

MINUTES OF BENTON COUNTY QUORUM COURT

May 23, 2013

A regular meeting of the Benton County Quorum Court was held on Thursday, May 23, 2013 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Clerk Tena O'Brien called roll as follows:

14 JPs Present: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Blaty, Curry, Carr, Meyers, Moehring
1 Absent: *Moore

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Justice of the Peace Steve Curry led the prayer.

CHANGES TO THE AGENDA:

JP Jones made motion to amend the agenda to move "Item K" to first item under new business and "Item I" to the second item under new business, seconded by JP Curry.

13 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams,
Jones, Sandlin, Anglin, Blaty, Curry, Meyers, Moehring
1 against: Carr
1 absent: *Moore

Motion passed by unanimous voice vote.

MINUTES:

JP J. Harrison made motion to approve the minutes of the April 25, 2013 Quorum Court Meeting as distributed, seconded by JP Jones.

Motion passed by unanimous voice vote.

Minutes approved.

ELECTED OFFICIALS REPORTS:

None

COUNTY JUDGE'S REPORT:

County Judge Bob Clinard reported that: 1) they are working on a formula to come up with an acceptable approach to determining EMS provider's cost; 2) the Courthouse Feasibility study is in progress; 3) he recommends that the August Quorum Court meeting should be changed because of

the state wide AAC meeting in Hot Springs; 4) the next County Hall meeting will be held August 12, 2013 at 6:00 p.m. in Gravette; 5) a Benton County Intergovernmental meeting had been held; 6) the annual county auction is Saturday July 27, 2013 starting at 10:00 a.m.

COMMITTEE REPORTS:

JP Allen stated that the Finance Committee met June 7th for a regular meeting and again on June 9th to discuss Emergency Medical Services (EMS) for the county, but that a decision has not been made.

*JP Moore entered the meeting.

PUBLIC COMMENTS:

None

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

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

15 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Blaty, Curry, Carr, Moore, Meyers, Moehring

Motion passed.

OLD BUSINESS:

- (A) Second Reading of a Proposed Ordinance to Amend Portions of the *Code of Ordinances of Benton County, Arkansas* to Provide a Refund Procedure with Regard to the Tax Imposed on Private Clubs and to Correct Other Portions of the Code Related to Private Clubs Altered in the Course of Codification;
Sponsor: JP Tom Allen

County Clerk Tena O'Brien read the proposed ordinance by title only.

JP Allen stated this is the second reading and made motion to adopt, seconded by JP Sandlin.

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

15 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Blaty, Curry, Carr, Moore, Meyers, Moehring

Second reading passed.

NEW BUSINESS:

- (K) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (2013 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 01, County Judge, Fund 010;
Sponsor: JP Jay Harrison

County Clerk Tena O'Brien read the proposed appropriation ordinance by title only.

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

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

15 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams,
Jones, Sandlin, Anglin, Blaty, Curry, Carr, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2013-33**.

- (I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (**2013** Benton County Budget) by Authorizing Transfers Between Funds and Appropriating Additional Funds to Various Funds and Departments for the Purpose of Giving a Nonrecurring Salary Adjustment to Benton County Employees; Sponsor: JP Barry Moehring

County Clerk Tena O'Brien read the proposed appropriation ordinance by title only.

JP Moehring stated that he is happy to sponsor this and made motion to adopt, seconded by JP Jones.

JP McKenzie stated that he wanted to consider raises during the normal budget process rather than taking money out of reserves.

JP Meyers stated that all Elected Officials should be omitted from the proposed appropriation ordinance.

JP Adams stated that he had talked with constituents in the county and that they have all been positive about the nonrecurring salary increase and they are appreciative of the county work that employees do. He said that he has not received any negative feedback, and that he would support the proposed ordinance 100%.

JP Allen stated that he is not supportive of the proposed ordinance, but that it is not a reflection on the employees or the Elected Officials. He said he believes that they are worth much more than they are being paid. He stated that he has a problem with the method as it was presented; it should have been presented mid-year and should have gone through the annual budget process. He added that he has a principal and that he is voting against it, not because he does not think that they deserve the money, but because it should have been brought up in the budget process at the first of the year.

JP Moehring stated he would also like to see this as part of the regular budget process for next year. He stated this court could have given a bigger raise last year during the budget process had they known of the \$2.4 million in turnback money. He stated the turnback money has been spent on security systems, roads, and a variety of other items, and that it seems equitable to spend some of the turnback on the employees.

JP Moore made motion to amend the original motion and remove all Elected Officials from the proposed appropriation ordinance, seconded by JP Meyers.

Discussion was held on amending the motion to remove all Elected Officials from the nonrecurring salary adjustment proposed appropriation ordinance.

JP Adams called for the question.

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

4 Yeas:	J. Harrison, Carr, Moore, Meyers
11 Nays:	McKenzie, Hernandez, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Blaty, Curry, Moehring

Motion to amend the proposed appropriation ordinance failed.

JP Hernandez stated that he feels that the whole issue of merit raises should be brought up at some point in the future, and that this is a good time to mention it. He stated that if pay increases are considered some of those should be for regular pay increases to cover the cost of living, but that there should also be merit increases that cover performance, so that they can reward good performance and keep those people.

JP Sandlin stated that she is in agreement with JP Allen, that she would rather see them bring forth increases mid-year for an actual salary increase, rather than a one time bonus, and that she will be voting against this. She added this is not against the people; this is against a one-time increase.

JP Carr recognized Sheriff Kelly Craddock.

Sheriff Kelly Craddock stated that whether you call this a one time bonus, or one time nonrecurring bonus, this is about showing appreciation to the very people that provided that money in the first place. He stated this bonus is important to them. He stated he was respectfully asking the court to consider showing every single employee how important they are to the county.

After further discussion was held on approving the nonrecurring salary increase a roll call vote was recorded as follows:

12 Yeas:	Hernandez, J. Harrison, K. Harrison, Adams, Jones Anglin, Blaty, Curry, Carr, Moore, Meyers, Moehring
3 Nays:	McKenzie, Allen, Sandlin

Appropriation Ordinance duly adopted and assigned **No. O-2013-34.**

County Judge Bob Clinard called a 5-minute recess.

Meeting reconvened.

- (A) Proposed Resolution Authorizing the County Judge of Benton County To Apply for an Arkansas State Police-Selective Traffic Enforcement Program (S.T.E.P.) FY 2014 Grant; Sponsor: JP Joel Jones

County Clerk Tena O'Brien read the proposed resolution by title only.

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

There being no discussion, the resolution passed by unanimous show of hands vote.

Resolution duly adopted and assigned **No. R-2013-15.**

- (B) Proposed Resolution Granting a Waiver of Policy as Established in Sec. 2-516 of the *Code of Ordinances of Benton County* Regarding Payments within the Salary Range for Various Positions in Various Departments; Sponsor: JP Barry Moehring

County Clerk Tena O'Brien read the proposed resolution by title only.

JP Moehring made motion to adopt, seconded by JP McKenzie.

There being no discussion motion passed by show of hands vote.

Resolution duly adopted and assigned **No. R-2013-16.**

JP Moehring made motion to combine Item's C, D, E and F for the Dive Team Board appointments, and have one vote on all, motion duly seconded.

Motion passed by unanimous show of hands vote.

- (C) Proposed Resolution Confirming the County Judge's Appointment of Jeff Parks to the Benton County Dive Team, Sponsor: JP Barry Moehring
- (D) Proposed Resolution Confirming the County Judge's Appointment of Shawn Holloway to the Benton County Dive Team, Sponsor: JP Barry Moehring
- (E) Proposed Resolution Confirming the County Judge's Appointment of Brandon Rogers to the Benton County Dive Team, Sponsor: JP Barry Moehring
- (F) Proposed Resolution Confirming the County Judge's Appointment of Ralph Randall to the Benton County Dive Team, Sponsor: JP Barry Moehring

County Clerk Tena O'Brien read the proposed resolutions by title only.

JP Moehring made motion to approve, seconded by JP Hernandez.

Motion passed by show of hands vote.

Resolutions duly adopted and assigned **No. R-2013-17, R-2013-18, R-2013-19, and R-2013-20.**

- (G) Proposed Resolution Re-Appointing Jana Jobe as the Quorum Court Representative to the Benton County Equalization Board for a Three-Year Term; Sponsor JP Tom Allen

County Clerk Tena O'Brien read the proposed resolution by title only.

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

Motion passed by unanimous show of hands vote.

There being no discussion resolution duly adopted and assigned **No. R-2013-21.**

- (H) Proposed Resolution of the Quorum Court of the County of Benton, State of Arkansas, Accepting the Audit Report for Benton County for the Period Ending December 31, 2011; Sponsor JP Tom Allen

County Clerk Tena O'Brien read the proposed resolution by title only.

JP Allen made motion to adopt, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

Resolution duly adopted and assigned **No. R-2013-22.**

Item "I" moved to second item under new business on the agenda.

- (J) Proposed Ordinance Amending Certain Sections of chapter 2, Article VII et seq. of the *Code of Ordinances of Benton County, Arkansas* Regarding Benton County Employment and Salary Administration Policy; Sponsor: JP Shirley Sandlin

County Clerk Tena O'Brien read the proposed ordinance by title only.

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

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

15 Yeas: McKenzie, Hernandez, J. Harrison. Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Blaty, Curry, Carr, Moore, Meyers, Moehring

First reading passed.

Item "K" moved to first item under new business on the agenda.

- (L) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (**2013** Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Fund 440, Juvenile Detention Center, Department 35; Sponsor JP Kurt Moore

County Clerk Tena O'Brien read the proposed appropriation ordinance by title only.

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

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

15 Yeas: McKenzie, Hernandez, J. Harrison. Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Blaty, Curry, Carr, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2013-35.**

- (M) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (**2013** Benton County Budget) Appropriating Additional Monies; Authorizing Additional Expenditures in Department 23, Non-Departmental Maintenance, Fund 010; Sponsor: JP Jay Harrison

County Clerk Tena O'Brien read the proposed appropriation ordinance by title only.

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

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

15 Yeas: McKenzie, Hernandez, J. Harrison. Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Blaty, Curry, Carr, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2013-36.**

- (N) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (**2013** Benton County Budget) Appropriating Additional Monies in Department 05, Sheriff's Office, Fund 440; Sponsor: JP Barry Moehring

County Clerk Tena O'Brien read the proposed appropriation ordinance by title only.

JP Moehring made motion to adopt, seconded by JP Jones.

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

15 Yeas: McKenzie, Hernandez, J. Harrison. Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Blaty, Curry, Carr, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2013-37.**

- (O) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (**2013** Benton County Budget) Appropriating Additional Monies in Department 47, Benton County Fire Services, Fund 480;
Sponsor: JP Kurt Moore

County Clerk Tena O'Brien read the proposed appropriation ordinance by title only.

JP Moehring made motion to adopt, seconded by JP Jones.

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

15 Yeas: McKenzie, Hernandez, J. Harrison. Allen, K. Harrison, Adams,
Jones, Sandlin, Anglin, Blaty, Curry, Carr, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2013-38.**

- (P) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (**2013** Benton County Budget) Authorizing a Transfer of Funds in Between Categories and Line Items, Dept 69, Search/Rescue – Dive Team, Fund 010;
Sponsor JP Steve Curry

County Clerk Tena O'Brien read the proposed appropriation ordinance by title only.

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

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

15 Yeas: McKenzie, Hernandez, J. Harrison. Allen, K. Harrison, Adams,
Jones, Sandlin, Anglin, Blaty, Curry, Carr, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2013-39.**

- (Q) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (**2013** Benton County Budget) Appropriating Additional Monies; Authorizing Additional Expenditures in Department 67, Jail, Fund 931;
Sponsor: JP Joel Jones

County Clerk Tena O'Brien read the proposed appropriation ordinance by title only.

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

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

15 Yeas: McKenzie, Hernandez, J. Harrison. Allen, K. Harrison, Adams,
Jones, Sandlin, Anglin, Blaty, Curry, Carr, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2013-40.**

- (R) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (**2013** Benton County Budget) to Amend *Schedule 4 – Personnel and Compensation Authorization* by Adding Positions in Dept. 67, County Jail, Fund 330; Sponsor: JP Steve Curry

County Clerk Tena O’Brien read the proposed appropriation ordinance by title only.

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

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

15 Yeas: McKenzie, Hernandez, J. Harrison. Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Blaty, Curry, Carr, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2013-41.**

- (S) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (**2013** Benton County Budget) to Amend *Schedule 1 – Revenues by Fund* by Authorizing a Transfer from General Fund 010, to Road Department Fund 020, and Authorizing a Transfer Between Categories and Line Items and Authorizing Expenditures Listed Herein to Account for Transfers Made During the Budget Year 2013; Sponsor: JP Joel Jones

County Clerk Tena O’Brien read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Blaty.

JP Jones stated because of storm damage, the \$1.1 million to be appropriated will be used for the storm damage and that the Road Department, will continue with the original work that they would have done without the accelerated 2012 Road Plan, and that a large portion of the 2012 Road Plan will not be done, because of the storm damage.

After further discussion was held on the recent storm damage and using funds designated for the 2012 Road Plan, a roll call vote was recorded as follows:

15 Yeas: McKenzie, Hernandez, J. Harrison. Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Blaty, Curry, Carr, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2013-42.**

- (T) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (**2013** Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items, Dept 44, County Road, Fund 020; Sponsor JP Joel Jones

County Clerk Tena O'Brien read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP McKenzie.

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

15 Yeas: McKenzie, Hernandez, J. Harrison. Allen, K. Harrison, Adams,
Jones, Sandlin, Anglin, Blaty, Curry, Carr, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2013-43.**

- (U) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (**2013** Benton County Budget) to Transfer Funds and Create a Line Item to be Named "Clothing Allowance" and, Numbered No. 5120 in Departments 05 & 67, Fund 010, Sheriff & Jail; and Authorize Additional Expenditures Therein; Sponsor: JP Joel Jones

County Clerk Tena O'Brien read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Blaty.

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

15 Yeas: McKenzie, Hernandez, J. Harrison. Allen, K. Harrison, Adams,
Jones, Sandlin, Anglin, Blaty, Curry, Carr, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2013-44.**

- (V) Proposed Ordinance Authorizing the Sheriff to Collect a Fee for Providing Fingerprinting Services; Sponsor: JP Michelle Blaty

County Clerk Tena O'Brien read the proposed ordinance by title only.

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

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

15 Yeas: McKenzie, Hernandez, J. Harrison. Allen, K. Harrison, Adams,
Jones, Sandlin, Anglin, Blaty, Curry, Carr, Moore, Meyers, Moehring

First reading passed.

- (W) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-24 to Correct the Fund Numbers and Titles Therein; Sponsor: JP Steve Curry

County Clerk Tena O'Brien read the proposed appropriation ordinance by title only.

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

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

15 Yeas: McKenzie, Hernandez, J. Harrison. Allen, K. Harrison, Adams,
Jones, Sandlin, Anglin, Blaty, Curry, Carr, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2013-45**.

Other Business:

JP Moehring stated that he had met with Grant Jennill, Executive Director of the Arkansas Economic Development Commission. He stated that Benton and Washington Counties are further along than any other county in Arkansas in economic development, but that it is clear that there is still a disconnect between what we do in Benton County from an economic developers perspective and what information that the state receives. He stated that Grant Jennill said that they need sites that can be used for economic development. He added that the reason that he is bringing this to the courts attention, is that he firmly believes that the things that make Benton County strong and the things that they are relying on today, such as Wal-Mart, JB Hunt, and Tyson are perhaps capped out. He stated that in order to keep this economy going, they need to start thinking more about economic development. He stated that he thought that it was a good discussion and that he wanted to put it on the Quorum Court's radar.

County Judge Bob Clinard stated that we do have the Northwest Arkansas Council, whose main job is economic development in Northwest Arkansas. He stated that what they are asking takes a lot of time and that there are only two people on the council. He stated each city has their own point of contact for this information, but the county does not have anyone, and that it would take a full-time employee to push this idea forward and go out and get this information. He stated that the Arkansas Economic Development Commission has helped fund 87 projects this year, and that they have helped 374 existing businesses.

JP Allen stated that Rogers, Bentonville and Siloam Springs have a good grasp of what is in their cities as far as available land. He stated that we need to open up communication with the channels that are in place now and meet on a regular basis.

JP K. Harrison stated that in 2006 he had talked about economic development, and that the county needs its own economic development council. He stated that there are a lot of executives from Fortune 500 companies that have said that they would be more than happy to sit on the council as volunteers. He stated that even some of the smaller municipalities could also sit on the council.

County Judge Bob Clinard stated that it takes time and people to organize a council.

JP Moehring stated that Benton County needs to have an approach and know how to proceed.

JP Carr stated that this is a good thing, but that the State stands in the way.

Further discussion was held on promoting economic development in Benton County.

Announcements:

JP Allen announced that a Finance Committee meeting will be held on June 4, 2013 at 5:30 p.m.

Adjournment:

There being no further business to come before the court, upon motion and second the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Tena O'Brien
County Clerk

Prepared by Janet Reaves