

Committee of Thirteen Report

February 09, 2010

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, February 09, 2010 at 6:00 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

Present: Wozniak, Wolf, Sandlin, Brown, Lewis, Hubbard, Moore, Allen, Douglas, Blaty, Winscott, Harrison, Stephenson

Others Present: Circuit Clerk Brenda DeShields, Sheriff Keith Ferguson, Circuit Judge Xollie Duncan, Circuit Judge Robin Green, Circuit Judge Doug Schrantz, Circuit Judge John Scott, Circuit Judge Jay Finch, Circuit Judge David Clinger, County Attorney George Spence, Comptroller Richard McComas, Director of Public Safety Greg Hines, Director of Public Services Chris Glass, Chief Deputy Don Townsend, Human Resources Manager Barbara Ludwig, Grants Administrator Kathy Bannister, JDC Director Dennis Cottrell, Juvenile Probation Director Petie Cobb

Media: Tabatha Hunter – Daily Record

JP Stephenson called the meeting to order at 6:00 p.m.

PUBLIC COMMENTS:

Sue Elverston commented on road conditions and thanked Greg Hines, Chris Glass, and George from the Road Department for all the work that had been done on Blue Jay road.

JP Winscott made motion to amend the agenda to move “Item” 7 above “Item” 6, seconded by JP Hubbard. Motion carried by voice vote.

JP Wolf made motion that all ordinances and resolutions be read by title only, seconded by JP Douglas.

Motion carried by voice vote.

Report on War Eagle and Fisher Ford Bridges – Garver Engineering

Director of Public Safety Greg Hines recognized Ron Petrie of Garver Engineering who reported on the War Eagle Bridge project and Fisher Ford Bridge.

Ron Petrie stated that they are ready to let bids on the War Eagle Bridge project, and that time is of essence as there is a very short window between the two major crafts fairs. He then reported on the two different design options for the War Eagle Bridge project, and the effects that each would have. He stated that in 2006, the estimated cost was approximately \$915,000 and that the newly developed plans and estimates are at \$1.2 million, which includes rebuilding the two approaches. He stated that there is a

significant cost of \$600,000 to completely remove and replace the approach spans, and if that part of the plan is deleted, they could still accomplish the task of prolonging the longevity of the bridge. He stated that the load capacity of seven tons for a two-axle truck would not be increased, and would not decrease even if the approach spans were not replaced. He added that if the spans were replaced they would double the load capacity to about 15 tons, but the bridge would still not be large enough for a fire truck to cross. He stated that as for the longevity, the approach spans would need to be replaced in approximately ten years. He added with the spans excluded, the plans call for painting the bridge, replacing the wood decking on the entire bridge, and improving the deficiencies of the steel structure. Discussion was held on the needed repairs and the longevity of the bridge.

Comptroller Richard McComas stated that if the approaches were to be done the cost to the county would be around \$740,000 and without the approaches the cost would be approximately \$180,000. He stated that we have a balance of \$521,000 available from grant funds that were received from the state and dedicated to the War Eagle Bridge project.

Further discussion was held on the War Eagle Bridge and the procedures to let bids on the project.

JP Allen made motion to let bids for the War Eagle Bridge work for bridge work, excluding the bridge approaches, and forward to the February 18, 2010 Quorum Court agenda, seconded by JP Wozniak

Motion approved by unanimous voice vote.

Greg Hines reported that he had contacted the Arkansas Highway Department and requested a re-inspection of the Fisher Ford Bridge, either at the State's cost or at minimal cost to the county. He explained that this would give us some idea on what would be involved in repairing the bridge in its existing form, and reopening it to a 3-ton load limit. He also reported that he had received word from the Arkansas Highway Department, that no additional deficiencies from their previous report dated April 2, 2002 were reported from the most recent inspection. He said that in 2002, Ron Petrie had presented a report on reopening the Fisher Ford Bridge in its existing condition, and at that time, the repair work necessary to reopen the bridge was estimated at approximately \$230,000. He added that Garver Engineering is not presently employed by the county, but that Ron Petrie has been gracious to be here and help us work through this process. He stated that at any point forward in the process, or if there is any action to be taken, that he would request an appropriation ordinance to employ Garver Engineering services to formulate any plans and to answer questions.

JP Moore asked if Garver Engineering could re-visit and inspect the bridge to look for any changes, and bring the 2002 estimates up to the 2010 level, since Garver Engineering did the previous estimate.

Ron Petrie stated that it would not require a re-inspection since the State had done the inspection. He stated that Garver Engineering would update the information from 2002, using the correct solutions to the deficiencies and get new costs, which he expects will have at least doubled since 2002. He stated that there are varied levels of work to be done to the bridge with the deficiencies listed, to get the bridge back to the condition it was in before it was closed, with a 3-ton load limit.

JP Stephenson asked what the anticipated cost of the services would be. Ron Petrie stated he would recommend doing the work on an hourly basis, for a cost of approximately \$4,000. He added that a proportion of the costs would be paid to a contractor for his time, evaluation, and costs.

JP Moore made motion to forward an appropriation ordinance, the amount not to exceed \$5,000 for engineering studies on Fisher Ford Bridge, to the February 18, 2010 Quorum Court agenda, seconded by JP Hubbard.

Motion passed by unanimous voice vote.

Ron Petrie stated that Garver Engineering would have the report ready in the next four weeks. JP Moore asked that the report then be presented to the Long Range Planning/Real Estate and Buildings Committee.

Resolution Request: Application for Continuance of SAMHSA Grant: Sponsor: JP Kurt Moore

JP Moore stated that this request is to apply for the SAMHSA grant, which is a non-competing continuation Substance Abuse and Mental Health Services Administration grant. He stated that it requires no county money.

JP Moore then made motion to forward this proposed resolution to the February 18, 2010 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

Appropriation Ordinance Request: Amending Schedule 4 – Reorganization and Additional Personnel: Sponsor: JP Marge Wolf

JP Moore explained that this proposed appropriation ordinance is needed to make the necessary adjustments to “*Schedule 4*” of the 2010 Benton County Budget, due to reorganization and additional personnel requests in the different departments. JP Moore then made motion to place this proposed appropriation ordinance on the February 18, 2010, Quorum Court agenda, seconded by JP Allen.

JP Wolf gave a brief description of the positions and reorganizations being requested.

Motion passed by unanimous voice vote.

Appropriation Ordinance Request: Salaries for Additional Personnel: Sponsor: JP Kurt Moore

JP Moore made motion to forward this proposed appropriation ordinance, which is for additional funds and personnel changes to the February 18, 2010, Quorum Court agenda, seconded by JP Wolf.

Motion passed by unanimous voice vote.

Appropriation Ordinance Request: 2010 Budget Adjustments: Sponsor: JP Kurt Moore

Richard McComas explained the changes that need to be made in the different funds and departments.

JP Moore made motion to place this proposed appropriation ordinance on the February 18, 2010 Quorum Court agenda, seconded by JP Sandlin.

Item “7” moved for discussion above “Item” 6.

Motion to Suspend Current Building Program and Funding:

JP Hubbard stated that he wanted to clarify something that had come out the Long Range Planning/Real Estate and Buildings Committee meeting. He stated he knew of no reason to believe that County Judge Dave Bisbee has done anything illegal or broken any laws, and he wanted to make that clear. He stated the reason for this motion is that he does not have any confidence in the County Judge’s building plan and projected costs at this time.

JP Hubbard made motion to suspend the building program and stop all funding of the building program until after the ongoing investigation is completed.

County Attorney George Spence stated that certain items were excepted from the motion made at the Long Range Planning/Real Estate & Buildings Committee meeting, including the Center for Nonprofits, the jail barracks, and going forward with the Juvenile Detention Center architect plans. JP Hubbard stated that the JDC architect plans were not excepted. County Attorney George Spence stated that it was his understanding from the meeting, and asked if any of these were to be included in JP Hubbard's motion. JP Hubbard stated that the move to the Center for Nonprofits and the jail barracks is not part of the building plan and that they have been approved. He stated that what he is proposing, is a halt to anything else coming out of the Long Range Planning/Real Estate & Buildings Committee. He added that after the motion was passed, the committee went on for two and half hours discussing the plan. Further lengthy discussion was held on the motion.

JP Hubbard repeated his motion to suspend the building program and stop all funding on the building program until after the ongoing investigation is completed, seconded by JP Brown.

Lengthy discussion was held on possible plans for the Juvenile Detention Center and the vacated Health Department building.

JP Moore stated that the way to proceed is for the Long Range Planning/Real Estate & Buildings Committee to refuse to forward anything out of its committee until they have agreed and are satisfied with the numbers that are being given to them. He added that if we just follow the committee process and wait until the Long Range Planning/Real Estate & Buildings Committee gives us a recommendation that would accomplish everything that JP Hubbard is asking for.

JP Allen stated that he disagreed with tying the building plan suspension to the investigation and did not see what the investigation has to do with the building plan. He added that the building plan is serious and that he does not think that they should just quit doing business just because there is an investigation. He stated that they should continue, let the committees go back to work and then give some concrete directions to the County Judge.

JP Douglas stated that he agreed with JP Hubbard on the building plan in that they got the cart before the horse. He added that there are so many of the pieces of the puzzle that they are not seeing; for example, they voted to move the Health Department to the Center For Nonprofits, but have not voted to move the Juvenile Detention Center to the current Health Department building. He added they have a \$300,000 request for architectural fees, and that the construction costs for the Juvenile Detention Center has gone from an estimated \$3.2 million to \$4.5 million. He said in order to relocate the Juvenile Detention Center to the current Health Department, the Road Department barn will need to be torn down and they do not know what that cost will be. He stated that after reviewing the architect's drawings for the Juvenile Detention Center at the current Health Building, he noticed that the Cooperative Extension Service would also need to be re-located, because that space is shown as judge's chambers. He stated that we need to put all of the pieces of this puzzle on the table, and that suspension of the building plan does not need to be until the investigation of the judge is complete; it needs to be until they have a sound plan.

Further discussion was held on the committee process, procedures, and recommendations made to the committees.

JP Hubbard again repeated his motion to suspend the building program and stop all funding on the building program until after the ongoing investigation is completed.

JP Sandlin asked JP Hubbard if he would consider a friendly amendment to his motion. JP Hubbard stated that he wanted to leave the motion as is, to vote on it and even if it does not pass, they have at least had a good discussion.

Motion failed by voice vote: 3 for: Brown, Lewis, Hubbard
10 against: Wozniak, Wolf, Sandlin, Moore, Allen, Douglas, Blaty,
Winscott, Harrison, Stephenson

Appropriation Ordinance Request: Architect's Fees for JDC, Minimum-Security Barracks, Road Department and Other Building Plans: Sponsor: JP Kurt Moore

JP Moore stated that his recommendation is to amend the proposed appropriation ordinance request to proceed with the architectural fees for the county jail addition only.

JP Moore then made motion to amend the proposed appropriation ordinance request to include only the architectural fees for the county jail addition, Fund 440, Department 67, in the amount \$115,400, and to delete all other architectural fees from the draft appropriation ordinance, seconded by JP Douglas.

Further discussion was held on the request for the architect's fees and other building plans.

Motion to amend, passed by unanimous voice vote.

JP Wolf made motion to forward the amended appropriation ordinance request for architectural fees of \$115,400 for the county jail barracks addition to the February 18, 2010 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

JP Stephenson stated that when it comes to the division of the Quorum Court and the office of the County Judge, we cannot tell him what to do in his areas, as he cannot tell the Quorum Court what to do in its area. He stated that the absolute and final control, the ultimate control factor that the Quorum Court has is the money, and their actions tonight show that the money is back under control, and how it is processed, is up to the Quorum Court.

OTHER BUSINESS:

JP Winscott stated that he would like to remind the court that the next Quorum Court meeting has been moved up one week to February 18, 2010 at 6:00 p.m.

JP Hubbard stated that he would like to encourage the Circuit Judges to attend the next Long Range Planning/Real Estate & Buildings Committee meeting.

JP Allen stated that he would like to recognize Circuit Judge Jay Finch. Circuit Judge Finch stated that the process of where his court will be, and where the JDC will be, and how it will function, is central to what he does. He added that what the Quorum Court does with regard to that is central to his being able to plan or know what to do. He stated that he had long been under the impression that the Quorum Court had accepted the idea that the Juvenile Court needed to be where the JDC was, and that where the JDC is located will dictate where the Juvenile Court will be. He added that the confusion and frustration that he has heard tonight is shared, and that he does not understand how the Quorum Court got to where

they are. He stated as he understands it, the Committee of Thirteen has sent the planning back to the Long Range Planning Real Estate & Buildings Committee, but did not authorize the expenditure of any money in order to assess whatever the plans or costs may be. He stated that no matter who proposes the plan, it will always be a ballpark estimate. He added that if the Quorum Court is moving forward in good faith, then they should at least give some consideration as to how the Long Range Planning Committee is ever going to bring a recommendation back to them that is grounded in some kind of reality, so that they can have some confidence that they can vote on something that is doable.

JP Hubbard stated that money has been appropriated for an architect for the JDC and that budget figures have been presented from the architect. He stated that we have three different sets of prints on the Juvenile Detention Center and budget numbers have been prepared, and that the committee will be able to make a decision.

JP Winscott stated that the Long Range Planning/Real Estate & Buildings Committee is committed to do a facility for the JDC, keeping the court, probation officers, and the hardened facility all in one complex. JP Moore stated that after the decision to move the Health Department to the Center for Nonprofits, we have never had a formal recommendation to put the JDC in the former Health Department building. He added that until we get a formal recommendation to that effect, it would not be prudent or wise to spend money to do engineering studies. Judge Finch stated unless they have an architect, they can never get to a solid number.

JP Moore stated that the Finance Committee will not accept anything on its agenda on engineering study fees on any JDC complex, until it is recommended by the Long Range Planning/Real Estate & Buildings committee.

ANNOUNCEMENT

None

PUBLIC COMMENTS:

None

ADJOURNMENT:

Upon motion and second the meeting adjourned at 7:28 p.m.