

December 10, 2012

## LEGISLATIVE COMMITTEE REPORT

A Legislative Committee meeting was held on Monday, December 10, 2012 at 6:00 p.m. in the County Administration Building, Quorum Court Meeting Room, 215 East Central, Bentonville, Arkansas

Committee Members Present: Douglas, Moore, Allen, J. Harrison, Sandlin, Blaty

Others Present: County Judge Bob Clinard, JP's Hawkins, Winscott, County Attorney George Spence, Administrator of General Services Elizabeth Bowen, Administrator of Public Safety Marshal Watson, Planning and Environmental Director Christopher Ryan,

Media: Tom Sissom – Daily Record

JP Douglas called the meeting to order at 5:30 p.m.

### Public Comments

None

### **1. Proposed Items for the 2013 Legislative Packet:**

County Attorney George Spence explained the changes to the proposed items in the 2013 Legislative Packet and how the proposed items would benefit the county.

- 1) An Act to Amend §14-22-106 of the Arkansas Code to Allow an Additional Exemption from the County Bidding Requirements.
- 2) An Act to Amend §20-13-305 of the Arkansas Code to Allow for an Alternative Method of Disbursement of Service Charges for Emergency Medical Service Districts.
- 3) An Act to Amend §14-14-813 of the Arkansas Code to Provide an Alternative Method For Counties to Recover Costs Related to Remediating Unsanitary Conditions.
- 4) An Act to Amend §12-42-111 of the Arkansas Code to Give the Authority to set up County Inmate Work Programs to County Sheriff's and to Designate the Entities for Which Such Labor May be utilized.
- 5) An Act to Appeal §14-16-105 of the Arkansas Code to Allow Counties an Additional Method of Selling County Property.
- 6) An Act to Appeal §22-9-208 Regarding the State Prevailing Wage Sale
- 7) Resolution Supporting the Repeal of the Federal Prevailing Wage Scale.
- 8) An Act to Amend §14-164-704 Regarding Payments in Lieu of Taxes (PILOT)

9) An Act to Amend § 14-56-413 to Clarify the Boundaries Within Territories Jurisdictions

**Other Areas of Concern:**

JP Douglas reported that currently state law provides for a 50/50 split distribution of county road taxes between counties and municipalities. He stated three cities, Rogers, Bentonville and Siloam Springs receive a 90/10 split in road tax distribution because of special legislation; and that the Legislative Committee favors amending this distribution to create a more equitable funding for county roads.

JP Douglas reported that A.P.E.R.S. the Arkansas Public Employees Retirement System must be reformed to make the system sustainable while providing a cap on the rate of funding counties must contribute. He stated that the counties' matching contribution is now at 14.5% and will go up next year. He stated this is not sustainable; it is going to break the counties.

JP Douglas stated that when the county went from Municipal Courts to District Courts, the cities quit providing for Public Defenders and this is to amend the act so that the Prosecuting Entity would pay for the Public Defenders.

JP Douglas stated that another area of concern is, for an increase in the rate for reimbursement to counties for holding state prisoners, until the counties actual cost of housing inmates is recovered.

JP Douglas stated that Property Taxes should be collected in the year of assessment instead of in arrears. He added that too many people move in and out of Benton County without paying their taxes.

JP Douglas stated that there should be an Election law reform that would provide for no more that two special election days per year.

JP Moore stated that after a discussion with Marshal Watson, one of the plans regarding fire equipment was to cut the county's number of apparatus' to around 50. He added then they would like to take the county's old equipment and deed it over to the county's volunteer fire departments to have exclusive control, and financial responsibility.

County Attorney stated, that Act §14-16-105 would allow the county judge to dispose of the property with the Quorum Courts approval.

County Judge Bob Clinard stated that he liked the way Act §12-42-111 is written now. He stated that Court Order No. C2011-475 has been filed; which states that the Benton County Sheriff is in charge of the Inmate Work Program. He stated neither the county judge nor his staff should be overseeing inmates. He stated if it gives all of the authority to the Sheriffs in Arkansas, he would not be in favor of amending the bill, and he would like for the Sheriff to agree with who the inmates are going to work for.

County Judge Bob Clinard stated Act §14-56-413 does need to be amended to clarify the boundaries within territories jurisdictions; there is no definition who decides what is included in jurisdictions. County Attorney George Spence stated that the rule states that it is up to 5 miles, except if the cities are

closer than 5 miles apart, it is then equal distance between the two cities.

Lengthy discussion was held on amending Act §14-56-413 clarifying who should exercise and have the authority of the extra territorial jurisdiction, and who has the authority should take over the responsibility of fire protection, road maintenance and other expenses of the jurisdiction.

JP Douglas stated that the proposed items in the 2013 Legislative Packet are more of a priority, than the proposed other areas of concern.

JP Allen made motion for a proposal to make the county road tax issue on the split with the cities 50/50 a priority and be included as a priority item for 2013, seconded by JP Blaty.

Motion passed by unanimous show of hands vote.

## **2. Presentation – Overview Draft Planning and Development Regulations by Christopher Ryan**

JP Douglas stated this is an overview draft of planning and development regulations and is to make the plan an easier process for the citizens. He recognized Planning and Environmental Director Christopher Ryan who presented a power point setting out the organization of the new rules, in what is commonly been called “the Blue Book” for land use and development in the unincorporated areas of Benton County.

Ryan stated that the revision of the land use and development regulations has been ongoing since at least 2005, when a committee of residents was established to work on the regulations, and that effort produced historic preservation regulations and the formation of a historic preservation council, but unsuccessfully promoted the idea of county zoning regulations. He stated these revisions have been sent to cities in the county, developers, the Northwest Arkansas Regional Planning Commission, and other interested parties for comments. He said that a subsequent revision will also be sent out for review and comment.

He stated that the project is in three phases:

- Phase 1: Rewrite Project, Fix what is not working
  - Work with ordinance, see what is not working and meet with other users and develop a full spectrum set of issues.
  
- Phase 2: Follow-Up Tweaking and Error Correction
  - Amendment (s) to correct errors and tweak
  - Amendment to adjust structure or layout
  
- Phase 3: Add new tools for innovative development opportunities
  - Alternative subdivision types
  - Mechanisms to give developers new options for commercial development.

He stated there are ten chapters to be reviewed and discussed:

- Chapter I – General Provisions
- Chapter II – Administration and Enforcement
- Chapter III – Definitions
- Chapter IV – General Requirements of Development

- Chapter V – Subdivision Regulations
- Chapter VI – Commercial and Industrial Site Plan Review
- Chapter VII – Special Development Regulations
- Chapter VIII – Storm water Pollution Prevention Grading, and Erosion Control
- Chapter IX – Benton County Building Code Administration
- Chapter X – Flood Damage Prevention

Administrator of General Services Elizabeth Bowen stated that large scale developments and lot splits have been the biggest key to why they brought these regulations forward. She added that storm water and wind energy have not been in our regulations before, and they need to be looked at more in depth.

JP Douglas stated that the parameters on how the court would like to proceed with the Planning and Development Regulations need to be set, and that this can get complicated and needs to be examined closely. He said to remember that the devil is in the details, and that this is a document that determines what people can and can't do with their property, and how county government can basically control what goes in the county.

JP K. Harrison stated we need to really take our time and address this. He stated that he is concerned by the county's use of a compatibility requirement in determining whether a project should or should not be approved. He added when you get into compatibility you get into basically zoning, and that's where we're going to be bombarded by people out in the county about this, so we have got to be careful.

JP Allen made motion to proceed with a chapter-by-chapter review of the proposed planning and development regulations, seconded by JP Blaty.

Christopher Ryan stated that breaking up the proposed regulations by chapters 1 thru 4 would be a good start.

Elizabeth Bowen stated that doing the review chapter-by chapter will take three meetings, and that this will be posted on the county website and on the Legislative Committee dashboard.

Motion passed by unanimous show of hands vote.

JP Douglas stated that the next Legislative Committee meeting will be held on Tuesday, January 15, 2013 at 6:00 p.m.

County Judge Bob Clinard stated that we need to get the public involved, and let them know why we need to clean up our planning regulations. He said we are making these changes for the benefit of our taxpayers, and that is the only reason that we are making these changes.

Meeting adjourned at 7:12 p.m.