

## MINUTES OF BENTON COUNTY QUORUM COURT

**September 24, 2015**

A regular meeting of the Benton County Quorum Court was held on Thursday, September 24, 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, Sandlin, Anglin,  
Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring  
1 JP Absent: Jones

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Mark Snodgrass, pastor of Bentonville Church of the Nazarene, led the prayer.

### **CHANGES TO THE AGENDA:**

None

### **MINUTES:**

JP J. Harrison made motion to approve the minutes of the August 27, 2015 Quorum Court meeting as distributed, seconded by JP K. Harrison.

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

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

Minutes approved as distributed.

### **ELECTED OFFICIALS REPORTS:**

None

### **COUNTY JUDGE'S REPORT/COUNTY PROPERTY DISPOSAL REPORT:**

- Great River Engineering is working on the War Eagle Bridge planning. They did a survey on the bridge last week. They will give a presentation to the court within the next two weeks to provide an update.

- The Old Courthouse exterior and interior renovations per the Walton Foundation Grant are in progress. The first part of the project is the removal of some asbestos that was found and work on this started yesterday.
- Treanor Architects are working with Benton County on the County Jail expansion and long term planning is in progress.
- The Rogers Benton County Office's parking expansion has been approved and work will begin immediately.
- The Judge, along with some of the Sheriff's jail staff, made a trip to Tennessee this week and viewed some of the pre-fab jail cells, which will be designed into the jail expansion.
- The September Property Disposal Report was reviewed.

It was determined that the County Judge's '4-H Month' Proclamation was added to the agenda in error and this will be presented at the October 22<sup>nd</sup> meeting instead.

**COMMITTEE REPORTS:**

JP Adams reported that the Transportation Committee met on September 1, 2015. He said that they received an overview of the capital needs for the Sheriff's Department and Road Department for the upcoming year. In addition, they discussed the blue, white, and green signs in the county and the maintenance needs of these roads; they anticipate making changes to the signage of these roads in the future. JP Adams also reported that War Eagle Bridge project was discussed and that this project is on schedule.

JP Allen reported that the Finance Committee met on September 3, 2015. They heard a report from Human Resources Director Barbara Ludwig on personnel, discussed the EMS/ambulance service and forwarded it on to the Committee of the Whole, scheduled a special meeting for September 28, 2015 on the courthouse facility, discussed the Legislative Audit Report, and Comptroller Brenda Guenther reported expenses and the county is looking good for this year. The sales tax report for last month was also good. Brenda Guenther stated that they are up almost 12% for year-to-year for this month and up 8.58% through year-to-date; if this trend continues, they should be almost \$750,000 over and above what was budgeted.

**PUBLIC COMMENTS:**

None

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, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent:	Jones

Motion passed.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

- (A) 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, 2013; Sponsor: JP Mary L. Slinkard

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

JP Slinkard made motion to adopt, motion duly seconded.

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

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

Resolution duly adopted and assigned **No. R-2015-29.**

- (B) Proposed Resolution Stating the Intent of the Quorum Court with Regard to 2016 Funding for Emergency Medical Services; Sponsor: JP Mary L. Slinkard

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

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

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

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

Resolution duly adopted and assigned **No. R-2015-30.**

JP Meyers thanked the court for passing this resolution.

- (C) Proposed Ordinance Adopting the Arkansas Fire Prevention Code, 2012 Edition (Three Volumes, Fire, Building & Residential) by Reference; Sponsor: JP K. Harrison

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

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

JP Adams made a motion to amend Article 2 of Item 12-C on the agenda to read: 'That the Benton County Judge, or such code enforcement officers as the County Judge shall appoint, shall be responsible

for enforcement of the “Arkansas Fire Prevention Code, 2012 Edition” and any references in the Code to persons authorized to enforce the Code shall be considered for the unincorporated areas of Benton County, Arkansas to be references to the County Judge and such code enforcement officers designated by the County Judge. Nothing herein is intended or shall be construed to extend the authority of the County Judge or persons the County Judge designates as code enforcement officers beyond code enforcement.’ JP Adams further moved that Article 2 of Items 12-D through 12-H on the agenda be similarly amended, while leaving in the language identifying each particular code, seconded by JP K. Harrison.

County Attorney George Spence assured the court that this is legal and approved by him; it is only a slight change in the wording and the part at the end makes it very clear that all they are doing is telling these people they can go and do code enforcement and they are not intending them to do anything else.

JP Meyers requested this amendment in writing.

George Spence apologized for not bringing a copy for everyone in advance but he reminded the court that this will only pass on the first reading tonight, so there will be two subsequent readings in which to receive clarification on the language.

County Judge Robert Clinard stated that he also would like to read it but reiterated that it can be modified on the second or third reading if necessary.

JP Adams stated that his main concern was that this is a law enforcement issue with issuing citations. He asked George Spence if the County Judge could appoint an individual who potentially has no certification to issue misdemeanor citations that could eventually go to court. He questioned the validity of that person being able to issue that citation, if they have no certification and it goes to court. This was discussed and it was stated that this amendment would give exclusivity to whomever the County Judge appoints to write the citation. The Prosecutor’s office and the Sheriff’s department would then handle anything legal after that fact.

George Spence added that another thing they are clarifying is that there is an AG opinion that code enforcement officers can do this very thing and it points to a statute that says that counties can have these types of code enforcement officers.

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

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

Motion to amend Article 2 of proposed ordinances for items listed as 12-C through 12-H, passed.

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

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

First reading as amended, passed.

(D) Proposed Ordinance Adopting the National Electric Code, 2014 Edition by Reference;  
Sponsor: JP K. Harrison

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

JP K. Harrison made a motion to adopt, seconded by JP Anglin.

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

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

First reading as amended, passed.

(E) Proposed Ordinance Adopting the Arkansas Energy Code, 2014 Edition by Reference;  
Sponsor: JP K. Harrison.

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

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

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

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

First reading as amended, passed.

(F) Proposed Ordinance Adopting the Arkansas Fuel Gas Code, 2006 Edition by Reference;  
Sponsor: JP K. Harrison

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

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

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

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

First reading as amended, passed.

(G) Proposed Ordinance Adopting the Arkansas Mechanical Code, 2010 Edition by Reference; Sponsor: JP K. Harrison

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

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

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

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

First reading as amended, passed.

(H) Proposed Ordinance Adopting the Arkansas Plumbing Code, 2006 Edition by Reference; Sponsor: JP K. Harrison

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

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

JP Slinkard asked if the motion made for each of these ordinances is to pass them as amended. County Judge Clinard stated that the motion to amend was for all of the code ordinances.

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

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

First reading as amended, passed.

County Judge Robert Clinard asked Administrator of General Services John Sudduth if there is a deadline for passing these ordinances. John Sudduth stated that this is currently the law in the state of Arkansas so they can work within the normal adoption process.

- (I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (2015 Benton County Budget) Appropriating Additional Monies and Authorizing the Appropriation of Additional Revenues and Expenditure in Fund 1000, Department 0108, Non-Department & Maintenance; Sponsor: JP Tom Allen

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

JP Allen stated that this is the difference of \$5,500 to be paid to replace a vehicle that was totaled. He stated that this is a government bid vehicle from a local dealer.

JP Allen made motion to adopt, 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, Sandlin,  
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring  
1 Absent: Jones

Appropriation ordinance duly adopted and assigned **No. O-2015-48.**

Administrator of General Services John Sudduth stated that this vehicle is located in Benton, Arkansas. It is not from a local dealer and he wants to make sure the court is aware of this fact. He stated that the new vehicle is a ¾-ton Dodge pick-up, four wheel drive, extra cab with a sticker price of \$39,350 and the County is getting it for \$23,500.

#### **OTHER BUSINESS:**

JP Meyers stated that the way that Insurance Service Office (ISO) ratings were measured in the past was a five-mile radius from fire stations. They have changed that to be a five-mile odometer reading. This means that a good amount of his district is now in an ISO 10 rating because the Lowell fire department is greater than five miles away. The county has a piece of property on Frisco Cemetery Road that is currently being used for storage of salt, gravel, etc. and he would like Judge Clinard, Administrator of Public Safety Marshal Watson, and the Fire Chief Marc Trollinger to look at putting a volunteer fire substation in there that would be part of Lowell or the Hickory Creek volunteer fire departments. Some of his constituents have had their homeowners insurance rates double because of this new ISO rating. If there is a fire station there, those residents would be within the county's ISO rating, thereby lowering their insurance. He would like to have something presented to the Budget Committee regarding this issue.

County Judge Clinard said that they will look into it but he feels like these types of things can be a slippery slope because, what you do for one section of the county, you have to be willing to do for others. He asked for clarification on where this station would be located.

JP Meyers stated that the location is Frisco Cemetery Road near Phillips Creek Road. He stated that he has talked to the Mayor of Lowell and the Fire Chief of Lowell; the Fire Chief of Lowell would not object and the Mayor seems to be in favor of it. He added that this area currently is being covered by the city of Lowell.

JP Moore asked for clarification on what the county would need to do if this were to happen.

JP Meyers said the county has the land but they would need to put up a building. The county currently has fire trucks that could potentially be utilized for this purpose and it would be staffed by volunteer firefighters. He said that the pad and the building would be the county's only outlay of monies.

County Judge Clinard reiterated that he would look into it.

Comptroller Brenda Guenther stated for the record that at the Finance Meeting on September 3, 2015, the Comptroller went into detail with the findings and recommendations of the audit and it was forwarded to the Committee of the Whole along with the resolution according to A.C.A. § 10-4-418.

City Attorney George Spence apologized for not having the Article 2 amendment in writing for tonight's meeting. He said it would be in the ordinances when they come out next month but, in the meantime, he will send out what he and JP Adams have discussed.

JP K. Harrison announced that there is a Legislative Committee meeting scheduled for October 19, 2015.

Administrator of General Services John Sudduth stated that police, fire, and building departments are rated by ISO so tonight's ordinance approvals will help to lower the insurance rates of the citizens of Benton County. He stated that most people do not realize that building departments are also ISO rated.

#### **ANNOUNCEMENTS:**

JP Allen announced that there will be a Special Finance Meeting on September 28, 2015 and the first Budget Committee meeting will be on Thursday, October 15, 2015 at 6:00 p.m. The next Budget Committee meetings will be Monday, October 26, 2015 and Thursday, October 29, 2015.

JP Allen announced that the regular meeting of the Finance Committee is scheduled for Thursday, October 1, 2015 at 6:00 p.m. and that the November meeting of the Finance Committee has been moved to **Monday, November 2, 2015** at 6:00 p.m.

JP Moore gave kudos to the Road Department for the good work on Chamber Springs road; the roadwork is complete and just awaiting signage at this point.

JP Sandlin announced that a Personnel Meeting is scheduled for September 29, 2015 at 6:00 p.m. She stated that a JESAP meeting was held earlier in the day.

JP Shadlow expressed gratitude to the planners of the Benton County Health Fair for organizing the successful event.

County Judge Clinard stated that the Road Department put approximately 3.6 miles of chip and seal on the asphalt of Benton County Road 40, and it is now starting to deteriorate. At Judge Clinard's request, an analysis of the gravel of the chips was performed; it was found that the gravel had far too much fines in it, and it peeled and did not adhere properly. He suggested that the vendor should replace it and they are willing to do that. However, the Road Department may overlay it with asphalt instead of having them repair it. County Judge Clinard said that he would give a full report when they make the final

decision. At the very least, they are going to overlay the chip and seal that is there and redo it at no cost to the county, or they may upgrade and put the asphalt in. They are currently working on that solution.

JP Leadabrand asked if there would be a Quorum Court meeting in November because it is currently scheduled on Thanksgiving.

County Judge Clinard said it would be moved and would not be held on Thanksgiving.

**ADJOURNMENT:**

After motion and second, meeting adjourned at 6:53 p.m.

Respectfully submitted,

Tena O'Brien  
County Clerk

Prepared by: Stefanie Laputz