

MINUTES OF BENTON COUNTY QUORUM COURT

July 23, 2015

A regular meeting of the Benton County Quorum Court was held on Thursday, July 23, 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:

14 JPs Present: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers
1 JP Absent: Moehring

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Pastor Jordon Jopling of Keypoint Church led the prayer.

CHANGES TO THE AGENDA

JP Allen made motion to add Items "O" and "P" to the agenda, and to move Item "P" to the beginning of the order of business, seconded by JP J. Harrison.

Motion passed by unanimous voice vote.

MINUTES:

JP J. Harrison made motion to approve the minutes of the June 25, 2015 Quorum Court meeting as distributed, seconded by JP Sandlin.

A roll call vote was recorded as follows:

14 JPs Present: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers
1 JP Absent: Moehring

Minutes approved as distributed.

ELECTED OFFICIALS REPORTS:

None

COUNTY JUDGE'S REPORT/COUNTY PROPERTY DISPOSAL REPORT:

- Working with some design professionals on some preliminary site information as to the downtown Court Facility location.
- Have started the state highway access at Herbaugh Rd. to the Bentonville West High School location in Centerton. We are continuing to discuss the Keller & Hwy 102 intersection.
- Have signed a contract with Great River Engineering for repair/renovation of War Eagle Bridge.
- The Old Courthouse exterior and interior renovations per the Walton Foundation Grant are in the design stage with work beginning next week.
- Have selected Treanor Architects to work with Benton County on the County Jail expansion and long term planning. A contract has been signed.
- The Benton County Jail: Replacement of a 170-ton and a 80-ton rooftop cooling tower will be done next week.

Judge Clinard stated that the July Property Disposal Report is posted on the dashboard.

COMMITTEE REPORTS:

JP Allen reported that a Finance Committee meeting was held Tuesday, July 7, 2015 and the majority of the meeting was taken up with discussion of the personnel requests that are on tonight’s agenda. He said that the sales tax revenue report was good, and representatives from Stephen’s Inc. spoke to the committee regarding the issuance and sale of bonds. He said they discussed the possibility of getting a proposal on the March 1, 2016 Primary Election ballot, noting that the deadline to do so will be December 21, 2015.

JP Adams stated that the Transportation Committee met on July 6, 2015 to discuss a waiver of the standards set out in Benton County Ordinance No. O-2000-20 for the Stagecoach Road Bridge project, and to hear a presentation from Great River Engineering regarding their plans for the repair of War Eagle Bridge.

JP Sandlin stated that the Personnel Committee met on July 13, 2015, and the items from that meeting are on tonight’s agenda after going through the Finance Committee and Committee of the Whole.

JP Jones stated that the Public Safety Committee met on July 13, 2015 to discuss ways to provide ambulance service to an area near Hickory Creek, which the City of Springdale has decided to no longer cover, and an option for the county to contract with Mercy Health Systems to provide service to that area has been forwarded to the Finance Committee.

JP K. Harrison stated that the Legislative Committee met to discuss a fee for Temporary Use Permits requested by the Planning Board.

PUBLIC COMMENTS:

Raymond Burns of the Rogers-Lowell area Chamber of Commerce requested that the court give favorable consideration to the resolution to include J.B. Hunt Transport in the Tax Back Economic Incentive program.

Mike Clifford of Bentonville spoke in favor of financing a new courts facility through a bond issue and against unfunded liability passed on to the next generation.

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

A roll call vote recorded as follows:

14 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers
1 JP Absent: Moehring

Motion passed.

OLD BUSINESS:

None

NEW BUSINESS:

(P) Proposed Resolution Certifying County Government Endorsement of Business to Participate In the Tax Back Program (As Authorized By Section 15-4-2706(D) Of the Consolidated Incentive Act of 2003); Sponsor: JP Kurt Moore

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

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

Following a brief discussion of the economic impact, a roll call vote was recorded as follows:

13 Yeas: Easley, Shadlow, J. Harrison, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers
1 Abstained: Allen
1 JP Absent: Moehring

Resolution duly adopted and assigned **No. R-2015-22.**

- (A) Proposed Resolution Confirming the Reappointment of Rick Williams to the Benton County Planning Board – Position 4; Sponsor: JP Brent Meyers

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

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

- 14 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers
- 1 Absent: Moehring

Resolution duly adopted and assigned **No. R-2015-23.**

- (B) Proposed Resolution Confirming the Reappointment of Sean Collyge to the Benton County Planning Board – Position 6; Sponsor: JP Tom Allen

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

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

- 14 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers
- 1 Absent: Moehring

Resolution duly adopted and assigned **No. R-2015-24.**

- (C) Proposed Resolution Authorizing the County Judge of Benton County To Apply for a Grant on Behalf of the Northeast Benton County Volunteer Fire-EMS Department (NEBCO Fire-EMS); Sponsor: JP Pat Adams

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

JP Adams 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, K. Harrison, Adams, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers
- 2 Absent: Jones, Moehring

Resolution duly adopted and assigned **No. R-2015-25.**

- (D) Proposed Resolution Granting A Waiver Of the Policy As Established in Sec. 2-516 of *The Code Of Ordinances of Benton County* Regarding Payments Within the Salary Range in Various Departments and Funds; Sponsor: JP Shirley Sandlin

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

JP Sandlin stated that this has been approved by the Personnel and Finance Committees, as well as the Committee of the Whole, and made motion to adopt, seconded by JP Jones.

JP Anglin stated that she supported this at Personnel, because she sees merit in the requests, but due to the impact on the 2016 budget, she cannot support it, and will not be supporting Items “E” or “F”, because they are all connected.

JPs Leadabrand, Allen, Shadlow, Adams, and Meyers spoke in favor of the resolution.

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

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

Resolution duly adopted and assigned **No. R-2015-26.**

- (E) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (**2015** Benton County Budget) to Amend *Schedule 4 – Personnel and Compensation Authorization* By Adding Positions and Deleting 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 made motion to adopt, seconded by JP Chiocco.

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

12 Yeas: Easley, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Chiocco, Slinkard, Leadabrand, Moore, Meyers
2 Nays: Shadlow, Anglin
1 Absent: Moehring

Appropriation ordinance duly adopted and assigned **No. O-2015-29.**

- (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; Appropriating Additional Monies, and Authorizing Additional Expenditures in Various Funds and Departments; Sponsor: JP Shirley Sandlin

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

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

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

12 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Chiocco, Slinkard, Leadabrand, Moore, Meyers
1 Nay: Anglin
1 Absent: Moehring

Appropriation ordinance duly adopted and assigned **No. O-2015-30.**

- (G) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (**2015** Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items; Department 0130 Environmental Services & Department 0140 Building Safety, Fund 1000; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance 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:

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

Appropriation ordinance duly adopted and assigned **No. O-2015-31.**

- (H) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (**2015** Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Fund 1000, Department 0130, Environmental Services; Sponsor: JP Tom Allen

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

JP Allen stated that after much discussion, it has been decided that the Environmental Department will begin a pilot program to expand the hours and number of locations of the convenience centers in January 2016, and will have one last cleanup event in the fall of 2015, which is the reason for this appropriation.

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

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

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

Appropriation ordinance duly adopted and assigned **No. O-2015-32.**

- (I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (**2015** Benton County Budget) Appropriation Additional Monies and Authorizing Additional Expenditures in Fund 4000, Department 0108, Non-Departmental Maintenance; Sponsor: JP Tom Allen

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

JP Allen stated that this is an urgent matter because the air conditioning in the inmate area is affected.

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

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

14 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers
1 Absent: Moehring

Appropriation ordinance duly adopted and assigned **No. O-2015-33.**

- (J) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (**2015** Benton County Budget) to Amend *Schedule 1-Revenues by Fund* and to Appropriate Additional Monies and Authorize Additional Expenditures in Fund 3450, Department 0301, EMSD-VAS Levy; Sponsor: JP Tom Allen

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

Comptroller Brenda Guenther explained that during the 2015 budget process, both the revenue and expenses were underestimated, so both sides are being increased.

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

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

14 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers
1 Absent: Moehring

Appropriation ordinance duly adopted and assigned **No. O-2015-34.**

- (K) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (**2015** Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Fund 4000, Department 0108, Non-Departmental Maintenance; Sponsor: JP Tom Allen

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

JP Allen stated that this is for the janitorial service contract in the Massey Building, which is where the Prosecuting Attorney is being housed during the courthouse renovation.

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

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

- 14 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers
- 1 Absent: Moehring

Appropriation ordinance duly adopted and assigned **No. O-2015-35.**

- (L) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (**2015** Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Fund 1000, Department 0130, Environmental Services; Sponsor: JP Tom Allen

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

JP Allen stated that this is replacing some firearms with proceeds from the county surplus auction.

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

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

- 14 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers
- 1 Absent: Moehring

Appropriation ordinance duly adopted and assigned **No. O-2015-36.**

- (M) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (**2015** Benton County Budget), To Amend *Schedule 1-Revenues By Fund* To Create A New Revenue Line Item In Department 0414, FY15 Court Improvement Program-H.E.L.P., Fund 3706, To Be Named "CIP-H.E.L.P.", and to Appropriate Additional Monies And Authorize Additional Expenditures Therein; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance 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:

- 14 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers
- 1 Absent: Moehring

Appropriation ordinance duly adopted and assigned **No. O-2015-37.**

- (M) Proposed Emergency Ordinance Amending Ordinance No. O-2000-20

Authorizing an Exception to the Minimum Standards for the Upgrading
and the Construction of Bridges; Sponsor: JP Pat Adams

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

JP Adams stated that if the design standards set forth in Ordinance No. O-2000-20 have to be followed, it would impact the planned repairs to the bridge over Spavinaw Creek at Stagecoach Road. He said that the bridge will be engineered to meet safety standards, but this ordinance is necessary to allow a waiver of the standards in O-2000-20. He added that the project needs to begin as soon as possible, as this is a matter of public safety.

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

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

14 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers
1 Absent: Moehring

Ordinance duly adopted and assigned **No. O-2015-38.**

County Attorney George Spence explained that this ordinance contains an emergency clause which must be adopted by a separate vote in order for the ordinance to take effect immediately upon passage.

County Attorney George Spence read the emergency clause in its entirety.

JP Adams made motion to adopt the emergency clause, seconded by JP Sandlin.

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

14 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers
1 Absent: Moehring

(O) Proposed Resolution Authorizing The County Judge Of Benton County To
Apply For An Arkansas Department Of Environmental Quality – 2016 E-
Waste Grant; 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:

14 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers
1 Absent: Moehring

Resolution duly adopted and assigned **No. R-2015-27.**

OTHER BUSINESS:

None

ANNOUNCEMENTS:

County Judge Bob Clinard announced that JP Slinkard has been appointed to the Legislative Committee.

JP Allen announced that the Finance Committee will meet on August 6, 2015 at 6:00 p.m.

ADJOURNMENT:

After motion and second, meeting adjourned at 7:09 p.m.

Respectfully submitted,

Tena O'Brien
County Clerk