

## MINUTES OF BENTON COUNTY QUORUM COURT

**July 26, 2012**

A regular meeting of the Benton County Quorum Court was held on Thursday, July 26, 2012 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 Robert D. Clinard called the meeting to order.

Deputy Clerk Janet Reaves called roll as follows:

10 JPs Present: King, Winscott, J. Harrison, K. Harrison, Hawkins,  
Sandlin, Blaty, Curry, Carr, Moore

3 Absent: Allen, Jones, Douglas

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Pastor Galen Percy of Radiant Life Church led the prayer.

### **CHANGES TO THE AGENDA:**

None

### **MINUTES:**

JP J. Harrison made motion to approve the minutes of the June 28, 2012 Quorum Court as distributed, seconded by JP Carr.

Motion passed by unanimous voice vote.

### **ELECTED OFFICIALS REPORTS:**

Sheriff Keith Ferguson presented the Sheriff's Office mid-year report.

Sheriff Ferguson reported that sales from the Sheriff's auction had grossed \$126,000. He stated that \$56,000 received from selling confiscated vehicles will go back into the Drug Fund, and the money made from selling other equipment will go into the General Fund.

Sheriff Ferguson stated that when he took office, the previous Sheriff had left \$150,000 in the Radio Account Fund, to use at his discretion. He stated that during his administration, he has used the money to buy in-car video systems and laptops for all deputies' patrol cars; to update patrol car radios from analog to digital; to provide new computers for the Detention Center; and to install a new surveillance system, including camera, throughout the county's detention center, the annex building, and the Sheriff's Office grounds.

Sheriff Ferguson stated that he has managed to save about \$50,000 per year in the Radio Fund for the last decade, and he has decided to transfer \$500,000 into the county's General Fund. He added that he feels he is leaving an ample balance in this account for the incoming Sheriff-elect.

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Sheriff Keith Ferguson reported that even though courts order mental evaluations for inmates, it is months before they are sent to the state to receive those evaluations. He reported that in 2011, there were 10 inmates booked into the jail that were under court-ordered evaluations and commitments, and that thus far in 2012 there have been 5 inmates booked into the jail that have been ordered to receive evaluation or commitment.

**COUNTY JUDGES' REPORT:**

County Judge Bob Clinard reported that: 1) The Equalization Board remodeling is complete and the space is ready for meetings; 2) the Assessor's Annex remodel is complete and the space has been occupied; 3) an Intergovernmental Cooperation Council meeting on the Emergency Medical Services (EMS) study was held July 16, 2012, and that further discussion was held at a Public Safety Committee meeting later that evening. He reported that a letter has been sent to the eight EMS providers asking what their intentions are regarding future participation in EMS service to unincorporated Benton County. He stated that budgets for the cost of the services will be presented at the next Public Safety Committee meeting; 4) GA Engineers will be employed to prepare a set of bid documents to replace the Administration Building roof top air conditioning units if the appropriation ordinance on tonight's agenda is approved; 5) He is continuing to explore possibilities for a new and modern court facility; 6) He thanked Richard McComas for his dedicated, loyal, and effective service to Benton County for the past 10 years.

**COMMITTEE REPORTS:**

JP Winscott stated that after feedback is received from the Emergency Medical Services (EMS) providers, a date for the next Public Safety Committee meeting will be announced. He added that this is not an easy problem to solve.

JP Sandlin announced that a Personnel Committee meeting will be held Thursday, August 2, 2012 at 6:00 p.m.

**PUBLIC COMMENTS:**

Dawn Harpell of Bella Vista expressed her concern of the condition of Sunset Drive in Bella Vista.

Marty Morrison of Centerton expressed his concerns of the loud noise coming from the Nighthawk Custom Training Academy firing range in Centerton.

County Judge Bob Clinard stated that an appeal hearing of the Planning Board's decision on the firing range will be held Monday July 30, 2012 at 6:00 p.m. at the Benton County Courthouse in Judge Green's Courtroom.

County Judge Bob Clinard stated that he has asked for a legal ruling on whether Sunset Drive is within the city limits of Bella Vista, and therefore the city's responsibility, and who is responsible until the annexation goes to court.

JP J. Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Sandlin.

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

10 yeas: King, Winscott, J. Harrison, K. Harrison, Hawkins,  
Sandlin, Blaty, Curry, Carr, Moore

3 absent: Allen, Jones, Douglas

Motion passed.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

- (A) Proposed Resolution Confirming the Re-appointment of Jerry M. Sheridan to the 9-1-1 Administration Board, Member at Large, Position #2

County Attorney George Spence read the proposed resolution by title only.

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

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

10 yeas: King, Winscott, J. Harrison, K. Harrison, Hawkins,  
Sandlin, Blaty, Curry, Carr, Moore

3 absent: Allen, Jones, Douglas

Resolution duly adopted and assigned **No. R-2012-08.**

- (B) Proposed Resolution Confirming the County Judge's Re-appointment of Mark Curtis to the Benton County Planning Board, Position #1

County Attorney George Spence read the proposed resolution by title only.

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

Mark Curtis of Rogers, AR apologized to the court for not being present at the July 10, 2012 Committee of Thirteen meeting due to an illness in his family, and stated that he would be glad to answer any questions. JP Hawkins stated that he wanted to echo one of JP Jones' concerns regarding blanket approval of appointments to the Planning Board, and maybe they should wait until after there has been time to review why these recent appeals have come up.

JP Moore stated that the appeals are brought on by the volume of items that the Planning Board has been considering.

County Judge Bob Clinard stated that Mark Curtis' term expires at the end of this month, and that the next time an appointment is to be made, it will be brought before the court two months prior to the term's expiration date.

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

6 yeas: Winscott, J. Harrison, Sandlin, Curry, Carr, Moore

3 nays: K. Harrison, Hawkins, Blaty  
1 abstain: King  
3 absent: Allen, Jones, Douglas

Motion to adopt failed.

(C) Proposed Resolution Confirming the County Judge's Re-appointment of Starr Leyva to the Benton County Planning Board, Position #5

County Attorney George Spence read the proposed resolution by title only.

JP Moore made motion to table the proposed resolution to re-appoint Starry Leyva to the Benton County Planning Board, Position 5, until the next Committee of Thirteen meeting, seconded by JP Hawkins.

JP Carr stated that the result in delaying this appointment that the Planning Board will be unable to meet for 30, 60, or up to 90 days, and if the court is willing to put off doing the peoples' work for political reasons, he is embarrassed.

JP Moore suggested the possibility of a special Quorum Court meeting to be held to consider these re-appointments following the two Planning Board appeals that are pending.

County Judge Bob Clinard stated that the two appeals are scheduled for Monday, July 30, and Tuesday, July 31, at 6:00 p.m. and if either of those gets referred back to the Planning Board, it would be awhile before they will be considered.

JP Blaty stated that she would prefer to have those appeals heard before reappointing anyone to the Planning Board.

JP King stated that he would like to see the JP's in complete unison in making these appointments.

Lengthy discussion was held on the two upcoming appeals of Planning Board decisions.

County Judge Bob Clinard stated that he has reviewed the appeals that are being heard, and he believes the Planning Board has taken the action that they are obligated to.

Further discussion was held on the qualifications of the appointees to the Planning Board.

County Attorney George Spence stated that this is the County Judge's appointment, and that the court can reject the appointment, but it is the County Judge's appointment to make.

County Judge Bob Clinard stated that if the motion to table fails, then Item C will be the next agenda item to be addressed.

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

4 yeas: King, K. Harrison, Hawkins, Blaty  
6 nays: Winscott, J. Harrison, Sandlin, Curry, Carr, Moore  
3 absent: Allen, Jones, Douglas

Motion to table failed.

JP Winscott made motion to approve the proposed resolution to re- appoint Starr Leyva to the Benton County Planning Board, Position #5, seconded by JP Carr.

JP J. Harrison recognized Starr Leyva. Starr Leyva stated that she has been on the Planning Board for one and a half years, and that she is an Environmental Health Specialist for the State of Arkansas, a registered sanitarian, and also works with the Planning Commission for the State of Arkansas.

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

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

Resolution duly adopted and assigned **No. O-2012-10.**

JP King made motion to reconsider Item “B”, the proposed resolution confirming the re-appointment of Mark Curtis to the Benton County Planning Board, Position #1, seconded by JP Carr.

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

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

Motion to bring Item “B” back to the floor passed.

JP Winscott made motion to approve the proposed resolution confirming the reappointment of Mark Curtis to the Benton County Planning Board, Position #1, seconded by JP Sandlin.

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

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

Resolution duly adopted and assigned **No. R-2012-09.**

(D) Proposed Resolution Granting a Waiver of 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 Departments; Sponsor: JP Shirley Sandlin

County Attorney George Spence read the proposed resolution by title only.

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

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

10 yeas: King, Winscott, J. Harrison, K. Harrison, Hawkins,  
Sandlin, Blaty, Curry, Carr, Moore  
3 absent: Allen, Jones, Douglas

Resolution duly adopted and assigned **No. R-2012-11.**

(E) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) to Amend the Salary Range Pay Scale Attached to *Schedule 4 – Personnel and Compensation Authorization*; Sponsor: JP Shirley Sandlin

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Sandlin stated this proposed appropriation ordinance has passed through Personnel and Finance committees, and the Committee of Thirteen.

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

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

10 yeas: King, Winscott, J. Harrison, K. Harrison, Hawkins,  
Sandlin, Blaty, Curry, Carr, Moore  
3 absent: Allen, Jones, Douglas

Appropriation Ordinance duly adopted and assigned **No. O-2012-37.**

(F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No.-O-2011-61 (2012 Benton County Budget) to Amend *Schedule 4- Personnel and Compensation Authorization* by Adding Positions and Deleting Positions; Changing Grades of Certain Positions; and Changing Job Titles of Certain Positions in Various Funds and Departments; Sponsor: JP Shirley Sandlin

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Sandlin stated that the county has had several “professional” graded positions, simply because the market demanded more money than what could be paid for graded positions under the JESAP grading system. She said these changes have been recommended and have passed through the Personnel and Finance Committees, and the Committee of Thirteen. She added that these are not wholesale increases; there will be a few minor adjustments, and that these positions are simply going to be treated as the rest of the staff.

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

JP King stated that adjustments were made for positions earlier in the year that were way out of proportion, and that next year’s budget will reflect those adjustments. He stated that everybody is equal and should be paid what they should be paid.

Barbara Ludwig stated that this action is the corresponding action to the adjustments that were made in the overall salary ranges. She stated that the salary range adjustments allowed higher salaries at the top of the

grading system, and that will allow these professional positions to be moved into the grading system. She stated there will not be a cost with these changes; this is just moving some of the positions listed as “professional” on the *Schedule 4* into the graded system.

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

10 yeas: King, Winscott, J. Harrison, K. Harrison, Hawkins,  
Sandlin, Blaty, Curry, Carr, Moore  
3 absent: Allen, Jones, Douglas

Appropriation Ordinance duly adopted and assigned **No. O-2012-38.**

(G) Proposed Appropriation Ordinance Amending Appropriation Ordinance No.-O-2011-61 (2012 Benton County Budget) to Amend *Schedule 4- Personnel and Compensation Authorization* by Adding Positions and Deleting Positions; Changing Grades of Certain Positions; and Changing Job Titles of Certain Positions in Various Funds and Departments; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

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

JP Winscott asked what the budget impact would be. Barbara Ludwig stated these are reorganizations in various departments and will result in a savings of \$17,741 to the county for the remainder of 2012, and a savings of \$74, 026.97 in 2013.

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

10 yeas: King, Winscott, J. Harrison, K. Harrison, Hawkins,  
Sandlin, Blaty, Curry, Carr, Moore  
3 absent: Allen, Jones, Douglas

Appropriation Ordinance duly adopted and assigned **No. O-2012 -39.**

(H) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) to Amend *Schedule 4- Personnel and Compensation Authorization* by Adding Positions and Deleting Positions; Changing Grades of Certain Positions; and Changing Job Titles of Certain Positions in Various Funds and Departments; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

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

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

10 yeas: King Winscott, J. Harrison, K. Harrison, Hawkins,

Sandlin, Blaty, Curry, Carr, Moore  
3 absent: Allen, Jones, Douglas

Appropriation Ordinance duly adopted and assigned **No. O-2012-40.**

- (I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No.-O-2011-61 (2012 Benton County Budget) to Amend *Schedule 4- Personnel and Compensation Authorization* by Adding Positions and Deleting Positions; Changing Grades of Certain Positions; and Changing Job Titles of Certain Positions in Various Funds and Department; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

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

JP Moore stated this appropriation ordinance is to add one (1) Building Janitor Supervisor (Grade 8) and is the only position that this ordinance affects.

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

10 yeas: King Winscott, J. Harrison. Harrison, Hawkins,  
Sandlin, Blaty, Curry, Carr, Moore  
3 absent: Allen, Jones, Douglas

Appropriation Ordinance duly adopted and assigned **No. O-2012-41.**

- (J) Proposed Appropriation Ordinance Amending Appropriation Ordinance No.-O-2011-61 (2012 Benton County Budget) to Amend *Schedule 4- Personnel and Compensation Authorization* by Adding Positions and Deleting Positions; Changing Grades of Certain Positions; and Changing Job Titles of Certain Positions in Various Funds and Department; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Moore made motion to adopt, seconded by JP J Harrison.

JP Moore stated this appropriation ordinance is to add one (1) Public Safety Dispatcher II (Grade 8). JP Winscott asked what the impact would be to the budget. Barbara Ludwig stated that the impact to the remainder of 2012 is \$17,091.37 with an annual impact of \$44,437.57, with all benefits included.

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

10 yeas: King, Winscott, J. Harrison, K. Harrison, Hawkins,  
Sandlin, Blaty, Curry, Carr, Moore  
3 absent: Allen, Jones, Douglas

Appropriation Ordinance duly adopted and assigned **No. O-2012-42.**

- (K) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 23, Non-Departmental –Maintenance, Fund 010; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

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

JP Moore stated this appropriation is to appropriate \$15,000 for Engineering & Architectural Fees required to assess the County Administration Building Rooftop A/C unit.

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

10 yeas: King, Winscott, J. Harrison, K. Harrison, Hawkins,  
Sandlin, Blaty, Curry, Carr, Moore  
3 absent: Allen, Jones, Douglas

Appropriation Ordinance duly adopted and assigned **No. O-2012-43**.

- (L) Proposed Ordinance Authorizing the Exchange of County Property;  
Sponsor: JP Patrick Carr

County Attorney George Spence read the proposed ordinance by title only.

JP Carr stated this is so that the City of Siloam Springs can make use of a 2006 Dodge Ram 2500 owned by the County, which has been taken out of service, for use in the city’s animal control operations.

JP Carr made motion to adopt, seconded by JP. Winscott.

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

10 yeas: King, Winscott, J. Harrison, K. Harrison, Hawkins,  
Sandlin, Blaty, Curry, Carr, Moore  
3 absent: Allen, Jones, Douglas

First reading passed.

JP King made motion to suspend the rules and place the proposed ordinance on second and third reading, seconded by JP Harrison.

JP Blaty stated that she does not like suspending the rules; this is not an emergency.

JP Carr stated this is a piece of property that is not being used, and if this was a monetary budget thing that he would have a tough time, but with something of this nature which will be just sitting for another 60 days, that he would support suspending the rules.

County Attorney George Spence stated that he has heard the comment made several times when discussing suspension of the rules, that this is not an emergency, and while he understands that perspective, he wanted to distinguish between an emergency ordinance and what is being proposed here – they are two different things. He stated you can pass an ordinance in one night without it being an emergency ordinance.

JP Moore suggested at least passing the second reading so that only the third reading would be needed at the next Quorum Court meeting.

JP Winscott stated that he agreed with JP Blaty, that he is in favor of the ordinance; he just does not like the perception that gets out into the county that the court is trying to railroad or sneak something through. He stated that he will be voting no just because of that general principal, but that he is in favor of the ordinance.

Further discussion was held on the proposed ordinance and suspending the rules to place it on second reading.

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

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

Motion to suspend the rules failed.

**OTHER BUSINESS:**

None

**ANNOUNCEMENTS:**

County Judge Robert Clinard announced that the Planning Board appeal will be held in Circuit Judge Robin Green's courtroom at 4:30 p.m.

JP Sandlin announced that a Personnel Committee meeting will be held Thursday, August 2, 2012 at 6:00 p.m.

JP J. Harrison announced that a Finance Committee meeting will be held Tuesday, August 7, 2012 at 5:30 p.m.

**ADJOURNMENT:**

There being no further business to come before the court, upon motion and second, the meeting adjourned at 7:48 p.m.

Respectfully submitted,

Tena O'Brien  
County Clerk

Prepared by: Janet Reaves

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