

COUNTY JUDGE'S REPORT:

County Judge Gary Black presented a series of slides illustrating storm damage throughout Benton County from the February and March storms.

Department of Emergency Management Director Marshall Watson was recognized and stated that the county had suffered significant infrastructure damage during these two events. He said that the February tornadoes and flooding caused approximately \$250,000 in damages, for which they will be reimbursed 35% from the State, as well as some reimbursement from the various municipalities, but the event did not meet thresholds for a Federal Disaster. He said that during the most recent flooding event in March, we received between 8 and 11 inches of rain, one bridge remains closed, and several others are open only with emergency repairs. He said they will qualify for State assistance for this last storm, but that the county will have to show \$470,000 in damages to qualify for Public Assistance through FEMA.

JP Wolf noted that the Mobile Command Unit proved to be a valuable tool during the disaster. Marshall Watson stated that we are very lucky because Benton County has some excellent, highly trained first responders, who did a fantastic job of handling the disaster until he could return from out of the country. He added that he could not say enough about the Fire Association's Water Rescue team, who rescued the driver of a George's Feed truck that was only two or three feet from being totally submerged. County Judge Gary Black commended the Department of Emergency Management for their work during both disasters, and added that he had received several favorable comments about the Department's assistance with the relocation of patients during St. Mary's Hospital's recent move.

County Judge Gary Black gave the Quarterly Road Report, and noted that the Road Department has not made much progress on their scheduled projects because so much time has been dedicated to cleaning up damage from the recent storms.

County Judge Gary Black stated that if there are no objections he is moving Item A on the Agenda to the County Judge's Report. There were no objections. He said that he is re-appointing Malcolm Winters to the Rural Development Authority for another 5-year term ending in March of 2013, and asked the Quorum Court to confirm the appointment. JP Summers made motion to confirm the appointment of Malcolm Winters, seconded by JP Williams. Malcolm Winters was recognized and stated that he has enjoyed serving, and there are a lot of people who have drinking water due to the work of the RDA.

Appointment confirmed by unanimous show of hands vote.

ELECTED OFFICIALS REPORT:

None

COMMITTEE REPORTS:

JP Moore reported that that the Long Range Planning/Properties & Equipment Committee met March 25th and heard a report from County Health Department Director Loy Bailey on some possible sites for a Public Health Clinic in Siloam Springs; voted unanimously to forward an ordinance establishing bonding procedures for heavy hauling operations to the April 8, 2008 Committee of Thirteen agenda; and heard a report from JP Winscott on the selection of a construction manager and architect for a new Juvenile Detention Center.

JP Wozniak stated that the Environmental Committee met prior to the Quorum Court meeting to discuss how environmental regulations are being enforced. He said that if things do not go well after a couple of months they will meet again and perhaps do something more drastic.

PUBLIC COMMENTS:

Don Day said the JPs should ask themselves what could possibly be the motive for forming a zoning committee and companion citizens' focus group. He noted that it is a good way to develop zoning if it can be determined that citizens in the rural area of Benton County want it.

OLD BUSINESS:

None

NEW BUSINESS:

- (B) Proposed Resolution Authorizing the County Judge To Apply For A Grant On Behalf Of The Gallatin Fire Department; Sponsor: JP Kurt Moore

Deputy Clerk Betsy Deaton read the proposed resolution in full. JP Moore made motion to adopt, seconded by JP Williams.

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

13 yeas: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Stephenson, Summers, Williams, Winscott, Wolf, Wozniak

Resolution duly adopted and assigned **No. R-2008-02.**

- (C) Proposed Resolution Authorizing the Application For a Grant and Participation In the Center For Substance Abuse Treatment (CSAT) Grants To Expand Substance Abuse Treatment Capacity For Drug Courts, Available Through the Substance Abuse and Mental Health Services Administration; Sponsor: JP Tim Summers

Deputy Clerk Betsy Deaton read the proposed resolution in full. JP Summers made motion to adopt, seconded by JP Williams.

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

13 yeas: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Stephenson, Summers, Williams, Winscott, Wolf, Wozniak

Resolution duly adopted and assigned **No. R-2008-03.**

- (D) Proposed Resolution Permitting Out-Of-Service Law Enforcement Badges To Be Distributed To Retired and Former Deputies With the Benton County Sheriff's Office; Sponsor: Quorum Court

Deputy Clerk Betsy Deaton read the proposed resolution in full. JP Wolf made motion to adopt, seconded by JP Hill. JP Wozniak made motion to amend the resolution to state that in addition to former and retired employees, current employees who worked under the old badge and are now working under the new badge may keep their old badges, seconded by JP Wolf.

A roll call vote on the amendment was recorded as follows:

13 yeas: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Stephenson, Summers, Williams, Winscott, Wolf, Wozniak

Amendment passed.

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

13 yeas: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Stephenson, Summers, Williams, Winscott, Wolf, Wozniak

Resolution duly adopted and assigned **No. R-2008-04.**

- (E) Proposed Resolution Expressing the Appreciation Of Benton County, Arkansas To J. Travis Harp; Sponsor: Quorum Court

13 yeas: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Stephenson, Summers, Williams, Winscott, Wolf, Wozniak

JP Tim Summers read the proposed Resolution in full. JP Summers made motion to adopt, seconded by multiple JPs. JP Summers noted that in August of 2000 Travis Harp was appointed to fill the vacancy in the office of the County Judge, and did a tremendous job handling the multiple challenges faced by Benton County at that time. JP Moore stated that he has worked with Travis Harp for almost 8 years, and he is one of the finest people he has ever worked with. JP Wolf thanked Travis for all of the help and information he has provided. JP Glass stated that as a new member of the Quorum Court with a lot of questions, he found Travis Harp to be very approachable and forthcoming with answers.

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

13 yeas: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Stephenson, Summers, Williams, Winscott, Wolf, Wozniak

Resolution duly adopted and assigned **No. R-2008-05.**

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2006-24 (2007 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 To Balance Out The Year 2007; Sponsor: JP Tim Summers

Deputy Clerk Betsy Deaton read the proposed ordinance by title only. JP Stephenson made motion to adopt, seconded by JP Hill. JP Summers stated that these are adjustments that have been approved throughout the year, and other transfers to balance out the year. He reminded the Court that they will need to be very careful about additional appropriations in 2008, because the 2010 census will show a decrease in the number of county residents, and sales tax revenue is also continuing to decline. He added that there is also a possibility that property values will decrease if there is a reappraisal, which will further reduce revenue.

After motion and second, Quorum Court recessed due to inclement weather.

Quorum Court reconvened in the basement of the Administration Building. Members of the media and public were present.

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

13 yeas: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Stephenson, Summers, Williams, Winscott, Wolf, Wozniak

Appropriation Ordinance duly adopted and assigned **No. O-2008-10**.

- (G) Proposed Ordinance Repealing Ordinance No. O-2006-01, Adopting a Revised Fee Schedule For Building Inspections, and Exempting Agricultural Buildings From Building Inspections and Fees; Sponsor: JP Beverly Williams

Deputy Clerk Betsy Deaton read the proposed ordinance by title only. JP Stephenson made motion to approve, seconded by JP Winscott. JP Williams stated that they have discussed this at two special committee meetings and the Committee of Thirteen, and she feels they have reached a basic agreement on it. JP Hubbard made motion to amend the proposed ordinance by changing the re-inspection fee for commercial and industrial buildings in Article 2 from 50% of permit cost to a flat fee of \$50, and deleting the completion bond in Article 4, seconded by JP Hobbs. JP Williams stated that she does not think there is any strong feeling one way or the other on reducing the Plan Review Fee from 50% of the permit cost to a flat fee of \$50, but there has been extensive discussion on requiring the Completion Bond. She added that they are still receiving information on the permits issued in 2007, and are finding that there are people who have completed construction and moved into homes without getting their final inspection. She said that she could go along with reducing the plan review fee, but she feels that the completion bond is an important part of the process.

JP Summers made motion to divide the question, seconded by JP Williams.

JP Hubbard stated that at the last meeting they were not given up-to-date information, and it sounds like they still have not received it, because all they are getting is “There is still some going on” and they have never been given hard numbers. JP Williams stated that they were given those numbers at the last Permit Review Committee meeting, and were also told that there were several 2007 permits still open, and it has now been discovered that several of those have moved in without a Certificate of Occupancy. Planning Director Ashley Pope stated that there were 86 homes occupied without Certificates in 2006, approximately 20 in 2007, with 103 permits from 2007 still open.

JP Summers called point of order. County Judge Gary Black stated that they need to address the motion to divide the question before any further discussion.

There being no discussion on motion to divide the question, a roll call vote was recorded as follows:

11 yeas:	Glass, Harrison, Hill, Hobbs, Moore, Stephenson, Summers, Williams, Winscott, Wolf, Wozniak
2 nays:	Brown, Hubbard

Motion passed.

There was discussion on motion to amend Article 2 to reduce the Plan Review Fee from 50% of the Permit Fee to a flat rate of \$50. JP Hobbs stated that she visited with Miss Pope about the Plan Review Fee, which could cost up to \$500, and was told that a Chief Inspector could take up to two hours to review the plan, and based on his salary, it would cost the county approximately \$50, so she supports the \$50 flat fee. She said she does not think they should pass it just to have a revenue stream for the county. JP Williams stated that if all plans came in stamped by an engineer, it would take only a few minutes to review them, but they need some mechanism to catch problems, and she does not have a problem with the \$50 flat fee.

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

13 yeas:	Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Stephenson, Summers, Williams, Winscott, Wolf, Wozniak
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Motion to amend Article 2, Plan Review Fee to \$50 passed.

Discussion was held on the motion to strike Article 4. JP Wolf asked if there is some way for the county to tie the Certificate of Occupancy to a water meter. JP Stephenson stated that there is not, because many homes in the county are on wells and septic tanks, and electric companies do not want the responsibility. JP Moore stated that as an observer of this process, he wanted to

note that all three members of the Planning Board who served on the Permit Review Committee unanimously supported the completion bond requirement. JP Hobbs stated that throughout this entire process they have looked to the cities for direction, so she spoke to someone in both the Rogers and Bentonville planning offices, and neither of those cities requires a completion bond. JP Wolf pointed out that is because the Certificate of Occupancy is tied into the utilities which the cities control. JP Hubbard asked County Attorney Robin Green if instead of a completion bond, could there not be some sort of penalty because it is against the code to move in without a Certificate of Occupancy. The County Attorney stated that there is a process in place for violating any county ordinance, but it can be a rather lengthy process. JP Hubbard stated that it could work, because there is a process that they could go through without costing the homeowner any money. County Attorney Robin Green stated that there is a process in place. JP Hubbard pointed out that the homeowner does not get interest back on the money when it is returned to them at the end of 6 months or a year.

Planning Director Ashley Pope was recognized and reiterated that the county does not have any control over utilities the way that cities do, and noted that she is not aware of any instance in which the Planning Department approached the Prosecuting Attorney's office to seek prosecution for the violation of an ordinance.

JP Brown stated that if they do not have the data showing that this is necessary, then he thinks they should come back and add this in later if the data shows it is needed. He said nobody has any proof, it is just words. He said that an open permit does not mean that there is somebody living in a house. JP Wozniak stated that there needs to be some dollar figure there, even if it is not half the permit fee, and noted that at today's rates, there would not be a significant amount of interest accrued over 6 months to a year. JP Glass stated that he likes the idea of looking at a penalty, rather than proceeding to a bond, because the numbers suggest that there is an increasing amount of compliance. He suggested that there could be a penalty of 50% of the permit fee when they find that someone has violated the ordinance.

JP Stephenson stated that they are making a reversal of the progress that has been made over a period of time in the way ordinances are discussed and formulated, because they are right back to square one on an ordinance that has been through every committee it was expected to be. He said it was discussed at the Committee of Thirteen and they serve themselves poorly when that process does not produce an ordinance that they can take action on. He said every ordinance may not completely suit every single person, and he was willing to compromise on the first amendment, but he is not willing to compromise on this issue.

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

9 yeas:	Harrison, Hill, Moore, Stephenson, Summers, Williams, Winscott, Wolf, Wozniak
4 nays:	Brown, Glass, Hobbs, Hubbard

Motion to delete Article 4 failed.

Discussion continued on the proposed ordinance. JP Summers stated that he is supportive of the proposed ordinance, and feels that the committee has put in enough time, although if an alternative is presented that everyone can support he could certainly be flexible.

There being no further discussion on the proposed ordinance, a roll call vote was recorded as follows:

8 yeas: Harrison, Moore, Stephenson, Summers, Williams, Winscott,
Wolf, Wozniak
5 nays: Brown, Glass, Hill, Hobbs, Hubbard

First reading passed.

OTHER BUSINESS:

(A) Approval of Wal-Mart Donation to Juvenile Detention Center to Be Included in 2008 Budget Adjustment Ordinance

JP Summers stated that they need to approve this so that it will be reflected in the minutes, and the item will be included later in the year when the first budget adjustments are made. JP Summers made motion to approve, seconded by JP Glass.

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

13 yeas: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore,
Stephenson, Summers, Williams, Winscott, Wolf, Wozniak

Budget adjustment approved.

ANNOUNCEMENTS:

JP Wozniak announced that over 100 pounds of drugs have been destroyed through the Pyromeds Safe Pharmaceutical Disposal Program.

County Judge Gary Black urged the Quorum Court to solve problems and disagreements in committees in order to avoid causing confusion during Quorum Court meetings. JP Hubbard responded that he has the right to bring up anything he wants to at anytime.

JP Summers announced that the Finance Committee will meet Tuesday, April 8, 2008 at 3:30 p.m., and the Committee of Thirteen will meet on April 8 at 6:00 p.m.

There being no further business to come before the court, upon motion and second the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Mary L. Slinkard,
County Clerk

Prepared by: Betsy Deaton