considered relocating the park. Judge Clinard stated that the mayor had no other comments about the location.

There being no further discussion, motion to amend the appropriation ordinance passed by unanimous voice vote.

\*JP Allen entered the meeting.

Judge Douglas Schrantz was recognized, and stated that he was in favor of the Dave Peel Park site because it is the only piece of land large enough to allow for future expansion. He stated that if they build the facility on locations 1 or 2, they could be facing a bigger price tag, leaving it to be built on a cheaper site on Highway 102, if at all. Judge Schrantz commented that the mayor and the City of Bentonville are going to have to determine what their priority is—do they want it downtown or not want it downtown?

JP Shadlow asked if the mayor has the final say. County Attorney George Spence stated that the Bentonville city council would have the final say.

JP Allen asked what harm there would be in not taking heed to the mayor's request.

Judge Clinard stated that they might spend more money on a site that has very little chance to pass city approval. He said he felt Mayor McCaslin's request was pretty clear.

JP Sandlin stated that it could be added back later, and she is in favor of moving forward.

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

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

Appropriation ordinance duly adopted and assigned **No. O-2016-26**.

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) to Amend Schedule 4 – Personnel and Compensation Authorization by Adding Positions and Deleting Positions; and Changing Job Title of Certain Positions in Various Fund and Departments; 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 Chiocco.

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

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

Appropriation ordinance duly adopted and assigned **No. O-2016-27**.

- (G) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items; Appropriating Additional Monies, and Authorizing Additional Expenditures in Various Funds and Departments; 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: Sheridan, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
- 1 Absent: Jones

Appropriation ordinance duly adopted and assigned **No. O-2016-28**.

- (H) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (**2016** Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0403, Circuit Court Division 4, Fund 1000; Sponsor: JP Joel Jones

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

JP Allen stated that this appropriation ordinance is to pay the expense of a part-time position for the remainder of the year, and the state will pick up the cost beginning next year, adding that this passed the Finance Committee and Committee of the Whole unanimously.

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

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

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

Appropriation ordinance duly adopted and assigned **No. O-2016-29**.

- (I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (**2016** Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0108, Non-Dept. & Maintenance, Fund 4000; Sponsor: JP Joel Jones

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

JP Allen commented that Nathan Smith recommended that these expenses be paid from county funds rather than the grant money.

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

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

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

Appropriation ordinance duly adopted and assigned **No. O-2016-30**.

- (J) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) to Amend Schedule 1 – Revenues by Fund by Authorizing a Transfer from County Collector, Fund 1801 to Collector’s Automation Fund, Fund 3001; and Authorizing a Transfer between Categories and Line Items; and Authorizing Additional Expenditures Listed Herein; 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 Slinkard.

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

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

Appropriation ordinance duly adopted and assigned **No. O-2016-31**.

(K) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and Authorizing the Appropriation of Additional Revenues and Expenditures in Departments 0400 & 0418, County Sheriff & Jail, Fund 1000; Sponsor: JP Joel Jones

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

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

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

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

Appropriation ordinance duly adopted and assigned **No. O-2016-32**.

(L) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0400 & 0418, County Sheriff & Jail, 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 Chiocco.

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

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

Appropriation ordinance duly adopted and assigned **No. O-2016-33**.

**OTHER BUSINESS:**

Judge Clinard presented a check for \$185,000 for the Septic System Grant, the purpose of which is to replace failing septic systems for people who cannot afford them. He said that the recipients would have to go through an application and approval process, which will be administered by the Benton County Unit of the State Health Department.

JP Moore suggested putting the information on the county's website.

Administrator of General Services John Sudduth stated that they work closely with the Arkansas Department of Environmental Quality, and this will be put to good use.

JP Anglin commented that she has discussed this with the Health Department, and was told that the people around the lake really need it, and that is whom they try to get to first.

JP Harrison suggested issuing a press release.

Judge Clinard stated that he recently attended a Joint Legislative Committee hearing, where one of the topics of discussion was the disposal of used tires. He said there are approximately 2.4 million tires per year to be disposed of in Arkansas, and they cannot be put in landfills. He said that they are beginning to burn more of them in industrial plants, and a new company, Sun Industries, has plans to burn up to a million tires per year. He said the issue is that there are no regulations for used tire dealers such as the ones in place for new tire dealers, but there are plans to address it in the next legislative session.

**ANNOUNCEMENTS:**

None

**ADJOURNMENT:**

After motion and second, the meeting adjourned at 6:48 p.m.

Respectfully submitted,

Tena O'Brien  
County Clerk

Prepared by: Keeshia M. DeShields