

MINUTES OF BENTON COUNTY QUORUM COURT

September 30, 2013

A regular meeting of the Benton County Quorum Court was held on Monday, September 30, 2013 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

Deputy Clerk Janet Reaves called roll as follows:

15 JPs Present: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Carr, Moore, Meyers, Moehring

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:

None

MINUTES:

JP J. Harrison made motion to approve the minutes of the August 20, 2013 Quorum Court Meeting as distributed, seconded by JP Curry.

Motion passed by unanimous voice vote.

Minutes approved.

ELECTED OFFICIALS REPORTS:

None

COUNTY JUDGE'S REPORT:

County Judge Bob Clinard reported that; 1) the Courthouse Feasibility study is still in progress; 2) the Gravette facility for the Collector and Assessor's Offices is near completion and they are scheduled to move in October 25th, and that the State Revenue Office will also occupy the building; 3) the County Property Disposal list for August has been completed; 4) an offer to purchase the USA Drug building in Rogers has been accepted and an appropriation ordinance request will be presented to the Finance Committee for discussion; 5) Terry Nalley has been hired as Administrator of Public Services and Jeff Clark as Construction Superintendent II, and they will begin October 7, 2013; 6) since the November and December Quorum Court meeting dates fall on or near holidays, the dates will need to be changed.

JP J Harrison proposed that the November Quorum Court meeting be held November 21, 2013, and the December meeting be held Thursday, December 19, 2013 at 6:00 p.m.

JP Jones made motion to approve moving the November Quorum Court meeting date from November 28, 2013 to November 21, 2013 at 6:00 p.m. and the December Quorum Court meeting date from December 26, 2013 to December 19, 2013 at 6:00 p.m., seconded by JP Sandlin.

Motion passed by unanimous voice vote.

COMMITTEE REPORTS:

JP Allen reported that the Legislative Committee had met and went over the revisions made to the final draft of the Planning and Development Ordinance and that the draft will be presented to the Committee of the Whole.

County Judge Bob Clinard announced that a Finance/Budget Committee meeting will be held Monday, October 14, 2013 at 6:00 p.m.

County Judge Bob Clinard stated that Ozark Regional Transit will be coming to the Quorum Court to ask for funding for Ozark Regional Transit.

JP Allen stated that Benton County is currently funding Ozark Regional Transit in the amount of \$15,000 and they would like additional funding. He stated that a presentation will be made by Ozark Regional Transit at the Finance/Budget meeting Monday, October 14, 2013.

PUBLIC COMMENTS:

Ron Fields of Rogers expressed his concerns regarding the road conditions on Kreeger Lane.

Orville Hart of Gentry expressed his opposition of the county establishing an \$85 per-household fee for EMSD service in the unincorporated areas of Benton County, and asked that the county give the citizens the opportunity to vote.

Bill Edwards, Mayor of Centerton, expressed his concerns regarding EMSD service and stated that the service does not include fire protection.

Dianne Shankle of Bentonville commented on the proposed Sheriff Department wage increases for the agenda.

Joanne Hoffman of Rogers expressed her concerns regarding the Sheriff's Department request for wage increases, and their job descriptions.

Kathy Andreasen of Lowell expressed her opposition to the \$85 fee per-household fee for EMSD service in the unincorporated areas of Benton County.

Tara Hescott commented on the current wages paid to county employees and asked that while the court is looking at the 2014 budget, they consider all of the county employees, not just the Sheriff's Department.

Jim Griffin of Siloam Springs stated that Benton County needs to establish an EMSD service in Benton County.

Willene Johnson of Avoca stated that the county should offer the public the option to vote on a ¼-cent or a ½-cent sales tax to cover the expenses for EMSD service.

Theresa Pockrus of Gentry spoke against the ordinance and said that the county should hold an election on the question. She stated that a lot of the money that goes into the cities budgets is provided by county citizens, and they are being treated as "step-children" and that their contributions they make to the cities' tax base is ignored.

John Cooper of Gravette expressed his opposition of establishing the \$85 per-household fee for EMSD service.

Kathy Andreasen stated that what we really need is an election; you have to hear the voice of the people.

OLD BUSINESS:

None

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

Motion passed by unanimous voice vote.

NEW BUSINESS:

- (A) Proposed Resolution to Provide for the Interim Filing of a Vacancy for the Office of Benton County Sheriff During Times of Emergency; and for Other Purposes; Sponsor: JP Tom Allen

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

JP Allen 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, Chiocco, Curry, Car, Moore, Meyers, Moehring

Resolution duly adopted and assigned **R-2013-29**.

(B) Proposed Resolution Confirming an Appointment by the County Judge to the Benton County Historical Preservation Commission; Sponsor: JP Kurt Moore

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:

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

Resolution duly adopted and assigned **R-2013-30**.

(C) Proposed Resolution Granting a Waiver of Policy as Established in Sec 2-516 of the *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 Sandlin made motion to adopt, seconded by JP Curry.

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

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Chiocco, Curry, Carr, Moore, Meyers, Moehring

1 Nay: Anglin

Resolution duly adopted and assigned **R-2013-31**.

(D) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (2013 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items and Authorizing Expenditures in Department 23, Non-Dept. & Maintenance, Fund 010; Sponsor: JP Jay Harrison

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

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

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, Chiocco, Curry, Carr, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **O-2013-63**.

(E) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (2013 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items and Authorizing Expenditures in Department 38, Environmental, Fund 010; Sponsor: JP Kurt Moore

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

JP Moore 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, Chiocco, Curry, Carr, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **O-2013-64**.

(F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (2013 Benton County Budget) Appropriating Additional Monies in Department 66, Public Safety Services, Fund 010; Sponsor: JP Joel Jones

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

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

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, Chiocco, Curry, Carr, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **O-2013-65**.

- (G) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (2013 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items, and Authorizing Additional Expenditures in Department 45, Road Department, Bridge Projects, Fund 440;
Sponsor: JP Jay Harrison

County Attorney George Spence 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, Angling, Chiocco, Curry, Carr, Moore, Meyers,
Moehring

Appropriation Ordinance duly adopted and assigned **O-2013-66**.

- (H) Proposed Resolution Granting a Waiver of Policy as Established in Sec 2-516 of the *The Code of Ordinances of Benton County* Regarding Payments Within the Salary Range in Department 05, Sheriff, Fund 010; Sponsor: JP Michelle Chiocco

JP Chiocco made motion to adopt, seconded by JP Adams.

JP's McKenzie and Moehring stated that they would oppose the resolution request.

JP's Chiocco, JP K. Harrison, Hernandez, Curry, Adams and Moore all voiced their support for the Sheriff's Department proposed resolution.

Sheriff Craddock stated that he appreciated the comments, and that he appreciates the fact that they have been willing to have a dialog about it. He stated that he has lost five deputies in five weeks, four due to pay and one moved out of state. He stated that it costs about \$100,000 to recruit, outfit, train and pay them while they go to the academy. He stated it costs a lot more money to keep replacing these people, than to just pay them what they are worth.

JP Anglin stated that she would support giving raises for all county employees at budget time, but that she could not support this request tonight.

Further discussion was held on the resolution request for wage increases in the Sheriff's Department.

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

10 Yeas: Hernandez, J. Harrison, K. Harrison, Adams, Jones, Chiocco,
Curry, Carr, Moore, Meyers

5 Against: McKenzie, Allen, Sandlin, Anglin, Moehring

Resolution duly adopted and assigned **R-2013-32**.

- (I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (2013 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items, Appropriating Additional Monies and Authorizing Additional Expenditures in Various Funds and Department; Sponsor: JP Michelle Chiocco

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

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

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

10 Yeas: Hernandez, J. Harrison, K. Harrison, Adams, Jones, Chiocco, Curry, Carr, Moore, Meyers

5 Against: McKenzie, Allen, Sandlin, Anglin, Moehring

Appropriation Ordinance duly adopted and assigned **O-2013-67**.

Meeting recessed.

Meeting reconvened.

- (J) Ordinance Establishing an Emergency Medical Service District for the Unincorporated Portion of Benton County Not Currently Part of the Northeast Benton County Emergency Service District; Sponsor: JP Tom Allen

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

County Attorney George Spence explained the procedure to adopt an ordinance in less than three different meetings. He stated that after an ordinance is adopted and published, a referendum may be brought against the ordinance, but it must be filed, within sixty days from the date of publication. He said this ordinance is set to become effective December 31, 2013.

JP Allen made motion to suspend the rules and place the proposed ordinance on the second reading by title only, seconded by JP K. Harrison

JP McKenzie stated this should be brought to a vote by the people and that he would not support the ordinance.

JP K. Harrison stated that he would support the ordinance.

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

10 Yeas: J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Carr,
Moore, Moehring
5 Nays: McKenzie, Hernandez, Chiocco, Curry, Meyers

Motion to suspend the rules passed.

County Attorney George Spence read ordinance by title only.

JP Allen made motion to suspend the rules and place the proposed ordinance on the third and final reading, seconded by JP Sandlin.

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

10 Yeas: J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Carr,
Moore, Moehring
5 Nays: McKenzie, Hernandez, Chiocco, Curry, Meyers

Motion passed to support the rules.

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

JP Allen stated that the current plan has been effective for years, and does not change; citizens will still be billed by the city for ambulance service. He stated this ordinance is for an \$85 per-household fee and provides the assurance for 2014 that an ambulance will show up at your house in the unincorporated areas of Benton County.

JP Allen made motion to adopt the ordinance, seconded by JP Sandlin.

JP K. Harrison stated that we have fought very hard for the citizens of the county, but if this does not pass, and you pick up a phone and an ambulance does not come, you are not going to blame the cities; you are going to blame the county.

Lengthy discussion was held on establishing the \$85 per-household for an emergency medical service district (EMSD) for the unincorporated areas in Benton County.

JP McKenzie stated if the citizens do not like the ordinance they can initiate a referendum. He then asked County Attorney George Spence what would be involved if the citizens called a referendum.

County Attorney George Spence explained the procedures for a referendum to be called by the residents of the unincorporated area. He stated that there are about 1,600 registered voters who voted in the last Circuit Clerk election, their signatures would have to be verified by the County Clerk's office, and then they can call for an election. He stated that the ordinance would not be effective until after the vote. He added that the right of referendum has to be exercised within 60 days of publication.

JP Allen stated with regards to the comments to send this to the people to vote, the court has operated within the powers vested in the Quorum Court of Benton County, as established by the Arkansas Constitution.

Further discussion was held on establishing the \$85 per-household fee for an emergency medical service district (EMSD) for the unincorporated area in Benton County.

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

9 Yeas: Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Carr, Moore,
Moehring

6 Nays: McKenzie, Hernandez, J. Harrison, Chiocco, Curry, Meyers

Ordinance duly adopted on third reading and assigned **O-2013-68**.

Other Business:

None

Announcements:

JP Sandlin announced that a Personnel Committee meeting will be held Monday, October 7, 2013 at 6:00 p.m.

Adjournment:

There being no further business to come before the court, upon motion and second the meeting adjourned at 8:27 p.m.

Respectfully submitted,

Tena O'Brien
County Clerk