

MINUTES OF BENTON COUNTY QUORUM COURT

July 24, 2008

A regular meeting of the Benton County Quorum Court was held on Thursday, July 24, 2008 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

In the absence of County Judge Gary Black, the meeting was called to order by Deputy Clerk Betsy Harrell.

JP Hill nominated JP Summers to serve as presiding officer, seconded by JP Wolf.

JP Williams made motion that nominations cease, seconded by JP Hill. Motion passed by unanimous voice vote.

JP Summers elected to serve as presiding officer by unanimous voice vote.

In the absence of County Clerk Mary Lou Slinkard, Deputy Clerk Betsy Harrell called roll as follows:

11 JP's Present:	Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Summers, Williams, Winscott, Wolf, Wozniak
2 Absent:	Moore, Stephenson

The presiding officer led the pledge of allegiance to the flag. Prayer was led by Father Bobby Hall of St. George's Anglican Church.

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

JP Wolf made motion to suspend the rules and read all ordinances by title only, seconded by JP Hill. Motion passed by unanimous show of hands vote

MINUTES:

JP Wozniak made motion to approve the Minutes of the regular meeting of May 22, 2008 as distributed, seconded by JP Wolf. Motion to approve the minutes carried by unanimous voice vote.

COUNTY JUDGE’S REPORT:

None

ELECTED OFFICIALS REPORT:

None

COMMITTEE REPORTS:

JP Wolf reported that the Personnel Committee had met earlier in the day to discuss revisions to the County Personnel Policy, and that the revisions will be distributed to Quorum Court members one week prior to the August 12, 2008 Committee of Thirteen meeting.

PUBLIC COMMENTS:

Guy Schumaker stated that there is a trash heap on Old Missouri Road just south of the VFW Hall that he has been complaining about for 3 months, and no one has taken any action.

Don Day spoke against the appointment of Mark Curtis to the County Planning Board.

Robert Kossieck spoke against the appointment of Mark Curtis to the County Planning Board.

Jeff Wyant spoke against the appointment of Mark Curtis to the County Planning Board, and made several suggestions for increasing revenue, such as charging a toll at every road leading into the county.

James Gately spoke in support of the appointment of Mark Curtis to the County Planning Board.

OLD BUSINESS:

None

NEW BUSINESS:

- (A) Proposed Resolution Confirming an Appointment by the County Judge to the Benton County Planning Board; Sponsor: JP Tim Summers

Deputy Clerk Betsy Harrell read the proposed resolution in full. JP Wolf made motion to adopt, seconded by JP Williams. Planning Director Ashley Pope was recognized and stated that Mark Curtis has been a resident of Benton County since 2003, is an active observer and participant in county government, and an educational background in planning including urban development from the University of Memphis, and County Judge Gary Black is recommending him for the Planning Board.

Mark Curtis was recognized and stated that he has owned property on Beaver Lake since 1998. JP Hobbs asked if he would like to comment on some things that have been noted about his agenda. Mark Curtis stated that he is a member of the Board of Directors of the Association for Better Lake Environment, and feels that Beaver Lake is Benton County’s most important resource next to its people. He said he believes he is objective regarding growth and development, but believes strongly that it should be orderly and planned. He added that it is important for the county to have a long-term land use plan in place.

JP Glass stated that since Mark Curtis is on record as opposing the Grandview Heights condominium project, would he care to comment on other development around Beaver Lake,

since it is a large generator of tourism and other business that comes into the area. Mark Curtis stated that he lives on the lake, and everyone has a right to live on the lake if they so desire, and no one should stop them. He said he opposed Grandview Heights because it in effect dropped a town of 2,000 residents onto the shores of Beaver Lake with no supporting infrastructure such as fire protection, roads, and sewer treatment, and was located less than 1 mile from one of the water intakes. He said concerning other development on the lake, there is plenty of land around the lake that can be developed in an orderly, proper fashion that is good for the environment but would not hurt tourism or fishing, and in fact could enhance them a great deal. He said as it is now, you can pretty much put whatever you want wherever you want. JP Glass asked if he would advocate some type of development around Beaver Lake other than residential. Mark Curtis stated that what is around Beaver Lake presently should be there, and stay there, and noted several developments that have just been approved by the Planning Board that are very well designed to fit in and will house a lot of people. He said that as long as a project fits in the environment and has very little chance of hurting the environment, he does not see anything wrong with it.

A member of the audience shouted out a question. JP Summers asked that there be no further comments from the audience. JP Wolf stated that she thinks this has turned into a discussion about special interest groups, and that is not what they are supposed to be doing. She said they have a Resolution before them from the County Judge and Planning Department and they should be making a decision on that.

JP Hubbard stated that he would be voting no on Mr. Curtis, because he was a big proponent of the watershed ordinance, which did not just affect Beaver Lake; it affected the entire county and would have imposed lots of regulations and restrictions on landowners. He said he takes it from that that he is seeing a person who does not mind imposing more regulations on an entire county to achieve an agenda, and another concern, which is his personal opinion, is that usually goes hand in hand with higher taxes.

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

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

Resolution failed.

- (B) Proposed Resolution Confirming a Reappointment by the County Judge to the Benton County Planning Board; Sponsor: JP Tim Summers

Deputy Clerk Betsy Harrell read the proposed resolution in full. JP Glass made motion to adopt, seconded by JP Harrison. Ashley Pope was recognized and stated that Scott Borman was unable to attend the meeting tonight and asked her to extend his apologies. She said that Mr. Borman has been a member of the Planning Board for 4 years, and has served the county well in his ability to apply state and county regulations to proposed development projects, especially in the

area of wastewater systems and health regulations. She said he is rarely absent, and handles his responsibilities with professionalism and attention to ethics.

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

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

Resolution duly adopted and assigned **No. R-2008-10.**

- (C) Proposed Resolution Authorizing the Application for a Homeland Security Emergency Operations Center (EOC) Grant to Improve Emergency Preparedness and Management Available Through the U.S. Department of Homeland Security; Sponsor: JP Jim Wozniak

Deputy Clerk Betsy Harrell read the proposed resolution in full. JP Wozniak made motion to adopt, seconded by JP Winscott. JP Wozniak stated that the resolution is self-explanatory, does not commit any county funds except for the \$6,000 match and Director Marshal Watson has assured him that he can find that in his budget.

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

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

Resolution duly adopted and assigned **No. R-2008-11.**

- (D) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2007-30 (2008 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 23, Non-Departmental Maintenance, Fund 010; Sponsor: JP Tim Summers

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

JP Hobbs made motion to divide the question, seconded by JP Hubbard.

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

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

Motion passed.

JP Summers stated that the first discussion will be on the question of purchasing property in Siloam Springs for the Public Health Clinic. JP Hobbs stated that she applauds County Health Department Director Loy Bailey for his efforts to obtain a clinic, and if she were in his position, she would try to do the same thing. She said she is not unsympathetic with health concerns in Siloam Springs, but she is concerned about the Benton County budget and with the capital needs that would serve a countywide area. She said she would like to see the city of Siloam Springs step up to the plate a little more to help fund the clinic, because they are going to be voting soon on an annexation that will double the size of the city and take revenue away from the county. She said that although the current city council has pledged the cost of utilities, they cannot commit future city councils to that agreement so it could end up costing the county at some point in the future. She said she realizes it is a long trip, but there a number of churches in the area, and the county funds Ozark Regional Transit in the amount of \$15,000 per year, so she would hope they would step up to the plate also to help transport people that would need help. She said that there is a group of citizens in the area that has formed to find ways to address these issues. She said that she cannot support this because it is not to the benefit to the people in her district. JP Winscott asked if this appropriation had been approved by the Finance Committee. JP Hobbs noted that it was, but not unanimously.

JP Glass stated that this has been discussed the Long Range Planning/Properties & Equipment Committee, and this is one of the instances where the county is willing to step up and provide a service that is not mandated, such as a jail. He said that the clinic was closed because they lost the lease, and the Long Range Planning/Properties & Equipment Committee felt it was better to purchase a building than to continue to pour money into buildings that the county does not own. He said they should see some appreciation in the building, so if they decide in the future to close the clinic, they will be able to recoup the funds.

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

10 yeas: Brown, Glass, Harrison, Hill, Hubbard, Summers, Williams,
Winscott, Wolf, Wozniak
1 nay: Hobbs
2 absent: Moore, Stephenson

First question approved.

JP Summers stated that the second discussion will be on the question of funding \$70,000 for the study on the Juvenile Detention Center in order to develop a budgetary figure.

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

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

Second question approved.

Appropriation ordinance duly adopted and assigned **No. O-2008-16.**

- (E) Proposed Resolution Authorizing the County Judge to Enter Into a Contract With Johnson-Troillet Architects and Crossland Construction Company to Develop Plans For a New Juvenile Detention Center Facility to Be Located On the County's Existing Property on Highway 102, Bentonville, Arkansas; Sponsor: JP Frank Winscott

Deputy Clerk Betsy Harrell read the proposed resolution in full. JP Winscott made motion to adopt, seconded by JP Williams. There was discussion concerning whether the location of the county property on Highway 102 should be stricken from the language in case the decision is made at some later date to locate the JDC elsewhere. County Attorney Robin Green noted that the ordinance that was just adopted contains the language, so it is her recommendation that it be included in the resolution as well.

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

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

Resolution duly adopted and assigned **No. R-2008-12.**

- (F) Proposed Resolution Granting a Waiver of the Policy as Established in Sec. 2-534 of *The Code of Ordinances of Benton County* Regarding Payments Within the Salary Range for Various Positions in Various Funds and Departments; Sponsor: JP Robert Stephenson

Deputy Clerk Betsy Harrell read the proposed resolution in full. JP Wolf made motion to adopt, seconded by JP Hobbs.

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

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

Resolution duly adopted and assigned **No. R-2008-13.**

- (G) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2007-30 (**2008** Benton County Budget) to Amend *Schedule 4 Personnel and Compensation Authorization* by Adding Positions and Deleting Positions in Various Funds and Departments; Sponsor: JP Robert Stephenson

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

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

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

Appropriation Ordinance duly adopted and assigned **No. O-2008-17.**

- (H) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2007-30 (**2008** Benton County Budget) to Amend *Schedule 4 Personnel and Compensation Authorization* by Adding Positions in Various Funds and Departments; Sponsor: JP Robert Stephenson

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

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

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

Appropriation Ordinance duly adopted and assigned **No. O-2008-18.**

OTHER BUSINESS:

JP Summers stated that Gary Jackson has requested that the discussion on the Sheriff's Department minimum-security building be tabled until the August 12, 2008 Committee of Thirteen meeting.

ANNOUNCEMENTS:

JP Summers remarked that former Justices of the Peace Royce Nease and Rodger Terrell had both passed away recently, and requested that a moment of silence be observed in their memory.

JP Summers announced that the Finance Committee will meet Tuesday, August 5, 2008 at 2:30 p.m., and the Committee of Thirteen will meet on August 12, 2008 at 6:00 p.m.

JP Williams announced that the Long Range Planning/Properties & Equipment Committee will meet July 31, 2008 at 5:30 p.m.

There being no further business to come before the court, upon motion and second the meeting was adjourned at 7:03 p.m.

Respectfully submitted,

Mary L. Slinkard,
County Clerk

Prepared by: Betsy Harrell