

November 19, 2009

## ENVIRONMENTAL COMMITTEE REPORT

An Environmental Committee meeting was held on Thursday, November 19, 2009 at 5:00 p.m. in the County Administration Building, Quorum Court Meeting Room, 215 East Central, Bentonville, Arkansas

Committee Members Present: Wozniak, Lewis, Hubbard, Douglas, Blaty.

Others Present: JPs Sandlin and Allen, County Judge David Bisbee, Director of Public Service Chris Glass, Director of Public Safety Greg Hines

Media: Tabatha Hunter - Morning News

JP Wozniak called the meeting to order at 5:00 p.m.

### **PUBLIC COMMENTS:**

None

### **Reverse 9-1-1**

JP Wozniak stated that the purpose of this meeting is to consider a Reverse 9-1-1 system in Benton County. He said that Jay Burchfield of Cooper Notification Systems is present, representing one of the companies that Department of Emergency Management Coordinator Marshall Watson has thoroughly researched. He said that the cost for the first year will be approximately \$100,000 for 150,000 minutes, with a subsequent cost of approximately \$20,000 per year for the same number of minutes. He said that they previously discussed allowing the cities to participate in the system for a share of the cost based on their use of the system.

JP Wozniak stated that all citizens of the county pay taxes, and at this point in time, the county does not have any type of emergency notification system in place. He noted several instances in the county's recent history in which such a system would have been helpful.

Jay Burchfield gave a brief presentation summarizing the capabilities of the system. He noted that one difference in their systems and others on the market is that they have direct connectivity and partnerships with several of the major wireless carriers, including AT&T, Verizon, and Nextel, which allows bypass of their spam and volume filters.

He noted the ability of the system to track delivery of and response to the message, which would allow the appropriate agency to determine if additional assistance is needed before, during, or after an emergency. He also noted that their system currently serves some of the most critical infrastructure areas in the country, including Washington D.C., Philadelphia, New Orleans, San Francisco, and they have a capacity that no other vendor can beat. He listed several capabilities of the system other than severe weather alerts, such as crime alerts, Amber Alerts, school closings, and also to organize agencies for any type of event.

He said that once the system is purchased, a Project Manager would be assigned to configure the system to be compatible with the county's technological infrastructure to prevent it from being overloaded. He said it can also be customized to mimic the county's hierarchy, from a few county administrators down through individual cities, which would enable cities to have their own emergency notification system within the county's system.

JP Wozniak pointed out that this system automatically includes everyone in the weather alert notification, whereas other vendors had required enrollment in that component.

JP Douglas asked if people can opt out of the system, because people might not want to get phone calls in the middle of the night, and explained that he had a weather radio that he eventually unplugged because he does not care about thunderstorms. Jay Burchfield stated that the system allows each individual to customize which warnings they want to receive, on which device they want to receive it during specific hours of the day, adding that individuals (end users) can opt out at anytime.

JP Hubbard asked how much it will cost in subsequent years. JP Wozniak stated that the major discussion has been for the county to purchase the system and cover everyone's costs the first year, then during the second year, each city that wanted to opt in would be asked to pay for their usage based on their percentage of the total county population. JP Wozniak stated that there is grant money available to cover the entire \$100,000 for the first year.

JP Hubbard stated that it is his understanding that this grant could also be used for court security. Director of Public Services Chris Glass stated that they have spent \$65,000 in other grant funds on security on cameras and accompanying software. He said there is a safety committee that is looking for funds to purchase x-ray type scanners for other buildings, and explained that there are two years of grant funds that can be combined, due to the significant delays in implementing them. He said they now have a total of over \$300,000 available for programs such as building security, Reverse 9-1-1, and radio systems to bring them into 2013 compliance.

JP Lewis asked if it would take any taxpayer money to match the funds for this grant. JP Wozniak stated none. JP Lewis asked if a storm is located in one corner of the county, and not tracking in her direction, will people be able to manage the system so that they will not be alerted.

Jay Burchfield stated absolutely, because the weather component is interoperable with the National Weather System polygon alerts, and only individuals within that polygon will receive the alerts. JP Wozniak stated that alerts of any type can be narrowed down to only the people affected.

Jay Burchfield further explained how alerts can be narrowed down to people with certain skills, such as CPR, or who speak specific languages.

JP Wozniak stated that all of the major dispatch centers will have access to the system in their areas, so that they can send out alerts unique to that area.

JP Lewis asked at what point it would become taxpayer money for people in the county. JP Wozniak stated that it would be in the second year, \$20,000 for the same exact system, unless another grant should become available, but part of that will be charged to the cities that opt in. JP Lewis asked what happens if the cities do not want to opt in. JP Wozniak said it would be whatever is left, if the county elects to do it the second year, or however long they want, and repeated that there may be grants available to cover that cost. JP Lewis stated that she has received numerous emails from taxpayers who feel their dollars should go for other things. JP Wozniak asked if those people know exactly what the system is capable of doing. JP Lewis stated that one man in particular who repeatedly sent her numerous emails feels that if the cities want it, they should purchase it, but does not feel the county should pay for it. She said she has received literally 100 emails from people out in the county who say they do not want this, which is why she is asking these questions.

JP Douglas asked why a city would want to opt in if the county is already paying for the entire county. JP Wozniak stated that would only be for the first year, and the cities would have to either opt in and pay a portion of the \$20,000, or be excluded from the notifications.

JP Douglas cited the Centerton tornado that occurred several years ago, and said if it had been two or three hours later at night when people were sleeping, there would have been several deaths, and this system would prevent that.

JP Douglas made motion to forward the RSAN system proposal to the next Finance Committee meeting, seconded by JP Hubbard.

JP Lewis said if Rogers opts out, the county is still footing the \$20,000 bill. JP Wozniak stated that the bill for the second year is \$20,000 for the same amount of minutes, regardless of who opts in or out.

Jay Burchfield stated that they have not had a customer yet who has exceeded their allotted amount of calls, and that most alert calls are no longer than 15 seconds.

JP Hubbard asked if several cities decide they do not want it, and the county has trouble paying for it in the future, could they charge individuals to sign up to use it. JP Sandlin stated technically it would be possible. JP Wozniak pointed out that \$20,000 for 70,000 people is not much money, especially for the potential of what this system can do.

JP Burchfield stated that he would like to address some of the skepticism about the reliability of the system and how much it would be used. He said in the last 9 years they have had over 250 deployments nationwide, and have a 100% customer retention rate.

Motion passed by unanimous consent.

### **Septic System Ordinance – JP Hubbard**

JP Hubbard stated that the county has often referred to state law when adopting regulations, and he proposed doing the same thing in regards to septic systems.

He said if state regulations say that if the sewer line is more than 100 feet from the property line and the property is greater than 10 acres, then the property owner is exempt from getting a permit from the State Health Department. He said that Ordinance O-2000-03 adopted under County Judge Cary Anderson basically did away with any exemptions for septic tanks. He said this hinders a lot of the people in the rural area, and the ordinance was adopted during rapid development, which he interprets to mean densely populated areas. He said that conflicts with a 10-acre lot.

He said he pulled up the State Plumbing Code, and said that chart indicates the population density of a 10-acre lot does not justify public sewerage. He said that the state's guidelines exceed the Plumbing code, and he asked for opinions from the committee.

He said his personal thought is that they should repeal the Benton County ordinance and adopt state code as the minimums, and that he has talked to a lot of Designated Representatives that work for the Arkansas Health Department and do soil analogy and design sewer systems. He said that there are three counties in the state that are more stringent than the state's codes, and those are Benton, Washington, and Pulaski. He said that the DRs told him that they still do a lot of work in Madison County on large parcels, and make recommendations on how many feet of lateral lines should be installed—for example, a 3-bedroom house needs 300 to 350 feet depending on the soil, yet people in Madison County do not have to pull permits or follow inspections.

He said this would help a lot of farmers that have equipment and the knowledge to do this to save a lot of money.

JP Wozniak asked what he is proposing to change.

JP Hubbard stated that he wants to do away with the county's ordinance and just adopt the state's minimum requirements—if you own more than 10 acres, you do not have to obtain a permit from the Health Department to install a septic system.

Director of Public Services Chris Glass stated that 10 acres is inherently sub dividable into 5-acre parcels without any approval being required at all through planning or the clerk's office or otherwise. He said when they are dealing with the 10-acre rule, and he is just offering this for thought, then the septic should have to meet the requirements of land under 10 acres. He said the other thing to think

about, if there are no minimum setbacks, he would like them to consider the development around Beaver Lake. He said if the septic systems are at the take line, he thinks it will cause considerable consternation. He said that Washington and Benton Counties have been a little more stringent, and perhaps it is because of Beaver Lake. He said he would have to look back at previous meetings from the time this ordinance was adopted.

JP Wozniak asked how many structures per 10-acre plot can be exempted. JP Hubbard stated that if it is kept as one 10-acre parcel, as long as you stay 200 feet (or 100 feet, he would have to check to make sure) then it is exempt. JP Wozniak questioned if you could build 30 houses on the 10 acres and still be in compliance. JP Hubbard stated that the Plumbing Code addresses that. JP Wozniak stated that it only addresses public sewerage, and they are talking about private septic systems.

JP Hubbard noted that a lot of finance and mortgage companies ask for septic tank inspections, and without permits being filed, they do not know what the system looks like. He said it looks like they have made a big step here, and the state obviously has their reasons for saying more than 10 acres, and they are not thinking that it is an environmental impact. He said the county's previous exemption was for 40-acres before the ordinance was adopted allowing no exemptions. He said that it would help the rural areas that have large pieces of land, and the equipment to do it, to save some expenses.

He said as far as Beaver Lake is concerned, if you are 200 feet from the property line, you are way more than 200 feet from the lake, because he believes the Corps of Engineers owns 100 feet of shoreline.

Director of Public Safety Greg Hines stated that the take line goes from nothing to a whole lot in various places. County Judge David Bisbee stated that the take line in front of his house is about 20 feet underwater right now, and it might be 200 to 300 feet on top of a hill.

JP Hubbard stated if the lake was the reason for adopting the ordinance, it would seem that all of the counties would have adopted one, since only a small portion of Beaver Lake is in Benton County. County Judge David Bisbee stated that Benton County contains approximately 95% of the shoreline on Beaver Lake, with only a tiny portion in Carroll County. He said other counties contain a large portion of the watershed, but not the shoreline.

County Judge David Bisbee stated that it has been his experience in building houses, that it does not matter if the lot is 100-foot by 100-foot lot or 20 acres, people want their houses as close to the lake as possible. He said the nature of the lake is that septic is going to be between the lake and the house, and it is always downhill to the lake. He said he appreciates what JP Hubbard is trying to do for the agricultural part of the county, but he is hesitant on the watershed part of the county. He recommended including a caveat that inspections be required if the system is 200 to 300 feet from the lake.

JP Hubbard stated that what we mostly deal with in the county is large parcels of land, and they are being very stringent on these guys when the state is not even considering them. He said it has been the practice of the court on other issues to adopt state minimums.

JP Douglas stated that it bears some consideration, and there are some concerns about the lake and watershed. He said that if you want to put a septic in the middle of a 350-acre farm in Maysville you have to go through all this process, which would not change anything. He said it would certainly help people get some better systems in, and he thinks when they have problems with them they just put up with them rather than going through with the extra cost.

JP Hubbard stated that he is not looking for a motion; he just wanted them to have some things to think about. JP Sandlin stated that a lot of areas in the county a 10-acre exemption would be fine, but she has seen several areas where people did it themselves with 50-gallon barrels, and that is not something she would recommend. She added that people have done that because no inspection was required.

JP Hubbard stated that it is part of the building permit process in the county, and he will get with the Planner to see if there are some areas that they could isolate.

JP Wozniak stated that they should keep the limitations near lakes and streams.

JP Hubbard stated that they may just need to adopt greater minimums for those areas, such as exempting 30-acre tracts and requiring 500-foot limits to the shorelines.

JP Douglas asked for an update on the Convenience Centers. Chris Glass stated that they are doing exactly what they hoped, and they have had decent traffic coming through. He said that the hours are going to change, to 8:00 a.m. to 12:00 p.m., or until all of the dumpsters are full, will be open every Saturday, except following holidays.

JP Douglas stated that he has spoken with representatives from the Solid Waste District, and they are very interested in working with the county on convenience centers at other sites around the county. He suggested that the two groups could work together and provide better service than one entity can individually. Chris Glass stated that they are working together, and they are still working on questions such as how many tires they can afford to accept, and if the Solid Waste District can handle hazardous waste for the county.

He said that they will have a learning curve to go through, because it is based on convenience for the county's citizens. He said it is not like the clean up events, and they were not supposed to have to help unload items from trailers, and someone has to monitor the gates. He said that the Road Department employee has to operate the grapple to pick up large items and put them into the dumpster. He said they have some labor from the Sheriff's office, but they cannot count on it every week. He said so far, the cost is running approximately \$1,000 in terms of dumpster hauls per week. He said there is \$30,000 in the budget, but if you look at it as a graph, the numbers will start out high and then taper down. He said at that point, they will have a better idea of what it is going to cost. He also noted that in the next year, they are planning on opening up two more centers, and by then they hope to have a decent study model available so they can estimate exact costs.

JP Douglas stated that he is hoping that the county resources and the Solid Waste District's resources are not being duplicated and that they are working together for the good of the citizens, and getting the best bang for the tax dollars being spent.

Chris Glass stated that he has distributed information concerning household hazardous waste, and there are three different centers available for disposal of these items. He said they are passing out this information to people who are coming into the convenience centers. He said that the fees are already paid through the cooperative agreement that stood up the Solid Waste District to begin with. He noted all of the difficulties and expense that they could encounter with instituting hazardous waste disposal at the convenience centers.

## **Adjournment**

Meeting adjourned at 5:51 p.m.