

MINUTES OF BENTON COUNTY QUORUM COURT

January 22, 2009

A regular meeting of the Benton County Quorum Court was held on Thursday, January 22, 2009 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 David Bisbee called the meeting to order.

Deputy Clerk Betsy Harrell called roll as follows:

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

A legal quorum was present.

JP Wolf made motion to suspend the rules and read all ordinances by title only, seconded by JP Winscott.

Motion passed by unanimous voice vote.

The presiding officer led the pledge of allegiance to the flag. Prayer was led by Jeff Odom, Word of Life Fellowship.

A moment of silence was held in support of the men and women serving in the United States Armed Forces.

MINUTES:

JP Wolf made motion to approve the Minutes of the December 9, 2008 special meeting as distributed, seconded by JP Wozniak.

Motion to approve the Minutes carried by unanimous voice vote.

JP Wolf made motion to approve the Minutes of the December 16, 2008 regular meeting as distributed, seconded by JP Stephenson.

Motion to approve the Minutes carried by unanimous voice vote.

JP Wolf made motion to approve the Minutes of the January 5, 2009 Quorum Court organizational meeting as distributed, seconded by JP Stephenson.

Motion to approve the Minutes carried by unanimous voice vote.

County Judge David Bisbee requested that the agenda be amended to include a "State of the County" address by the County Judge, immediately preceding Old Business. JP Stephenson made motion of same, seconded by JP Wolf.

Motion carried by unanimous voice vote.

COUNTY JUDGE'S REPORT:

County Judge Dave Bisbee reported that Benton County has received correspondence from Randy Young, Executive Director of Arkansas Natural Resources Commission. Executive Secretary Rosemary Goines read the correspondence outlining the water agreement signed by the Governors of Missouri and Arkansas. County Judge Dave Bisbee stated that he had received a copy of a resolution from Washington County thanking Benton County Quorum Court for helping fund the administrative assistant position for the HIV clinic.

Judge Bisbee reported that Tim Sorey has resigned from the Planning Board due to state law that does not allow someone to serve on a board and also do business with the county. Bisbee related how he appreciated all of his hard work. He said that Mark Grey has also resigned from the Planning Board, due to personal reasons. He said that he welcomes input on persons to fill the two positions.

Judge Bisbee reported that the NWA Regional Mobility Authority (RMA) met and held a very lengthy, detailed discussion concerning road projects in Benton County, such as the Bella Vista Bypass, the Highway 412 Bypass for Springdale, and an eastern corridor down Old Wire Road on the east side of major cities. He said that the RMA unanimously passed a motion to send a resolution to the Highway Commission stating that if Arkansas receives any of the stimulus money from the federal government, they would like to see it dedicated to the Bella Vista Bypass. He explained that the RMA will have the authority to call an election of the people of Benton County and Washington Counties to vote on making the Bella Vista Bypass a toll road. He said the toll proceeds combined with the stimulus money should produce approximately \$240 million, and the State of Missouri has \$70 million reserved for their portion of the project. He said that every mayor in both counties, along with the Washington County Judge, approved and supported the project.

ELECTED OFFICIALS REPORT:

Sheriff Keith Ferguson handed out the year-end report for 2008 and explained the breakdown of the figures for the Field Division, CID Division, and the County Jail, and detailed reports of the types of crimes handled in 2008. He reported that 10,917 inmates were booked into the Benton County Jail in 2008, which was an increase of 640 inmates from 2007. Sheriff Keith Ferguson stated that there was a 67% return rate of repeat offenders in the jail and that the cost of serving meals was about \$500,000, adding that they are still serving cold meals. Sheriff Keith Ferguson commended his staff on the hard work they have done, and said he would try to turn in a report each quarter.

Assessor Bill Moutray introduced himself and stated that he had no report this evening.

County Corner Daniel Oxford was introduced, and stated that he too wanted to brag on his staff, that they were moving forward in a very positive way in relationship with law enforcement. He reported that Benton County has partnered with NWA Crisis Center.

Judge Bisbee stated that currently the county does not have a solid policy regarding unclaimed bodies. He said that at the present time it is handled by his office through court order, but that the Coroner and County Attorney George Spence are working on drafting an ordinance to lay out a procedure to take care of the problem. He added that part of the policy will be to cremate all unclaimed bodies.

County Judge Dave Bisbee stated that he is required by ordinance to submit a County Road Plan, which has been distributed to all members of the Quorum Court. He outlined the contents of the report and stated that they are going to begin contracting asphalt and chip and seal projects and concentrate on building solid roadbeds. Judge Bisbee addressed annexations, noting the amount of

county roads lost to annexation in 2008 only totaled 12.37 miles, and 2.78 miles of half/road. He added that as County Judge, he will not allow anymore annexations which only take the road to the middle. He said there is a popular misconception that as the county shrinks due to annexations, its funding needs also shrink because there are fewer county roads to maintain. He explained that at the current rate, in 100 years they will not need any more money, because they lost a little less than 1% of county roads to annexation in 2008.

JP Moore asked if there are any plans to repair or reopen the bridge on Colonel Myers Road or Fisher Ford Road. Road Superintendent Dennis Greenlee stated not at this time, but that might be something that they want to look at again.

COMMITTEE REPORTS:

JP Wolf reported that the Personnel Committee met earlier in the day at 4:00 p.m., to address several issues which have been forwarded to the Finance Committee and Committee of Thirteen.

JP Moore reported that the Finance Committee met on January 6, 2009, and the items discussed were forwarded to the Committee of Thirteen, and several are on tonight's agenda.

Health Department Director Loy Bailey updated the Quorum Court on the Siloam Springs Health Department facility, stating that they hope to complete the renovations and be open to the public within the next few months. Judge Bisbee stated that he is going to take bids on the project and will report to the Quorum Court when he has firm estimates of the final cost.

PUBLIC COMMENTS:

Roger Gibson asked the Quorum Court to move very slowly in considering a county animal shelter due to the extraordinary costs involved.

Tony Miltich, Vice-president of ABLE, offered the organization's assistance in making Benton County a place of great pride by protecting Beaver Lake, and stated the need for a county land use plan.

Don Day stated that he is currently residing in Madison County, but still owns commercial and residential property in Benton County which would have become worthless if the Watershed Ordinance had been adopted several years ago. He commended the Quorum Court for allowing speakers to have five minutes for their comments.

Sue Elverston commented on the condition of Blue Jay Road, stating that the graders are not being operated properly.

James Gately commented on the need for a storm water ordinance and a county land use plan, noting that they should not settle for minimum standards when dealing with water quality. He voiced objection regarding the hiring of Chris Glass to supervise the Planning Department, stating that there should have been an interview process, and urged open and transparent government.

Mandy Keenan, founder of Northwest Arkansas Animal Rescue, stated that the organization has offered a low-cost spaying/neutering clinic for the past 5 years, and offered cooperation with the county to expand the program.

STATE OF THE COUNTY: COUNTY JUDGE DAVID BISBEE

County Judge David Bisbee addressed the court on a number of topics including: 1) the presence of large industries in the county; 2) the role of agriculture in the county's economy, noting that it is the

largest industry in the county and that Benton County is the largest agricultural county in Arkansas ; 3) the quality of people involved in the early development of the county; 4) the county's primary responsibility to protect its people and its environment; and 5) providing basic government services. Judge Bisbee shared his vision for the county in several areas, including: 1) the Road Department maintenance shop, noting that the county is behind on building needs; 2) a court facility near the County Jail, which will also require an access road to the site, because his number one priority is to get inmates away from the downtown Bentonville area, due to the opening of Crystal Bridges, and security issues; 3) ways to address the problem of stray animals in the county, noting that the county is currently spending between \$80,000 and \$100,000 just for housing the animals; 4) expansion of the County's Work Program; 5) enabling of law enforcement, including the Juvenile Probation Department, although he stated that he will try to keep Benton County out of the "parent business"; 6) building county roads in order to serve the county's largest industry.

Judge Bisbee stated that the number one problem in addressing all of these needs is money, noting that of the \$38 million of the total budget, \$16 million went to the Sheriff's Department, and \$10 million went to the Road Department. Judge Bisbee stated that in 2003, 34% of the county's income came from property tax, and by 2008, that percentage had increased to 54%. He said that in the same time period, the percentage of income from sales tax decreased from 41% to 27%, and it will be further reduced by approximately one-fourth due to the 2010 census, resulting in a loss of approximately \$3 million.

Judge Bisbee stated that they will have to think creatively while still being financially responsible, and that the people who came before them have laid a good foundation. He said that Benton and Washington Counties are continuing a small rate of growth even in the recession. He encouraged the court to remain flexible when considering new ideas, and to be open to change if they decide later that the idea is not a good one. He said that is willing to do whatever it takes to move the county forward.

OLD BUSINESS:

None

NEW BUSINESS:

- (A) Proposed Resolution Authorizing the County Judge of Benton County to Apply for a Safe Havens Supervised Visitation and Safe Exchange Grant From the United States Department of Justice, Office of Violence Against Women; Sponsor: JP Kurt Moore

Deputy Clerk Betsy Harrell read the proposed Resolution by title only. JP Moore made motion for approval, seconded by JP Winscott.

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

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

Resolution duly adopted and assigned **No. R-2009-01.**

- (B) Appropriation Ordinance Amending Appropriation Ordinance No. O-2007-30 (**2008** Benton County Budget) Appropriating Additional Monies And Authorizing Additional Expenditures In **Various Funds And Departments**; And to Amend *Schedule 1 – Revenues By Fund* in the 2008 Benton County Budget, By Increasing the Amount of the County General Transfer to Drug Court, **Fund 460**; Sponsor: JP Kurt Moore

Deputy Clerk Betsy Harrell read the proposed appropriation ordinance by title only. JP Moore made motion to adopt, seconded by JP Stephenson.

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

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

Appropriation Ordinance duly adopted and assigned **No. O-2009-01.**

- (C) Proposed Ordinance to Set the Per Diem Compensation for Justices of The Peace Attending Meetings of the Quorum Court; Sponsor: JP Kurt Moore

Deputy Clerk Betsy Harrell read the proposed ordinance by title only. JP Wolf made motion to suspend the rules and place on second reading, seconded by JP Moore.

Motion carried by unanimous voice vote.

Deputy Clerk Betsy Harrell read the proposed ordinance by title only. JP Wolf made motion to suspend the rules and place on third and final reading, seconded by JP Hubbard.

Motion carried by unanimous voice vote.

Deputy Clerk Betsy Harrell read the proposed ordinance by title only.

JP Moore stated that this salary increase was included in the 2009 budget, but the actual ordinance needs to be addressed. He added that the per diem for Justices of the Peace was last increased in 2001. JP Douglas stated that he realizes that the increase was approved for the 2009 budget, but a \$50 raise on the \$300 per diem is a 16.6% increase, and he thinks that it looks bad in the current economic conditions. He added that if the increase is looked at over time since the last increase, it does average out to a 2% increase per year.

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

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

11 yeas: Wozniak, Wolf, Sandlin, Brown, Lewis, Hubbard, Moore, Allen, Winscott, Harrison, Stephenson
2 nays: Douglas, Blaty

Appropriation Ordinance duly adopted on third and final reading and assigned **No. O-2009-02.**

- (D) Proposed Resolution Granting a Waiver of the Policy as Established in Section 2 of *The Code of Ordinances of Benton County* Regarding Payment Within the Range and Hire-in Rate for the Assistant County Administrator in Department 01, County Judge, Fund 010

Deputy Clerk Betsy Harrell read the proposed resolution by title only. JP Wolf made motion to adopt, seconded by JP Hubbard. JP Wolf stated that the County Judge presented a request to the Committee of Thirteen to hire Chris Glass at midpoint of the salary range rather than 90% of midpoint, because of his professional certification and experience.

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

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

Resolution duly adopted and assigned No. R-2009-02.

OTHER BUSINESS:

County Judge David Bisbee stated that Chris Glass has informed him that the county will be compliant in all storm water regulations by February 1, 2009.

ANNOUNCEMENTS:

JP Winscott announced that the Long Range Planning/Buildings and Real Estate Committee will meet February 12, 2009 at 6:00 p.m.

JP Moore announced that the Finance Committee will meet February 5, 2009 at 5:30 p.m.

JP Harrison announced that the Long Range Planning/Machinery and Equipment Committee will meet February 3, 2009 at 5:30 p.m.

There being no further business to come before the court, upon motion and second the meeting was adjourned at 7:57 p.m.

Respectfully submitted,

Tena O'Brien,
County Clerk

Prepared by: Betsy Harrell