

Committee of Thirteen Report

June 14, 2011

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, June 14, 2011 at 6:00 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

12 JPs Present: King, Winscott, Allen, K. Harrison, Hawkins, Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

1 JP Absent: J. Harrison

Others Present: County Judge Bob Clinard, County Attorney George Spence, Assessor Glenn “Bear” Chaney, Comptroller Richard McComas, Administrator of Public Service Gary Black, Administrator of General Services Elizabeth Bowen, County Clerk Administrative Assistant Christine Southard

Media: Tom Sissom - Daily Record, Kyle Hill - Kurm Radio

Chair Kurt Moore called the meeting to order.

PUBLIC COMMENTS

None

1. Presentation: Results of the UA Survey Research Center Presented by Molly Longstreth and Jerry Van Hoose, Chair of the Ozark Regional Transit Board of Directors

Ozark Regional Transit Board of Directors Chair, Jerry Van Hoose, stated that due to the way the law is written, the Quorum Court either has to vote to turn down the request for a vote of the people on a sales tax, or proceed with allowing an election. He stated that Ozark Regional Transit (ORT) will be losing federal funding, and if an alternative way to finance the system is not found, they will lose the system that they have worked so hard to put together. He stated that the first six months of this year ORT’s ridership is up from 140,000 to 165,000 compared to last year. He stated that the decision to request an election on a ¼-cent sales tax to fund Ozark Regional Transit was made as part of the Northwest Arkansas Transit Development Plan, which was prepared by the Northwest Arkansas Regional Planning Commission, Ozark Regional Transit, the Arkansas Highway Transportation Department, and Razorback Transit. Dr. Molly Longstreth of the University of Arkansas Survey Research Center presented the final results of the 2011 Ozark Regional Transit Survey. She stated that this survey was collected from April 15, 2011 to May 15, 2011. She explained the methods of survey research, and stated there were 755 completed surveys, 375 from Benton County, and 380 in Washington County. She added that the survey was done by telephone, both landlines and cellular phones, and was conducted in both English and Spanish, and that 56% of those surveyed were likely voters. She stated that the conclusion of the study showed that between 2010 and 2011, knowledge of Ozark Regional Transit’s federal funding loss had nearly doubled. She reported that the 2011 survey showed that 88.7% of those surveyed were willing to support the Ozark

Regional Transit sales tax issue, even if the issue was competing against schools, arts, or libraries. Dr. Longstreth reported that the top five reasons given said they might vote for a sales tax for supporting public transit were:

- Improved transportation for older adults (80.1%)
- Improved transportation for the disabled (79.1%)
- An alternative to cars if gas prices continue to increase (75.1%)
- Access for people to get to work (71.0%)
- Ease of congestion in car travel (66.6%)

Dr. Longstreth reported that the biggest reasons for lack of support were:

- Northwest Arkansas sales taxes are already too high
- Lack of use of public bus transportation

She stated that there was a higher percentage of responders in Washington County than Benton County who were concerned about sales tax, and that concern was among more voters than non-voters. She stated that everyone was asked whether more knowledge about the Ozark Regional Transit plan would increase or decrease support. She reported that overall, 69.3% in Benton County and 72.0% in Washington County would be more or much more likely to support the sales tax if given additional knowledge.

She reported that the conclusions of the Survey Research Center, University of Arkansas were:

- Likely voters' willingness to pay an additional ¼-cent sales tax in order to maintain and greatly expand current bus service to Northwest Arkansas in both counties has increased by 10% in Benton County and 18% in Washington County
- The number of undecided likely voters nearly quadrupled in Benton County and nearly doubled in Washington County.
- Nearly all voters in both Benton and Washington Counties who originally supported the tax increase, expressed support even if competing issues were to be on the ballot
- Likelihood of passage of the ¼-cent sales tax to maintain and expand bus service in Northwest Arkansas is positive, stronger in Washington County than Benton County, but plausible in both counties.
- Strategies would include educating residents on the loss of funding and its implications; reminding nonusers of benefits to them also; informing voters about the proposed plan for maintaining and expanding the bus system.

Jerry Van Hoose stated public transit is a large part of the municipalities and that Ozark Regional Transit has a great foundation set for growth in Benton County.

Phil Pumphrey stated that ridership is based on opportunity and that there are only two fixed routes in Benton County and one para-transit vehicle.

Jerry Van Hoose stated that the routes are decided by the cities, and that currently there are more routes in Washington County than in Benton County.

Lengthy discussion was held on the survey results and the methodology used in the survey.

JP Allen asked if the ¼-cent sales tax could be reduced in the future once Ozark Regional Transit is up and going. Phil Pumphrey stated that the Board which oversees Ozark Transit would be the one to make the decision on where surplus monies were to be spent. Jerry Van Hoose stated all of the money raised in Benton County has to stay in Benton County, or it would be an illegal tax.

Further discussion was held on the Ozark Regional Transit resolution request for the ¼-cent tax increase, and how the tax increase and expanding Ozark Regional Transit routes would affect Benton County.

JP Douglas made motion to read all resolutions and ordinances by title only, seconded by JP Carr.

Motion passed by unanimous show of hands

1. Resolution Request: Endorsing the Concept of an Election Levying a ¼-Cent Sales Tax For Public Transportation.

JP Douglas stated that a previous motion that this resolution be forwarded to the Quorum Court levying a ¼-cent sales tax for public transportation at a special election was already on the floor, because this resolution was tabled from a previous meeting.

JP Moore asked how Ozark Regional Transit proposes to modify their request for the date of the election and how it will be paid for. Jerry Van Hoose stated that it is their intent to hold the election along with the primary election in May, and now that they have better information there is no need to hold a special election. He stated that the County Clerk's office has given them an estimated cost of the election. He added that Ozark Regional Transit will raise the money for the election to be placed on the May, 2012 Primary ballot, and that the resolution needs to be amended to state that.

Further discussion was held placing the sales tax increase on the ballot at the May primary election and Ozark Regional Transit's agreement to pay the costs for the election.

JP Allen made motion to amend the resolution to read that the election will be held with the May primary election as opposed to the General Election and that the election costs will be paid for with a donation from the Ozark Regional Transit Board to the County, seconded by JP Jones

Motion passed by unanimous show of hands.

JP Allen stated that he voted yes, but that does not mean that he was going to vote yes at the Quorum Court meeting. He added that he is torn both ways on the issue and that when he came in the meeting tonight, his intent was not to vote for the resolution request, but that the presentation made was impressive and that the questions and answers were good. He added that he has not made up his mind and wanted more time to think about it, and that is why he voted yes.

JP Winscott stated the survey that was shown here tonight shows that if we put a road tax on the ballot it is going to pass, if we put a school tax on the ballot, it is going to pass and if we put

an ORT tax on the ballot it is going to pass – everything is going to pass. He stated that his problem is that he has not had one person come to him with all of the publicity that this has had, and say that they wanted to support this. He added that something is wrong somewhere and he does not know where it is.

JP Carr stated that he is a big fan of democracy, but that he is not sure that Ozark Transit will get the votes needed to pass this, and that the taxpayers will decide if this is something that they want. He stated what makes our democracy great and this county great is that we are not up here to decide to spend the taxpayer's money – the taxpayers will decide whether or not this is something that they want. He added that since ORT has agreed to pay for the election and move it to the May primary that he would support it all the way through.

JP Curry stated that he would not support the Ozark Regional Transit resolution request.

JP Douglas stated that he does not think that this is a fair and equitable tax, and that he has a problem when people are being asked to pay a tax without expectation of receiving any benefit from it. He stated that he could not support this.

JP Sandlin stated that in Benton County - as we have all seen – you dream it, you build it and they do come. She added that we have not seen the rural areas of Benton County growth expand almost perpetually for at least 25 years. She stated that it may seem a little unrealistic right now, but if we do not look at preparing for it, we won't ever get there. She stated the court is here to offer the opportunity to make that choice.

JP King stated that at this given time that he does not feel that he can support Ozark Regional Transit's resolution request.

JP Moore stated that if the Quorum Court does not allow the vote and that the cities do; that the people in the rural areas will still be paying for it and they will be unable to utilize the service. He added that we need to give the entire populace of Benton County the opportunity to vote on ORT's request. He stated that there have been a lot of things over the years during his time on the Quorum Court the he felt comfortable voting on as the Quorum Court body, but that this is not one of them. He added that this is a lot bigger than all of us and this is going to take a voice of the people to make a decision, and that he does not feel comfortable voting on it himself.

PUBLIC COMMENT:

Bill Millager of Rogers stated that the thing to do is schedule the darn vote and let the voters speak; if they are against it, they'll say so.

Carole Westby of Bella Vista stated that without the funding for Ozark Regional Transit, Benton County will be losing its transportation to the University of Arkansas. Westby called for those in the group that were there to support this to please stand, and requested that the record reflect that a vast majority of the people stood to show support.

Barbara McCoy of Bella Vista stated her support for Ozark Regional Transit.

Tony Licausi of Bella Vista stated that as our economy improves and continues to grow, Northwest Arkansas is positioned to be one of the fastest growing areas not only in the State of Arkansas, but also in the nation. He stated Benton County should hop on the bus to the future.

CJ Malone challenged and encouraged the court to look ahead as Benton County grows.

Phyllis Lafferty of Bella Vista stated that citizens of the county should be able to speak for what they want or do not want, that at least it needs to be out there for them to make that decision.

JP Moore requested a roll call vote which was recorded as follows:

7 yeas: Allen, K. Harrison, Jones, Sandlin, Blaty, Carr, Moore
5 nays: King, Winscott, Hawkins, Douglas, Curry
1 absent: J. Harrison

Motion passed.

Chairman JP Kurt Moore called for a 5-minute recess.

Meeting reconvened.

3. Resolution Request: Authorizing County Judge to Deed Certain Property

JP Allen stated that since the county has decided not to build a Westside Road Department on the property located on Bethlehem Road, this resolution request is to authorize the County Judge to return the property to the previous owner who had donated the land.

JP Sandlin made motion to approve and forward to the June 23, 2011 Quorum Court agenda, seconded by JP Blaty.

Motion passed by unanimous show of hands vote.

4. Appropriation Ordinance Request: Assessor's Office - Fund 070

JP Allen stated this appropriation ordinance request was forwarded from the Finance Committee and is to appropriate an additional \$70,000 to mail out the reappraisal notices.

JP Allen made motion to approve and forward to the June 23, 2011 Quorum Court agenda, seconded by JP Douglas.

Motion passed by unanimous show of hands vote.

5. Appropriation Ordinance Request: County Road Department - Fund 020

JP Allen stated this appropriation ordinance request was forwarded from the Finance Committee with a do pass recommendation and this appropriation is for storm damages that have occurred in the county.

JP Allen made motion to approve and forward to the June 23, 2011 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

6. Appropriation Ordinance Request: Information Systems Department - Fund 010

JP Allen stated this appropriation ordinance request was forwarded from the Finance Committee with a do pass recommendation and this appropriation is for \$10,000 for the Quorum Court computer workstation project and \$35,000 for security network cameras and video equipment for courtrooms.

JP Allen made motion to approve and forward to the June 23, 2011 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

OTHER BUSINESS

Discussion: Fisher Ford Bridge

JP Moore stated that he has received a petition from Charles Cleary and other taxpayers concerning the Fisher Ford Bridge, and that County Judge Bob Clinard has requested Mr. Cleary to get addresses from those who have signed the petition to verify that they live in the area. He added that the Quorum Court owes it to the people to make a decision on whether or not the county is going to repair or replace the bridge, and if the decision is to not provide a bridge, then what is the county going to provide to the people in that area. JP Moore stated that estimates have been done to renovate the old bridge or to replace it with a new bridge. He added that renovating an old bridge which could only handle some of the traffic may not be the best expenditure of county funds.

JP Douglas stated that the Transportation Committee will be taking a tour to look at several bridges in the county, including Colonel Meyers Road Bridge and the Fisher Ford Bridge, as well as the Westside Road Department. He added that he would like to have members from the Colonel Meyers Road Bridge and Fisher Ford Bridge areas to meet the committee at the sites and share some of their concerns.

JP Douglas announced that the Transportation Committee's tour will take place on Saturday, June 25, 2011 at 8:00 a.m., and asked everyone to meet at the County Administration Building to begin the tour.

County Judge Bob Clinard stated that the estimated cost to repair Fisher Ford Bridge is \$415,000 for the actual construction with \$40,000 to remove asphalt, and \$200,000 to sandblast and repaint the steel. He added that the \$675,000 in repairs to the bridge will bring it up to a 3-ton load limit, which would not allow emergency vehicles. He added that the estimated cost to replace Fisher Ford Bridge was \$1.2 to \$1.5 million, including the approaches. He stated that the Finance Committee tabled a proposal from Garver Engineering in September 2010, which was for engineering design work on the Fisher Ford and Colonel Meyers Road Bridges, and at that time it was decided to wait until the 2011 budget process was complete. He stated that the Colonel Meyers Road Bridge is on the schedule to be rebuilt in 2012, and at this time the county is getting the estimates so that they can be presented at budget time. He added that Colonel Meyers Road Bridge serves more people than are in the Fisher Ford Bridge area. He stated that a study has been done which pinpointed every address on the south side of Fisher Ford Bridge, and without the bridge there, the average increase in response time for emergency vehicles was 4 to 5 minutes.

ANNOUNCEMENTS

None

PUBLIC COMMENTS

None

Upon motion and second meeting adjourned at 8:23 p.m.