

MINUTES OF BENTON COUNTY QUORUM COURT

May 28, 2015

A regular meeting of the Benton County Quorum Court was held on Thursday, May 28, 2015 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 Bob Clinard called the meeting to order.

County Clerk Tena O'Brien called roll as follows:

13 JPs Present: Easley, Shadlow, J. Harrison, Allen, Adams, Jones, Sandlin, Anglin,
Chiocco, Leadabrand, Moore, Meyers, Moehring
2 JP Absent: K. Harrison, Curry

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Pastor Jeff Odom of Word of Life Fellowship Church led the prayer.

CHANGES TO THE AGENDA

JP Shadlow made motion to add Item "J" to the end of the agenda, seconded by JP Chiocco.

Motion passed by unanimous voice vote.

MINUTES:

JP J. Harrison made motion to approve the minutes of the April 23, 2015 Quorum Court meeting as distributed, seconded by JP Joel Jones.

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

13 Yeas: Easley, Shadlow, J. Harrison, Allen, Adams, Jones, Sandlin,
Anglin, Chiocco, Leadabrand, Moore, Meyers, Moehring
2 Absent: K. Harrison, Curry

Minutes approved as distributed.

ELECTED OFFICIALS REPORTS:

Sheriff Cradduck presented a report detailing the office's activities through 2014 and his goals for 2015. He reported that currently they are housing over 500 inmates in the jail and that in the future they may need to request additional staffing. He stated that the changes in the jail operations have been a major accomplishment. He reported that there are 32 extra beds that will be reserved for misdemeanor cases only, and it will only take one day to fill those extra beds.

A brief discussion followed concerning the possible need for additional staff in order to be able to operate the misdemeanor section.

Sheriff Craddock reported that the addition of hot meals has decreased disciplinary problems with inmates in the jail, and that there has been a dramatic reduction in threats towards the guards because the prisoners do not want to lose the privilege of hot meals.

COUNTY JUDGE'S REPORT/COUNTY PROPERTY DISPOSAL REPORT:

- Proposed location options for the new Benton County Justice Center have been presented to the Public Safety Committee. Discussion will be continuing at the Committee of the Whole meeting to be held on June 9, 2015.
- Progress has been made with AHTD working with us on the state highway access to the Bentonville West High School location in Centerton. They have not heard from them about their research into those intersections.
- We have advertised nationwide for engineering firms to design the repair on War Eagle Bridge.
- We have chosen East-Harding as Construction Manager to oversee the Old Courthouse exterior and interior renovations per the Walton Foundation Grant. Design specifications have begun.
- Exceptionally wet weather has delayed our road construction plan. When conditions are suitable we will try to catch up and make the schedule.
- We have selected Trainer Architects from Kansas City, Missouri to work with Benton County on the County Jail expansion and long term planning. Negotiations are underway in Little Rock with a plan to alter the way inmates may get parole hearings earlier than they currently do. A change in policy may affect the immediate need for more misdemeanor beds at the County Jail.
- The April 2015 Property Disposal Report was reviewed.

COMMITTEE REPORTS:

JP Jones reported that at the May 11, 2015 Public Safety/Justice Facility Committee meeting, the committee voted to forward the Downtown Courts Facility option for further discussion to the June 09, 2015 Committee of the Whole meeting.

JP Allen reported that a Finance Committee meeting was held Thursday, May 04, 2015.

County Judge Clinard stated that he would like to address proposed resolution Item "A" honoring Benton County Native Ricky L. Waddell at this time, and recognized Ricky L. Waddell.

- (A) Proposed Resolution Honoring Benton County Native Ricky L. Waddell for His Service to the Nation; Sponsor: JP Susan Anglin

County Judge Clinard asked that the resolution be read in its entirety.

County Attorney George Spence read the proposed resolution in its entirety.

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

Motion to adopt passed by unanimous voice vote.

Resolution duly adopted and assigned **No. R-2015-16.**

County Judge Bob Clinard read a citation adopted by the Arkansas House of Representatives citing the accomplishments of General Waddell.

General Waddell addressed the court, stating that he has been deeply honored by this recognition.

PUBLIC COMMENTS:

Romaine Kobilsek of Bella Vista spoke in support of SPAY Arkansas which provides low-cost spaying and neutering services, which are available to all Northwest Arkansas residents. She requested that the Quorum Court consider funding in the amount of \$24,000 for the organization.

Linda Picken of Fabulous Felines reported that Clay Morgan is starting a shelter which he expects to have it open in approximately a year and a half, so her organization will not be pressing Benton County to open one at this time. She said they would like to request that a committee of Quorum Court members and other community members be appointed to develop a plan for mandatory spaying and neutering.

Leticia Stivers of Rogers spoke in favor of implementing a trap, neuter, and release program in Benton County to control the population of feral cats, citing her experience with a program in Austin, Texas which was responsible for fixing 5,000 cats per year.

JP Jones suggested that this issue be placed on the next Public Safety Committee agenda. County Judge Bob Clinard stated that there have been some discussions between the Humane Society and the Sheriff's Office about renewing their contract, and this would be another issue for the Public Safety Committee to address.

2015 ROAD PLAN UPDATE

County Road Department Director Jeff Clark stated that the recent rains have not caused any major flooding issues or damage in Benton County, although they have had to deal with several downed trees. He presented a power point illustrating the original road plan as previously submitted, along with the changes that have been made, including the deletion of the Sugar Creek Road project. He said that in cooperation with the cities of Bella Vista and Pea Ridge, they will be starting work Looney Road in 2016, a project that will cover 3.8 miles.

Jeff Clark stated that there are currently two state-aid projects underway—Miller Church, which is moving along very smoothly with an approximate delay of four weeks due to the weather, and Kinchloe/Chamber Springs, which is about 65% complete. He said this project hit a snag due to the discovery of an artesian well, but they are getting some assistance from the Arkansas Highway and Transportation Department in resolving this issue.

Jeff Clark reported that only 8.7 of the 53 miles scheduled to be paved this year have been completed, with most of the delay occurring in construction, but he believes that all of the planned chip and seal work will be completed. He noted that since January 1, 2015, Benton County has received 56.02 inches of rain, with 20.45 inches of that in the month of May.

Jeff Clark presented a list of completed projects, and stated that they hope to begin soon on the Herbaugh/Highway 72 project, as well as Stagecoach Bridge, Corinth Bridge, and Wildcat Bridge. He said Requests for Quotes will be coming in for War Eagle Bridge on June 3, and they have received inquiries from 24 interested parties.

Jeff Clark explained the record keeping procedures that the road department follows from start to finish on all of its projects, stating that they can go back and look at exactly how any bridge was built and what materials were used.

JP Leadabrand complemented the Road Department on their excellent work.

JP Allen stated that he was under the impression that all of Benton County's bridge work was contracted out. Jeff Clark explained that an engineer is brought in if any structural work is needed, and that the majority of the work done by the Road Department is maintenance on the bridges and approaches, as cited in the NBIS (National Bridge Inspection Standards) reports which the department receives from the state following routine inspections.

County Judge Bob Clinard said that he would like to brag on the Road Department, because during the extensive flooding of 2011, they discovered that FEMA would provide additional reimbursements if the situation which caused the flooding were not only repaired but mitigated to prevent the flooding from recurring. He said that is one of the reasons that the recent heavy rains have not caused as much damage as they could have.

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

Motion passed by unanimous show of hands vote.

OLD BUSINESS:

None

County Judge Bob Clinard stated that at this point, he would use his discretion to address Item "J" as the next item on the agenda.

NEW BUSINESS:

- (J) Proposed Resolution Authorizing Judge Chuck D. Brown to Solemnize the Marriage of Rodney Alan Hall to Cynthia Dawn Richter on June 20, 2015 in Lowell, Arkansas; Sponsor JP Susan Shadlow

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

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

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

- 13 Yeas: Easley, Shadlow, J. Harrison, Allen, Adams, Jones, Sandlin, Anglin, Chiocco, Leadabrand, Moore, Meyers, Moehring
- 2 Absent: K. Harrison, Curry

Resolution duly adopted and assigned **No. R-2015-17.**

- (B) Proposed Resolution Appointing a Successor to Fill the Vacancy in the Office of County Surveyor for Benton County; Sponsor: JP Susan Anglin

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

JP Shirley Sandlin made motion to adopt, seconded by JP J. Harrison.

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

13 Yeas: Easley, Shadlow, J. Harrison, Allen, Adams, Jones, Sandlin,
Anglin, Chiocco, Leadabrand, Moore, Meyers, Moehring
2 Absent: K. Harrison, Curry

Resolution duly adopted and assigned **No. R-2015-18.**

- (C) Proposed Resolution Authorizing the Application for a Grant and Participation in the FY2015 Demonstration Projects to Establish “Zero Tolerance” Cultures for Sexual Assault in Correctional Facilities through the Bureau of Justice Assistance (BJA)
Sponsor: JP Joel Jones

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

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

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

13 Yeas: Easley, Shadlow, J. Harrison, Allen, Adams, Jones, Sandlin,
Anglin, Chiocco, Leadabrand, Moore, Meyers, Moehring
2 Absent: K. Harrison, Curry

Resolution duly adopted and assigned **No. R-2015-19.**

- (D) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (2015 Benton County Budget) to Appropriate Additional Monies and Authorizing Additional Expenditures in Department 0100, County Judge, Fund 3480; 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 Sandlin.

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

13 Yeas: Easley, Shadlow, J. Harrison, Allen, Adams, Jones, Sandlin,
Anglin, Chiocco, Leadabrand, Moore, Meyers, Moehring
2 Absent: K. Harrison, Curry

Appropriation Ordinance duly adopted and assigned **No. O-2015-22.**

- (E) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (2015 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items, Dept. 0502, Benton County Fire Services, Fund 1000; 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 Sandlin.

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

- 13 Yeas: Easley, Shadlow, J. Harrison, Allen, Adams, Jones, Sandlin,
Anglin, Chiocco, Leadabrand, Moore, Meyers, Moehring
2 Absent: K. Harrison, Curry

Appropriation Ordinance duly adopted and assigned **No. O-2015-23.**

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (2015 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items, Dept. 0417, Public Defender, Fund 3024; Sponsor: JP Barry Moehring

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

JP Moehring made motion to adopt, seconded by JP Jones

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

- 13 Yeas: Easley, Shadlow, J. Harrison, Allen, Adams, Jones, Sandlin,
Anglin, Chiocco, Leadabrand, Moore, Meyers, Moehring
2 Absent: K. Harrison, Curry

Appropriation Ordinance duly adopted and assigned **No. O-2015-24.**

- (G) Proposed Ordinance Amending Ordinance No. O-2009-42 to Amend Section 82 of Chapter 42 of the *Code of Ordinances of Benton County, Arkansas* to Increase the Daily Fee Charged to Municipalities for Housing Prisoners in the County Jail; and for Other Purposes; Sponsor: JP Brent Meyers

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

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

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

13 Yeas: Easley, Shadlow, J. Harrison, Allen, Adams, Jones, Sandlin,
Anglin, Chiocco, Leadabrand, Moore, Meyers, Moehring
2 Absent: K. Harrison, Curry

First reading passed.

(H) Proposed Ordinance Amending *Section 2-367* of the *Code of Ordinances of Benton County, Arkansas* Regarding Uniform System of Perpetual Inventory; Sponsor: JP Barry Moehring

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

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

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

13 Yeas: Easley, Shadlow, J. Harrison, Allen, Adams, Jones, Sandlin,
Anglin, Chiocco, Leadabrand, Moore, Meyers, Moehring
2 Absent: K. Harrison, Curry

First reading passed.

(I) Proposed Ordinance Amending *Section 2-368* of the *Code of Ordinances of Benton County, Arkansas* Regarding the Exchange of Transfer of Properties, Real or Personal, with Other Counties, Municipalities, Community Colleges or Institutions of Higher Education and for the Approval by Ordinance Therefore; Sponsor: JP Kurt Moore

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

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

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

13 Yeas: Easley, Shadlow, J. Harrison, Allen, Adams, Jones, Sandlin,
Anglin, Chiocco, Leadabrand, Moore, Meyers, Moehring
2 Absent: K. Harrison, Curry

First reading passed.

OTHER BUSINESS:

County Attorney George Spence stated that since JP Steve Curry has resigned, the process moving forward will be for the Quorum Court to adopt a resolution declaring a vacancy in JP District 11, it will be sent to the Governor's office, and Governor Hutchinson will appoint someone to fill the unexpired term. County Judge Bob Clinard stated that he has had several inquiries regarding the open position, and they will be forwarded to the Governor's office.

County Judge Bob Clinard stated that he is going to request County Attorney George Spence to explain, what, if anything, the county needs to do in order to comply with recent legislation allowing county employees to carry licensed concealed weapons on county property.

George Spence stated that he would get that information to the County Judge for him to share with the court when he has had time to research the issue.

JP Meyers asked for an update on the ambulance service in City of Lowell and the Hickory Creek area. County Judge Bob Clinard stated that they have received a proposal from Mercy to provide ambulance service outside the City of Springdale, and are awaiting another proposal from Mercy to provide service to the entire unincorporated area of the county. He said the Springdale Mayor Doug Sprouse has assured him that the City of Springdale will continue to provide the service to the area beyond its city limits as long as the county is moving forward toward a permanent solution.

JP Jones stated that the issue will be discussed at the next Public Safety Committee meeting.

ANNOUNCEMENTS:

County Judge Bob Clinard announced that the county surplus property auction will be held on Saturday, June 6, 2015 at 10:00 a.m.

JP Jones announced that the Public Safety Committee will meet Monday, June 1, 2015 at 6:00 p.m.

JP Allen suggested moving the regular Finance Committee meeting scheduled for Thursday, July 2nd to Tuesday, July 7th at 6:00 p.m. to avoid conflict with the 4th of July holiday.

ADJOURNMENT:

After motion and second, meeting adjourned at 8:40 p.m.

Respectfully submitted,

Tena O'Brien
County Clerk