

MINUTES OF BENTON COUNTY QUORUM COURT

November 19, 2015

A regular meeting of the Benton County Quorum Court was held on Thursday, November 19, 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 Robert D. Clinard called the meeting to order.

Deputy Clerk Stefanie Laputz called roll as follows:

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

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. JP J. Harrison led the prayer.

CHANGES TO THE AGENDA:

JP Jones made motion to move "Item F" of New Business to the beginning of the agenda, seconded by JP Anglin.

Motion passed by unanimous voice vote.

MINUTES:

JP J. Harrison made motion to approve the minutes of the October 22, 2015 Quorum Court meeting as distributed, seconded by JP Jones.

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

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

Minutes approved as distributed.

ELECTED OFFICIALS REPORTS:

None

COUNTY JUDGE'S REPORT/COUNTY PROPERTY DISPOSAL REPORT:

County Judge Robert D. Clinard presented the County Judge's report as follows:

- Great River Engineering is working on the War Eagle Bridge project engineering analysis with a meeting planned the first week of December to review findings.
- The Benton County Historic Courthouse exterior and interior renovations per the Walton Foundation Grant are in progress.
- Treanor Architects has 75% plans complete on the Benton County Jail expansion. A review is scheduled next week.
- The Rogers Benton County Offices parking lot expansion is in progress.
- Road Department is very close to completing the paving program for 53 miles in 2015.
- The RFQs for a design firm, for a new County Justice Facility are due tomorrow and the selection process will begin.

The October Property Disposal Report was presented to the JPs from the dashboard.

COMMITTEE REPORTS:

JP Allen reported that they have had several Budget Committee meetings and one Finance Committee meeting. At the November 2, 2015 Finance Committee meeting, they were down for the month 6.8% for the year-to-year comparison on sales tax collection but still up almost 7% for the year. They are projecting \$7.8 million in collections. At the November 9, 2015 Budget Committee meeting, they began at (\$2.4 million) and were at (\$67,000) by the end of the meeting.

JP K. Harrison reported that the Legislative Committee meet on November 9, 2015 and voted down the septic ordinance unanimously. They also heard a presentation from the Election Commission regarding the implementation of vote centers, which they forwarded on to the November 10, 2015 Committee of the Whole agenda.

JP Chiocco reported that there was a Grievance Committee hearing held on November 17, 2015.

PUBLIC COMMENTS:

Sue Keith-Elverston of Pea Ridge, Arkansas thanked the Quorum Court and the elected officials for their hard work and the long hours they put in to support the citizens of Benton County.

Glenn Latham, a resident of rural Benton County, thanked the Grievance Committee for their due-diligence in the handling of the Grievance hearing. He stated that the law enforcement officers have a tough job. He said that the coping mechanism that they employ is to reach out to their family and law enforcement is a big family; they saw that family come together at the Grievance hearing. He personally thanked Justices Jones, Anglin, Sandlin, Moore and Chiocco for doing the right thing for the employees at the hearing.

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

A roll call vote recorded as follows:

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

Motion passed.

OLD BUSINESS:

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

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

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

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

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

Ordinance duly adopted on third and final reading and assigned **No. O-2015-55**.

- (B) Proposed Ordinance Adopting the National Electric Code, 2014 Edition by Reference; Sponsor: JP Kevin Harrison

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

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

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

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

Ordinance duly adopted on third and final reading and assigned **No. O-2015-56**.

- (C) Proposed Ordinance Adopting the Arkansas Energy Code, 2014 Edition by Reference; Sponsor: JP Kevin 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 discussion, a roll call vote was recorded as follows:

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

Ordinance duly adopted on third and final reading and assigned **No. O-2015-57**.

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

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

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

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

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

Ordinance duly adopted on third and final reading and assigned **No. O-2015-58**.

(E) Proposed Ordinance Adopting the Arkansas Mechanical Code, 2010 Edition by Reference;
Sponsor: JP Kevin 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: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

Ordinance duly adopted on third and final reading and assigned **No. O-2015-59**.

(F) Proposed Ordinance Adopting the Arkansas Plumbing Code, 2006 Edition by Reference;
Sponsor: JP Kevin Harrison

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

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

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

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

Ordinance duly adopted on third and final reading and assigned **No. O-2015-60**.

NEW BUSINESS:

(A) Proposed Ordinance Establishing Vote Centers for Benton County and to Maximize Use of Electronic Voting; Sponsor: JP Mary L. Slinkard

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

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

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

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

First reading passed.

JP Slinkard made motion to suspend the rules and place the proposed ordinance on second reading, seconded by Sandlin.

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

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

Rules suspended.

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

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

JP Leadabrand read the part of the proposed ordinance which states: “the use of vote centers is incompatible with the widespread use of paper ballots due to the number of different ballot styles.” He stated that he thought they had made provisions for paper ballots.

Russell Anzalone of the Election Commission stated that paper ballots will be provided on Election Day at the Bentonville County Clerk's office located in Bentonville.

JP Allen reminded the court that there is a plan to advertise the changes in the way that voting takes place.

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

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

Second reading passed.

JP Slinkard made motion to suspend the rules and place the proposed ordinance on third and final reading, seconded by J. Harrison.

JP Slinkard stated that it is necessary, according to the rules and the law, that an ordinance must be submitted with the vote center plan to the Secretary of State. As the Election Commission makes that plan, they have to file it and this is the reason why she has asked for the third and final reading.

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

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

Rules suspended.

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

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

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

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

Ordinance duly adopted on third and final reading and assigned **No. O-2015-61**.

(B) Proposed Resolution Authorizing the County Judge of Benton County to Apply for a GIF Fire Protection Grant on Behalf of Hickory Creek Volunteer Fire Department; Sponsor: JP Brent Meyers

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

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

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

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

Resolution duly adopted and assigned **No. R-2015-34.**

(C) Proposed Resolution Authorizing the County Judge of Benton County to Apply for a GIF Fire Protection Grant on Behalf of Pleasure Heights Volunteer Fire Department; Sponsor: JP Barry Moehring

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

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

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

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

Resolution duly adopted and assigned **No. R-2015-35.**

(D) Proposed Resolution Authorizing the County Judge of Benton County to Apply for a GIF Fire Protection Grant on Behalf of Northeast Benton County Volunteer Fire-EMS Department (NEBCO Fire-EMS); 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 Sandlin.

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

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

Resolution duly adopted and assigned **No. R-2015-36.**

(E) Proposed Appropriation Ordinance Levying 2015 Taxes for Collection in the Year 2016 for Benton County, and Each City, School District, and Special Tax Unit in Benton County, Arkansas; Sponsor: JP Mary L. Slinkard

County Attorney George Spence called a couple of changes to the proposed appropriation ordinance to the court's attention. He stated that Cave Springs was changed from 4.95 mills to 5.0 mills and Elm Springs was changed from 3.8 mills to 5.0 mills. He said that this is a change from what was sent out to the JPs previously but he presented the corrected appropriation ordinance from the dashboard. He stated that this is required rollbacks under Amendment 59 in the related statutes. He said that the County Clerk has been working with himself and the Assessment Coordination Department to make sure that this law is being followed; the original thinking from the A.C.D. was that these cities needed to do rollbacks but the County Clerk confirmed that they do not.

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

JP Slinkard made motion to adopt as corrected, seconded by JP Sandlin.

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

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

Appropriation ordinance duly adopted and assigned **No. O-2015-62.**

(F) 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 Expenditures, Department 0101, County Clerk Cost Fund, Fund 3005; Sponsor: JP Mary L. Slinkard

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

JP Slinkard made motion to adopt, seconded by Sandlin.

JP Jones questioned the "Approved Budget" amount of \$0 on the proposed appropriation ordinance. Brenda Guenther stated that it should say \$50,000 under "Approved Budget." She stated that, since the appropriation amount is correct, this error can simply be corrected on the document before it is filed.

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

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

Appropriation ordinance duly adopted and assigned **No. O-2015-63.**

OTHER BUSINESS:

JP Jones asked if they need to do anything with the Certification of Sufficiency document for the vote centers sent by the County Clerk.

County Attorney George Spence said they do not. The County Clerk sent it because one of the prerequisites for passing the vote center ordinance is that this certification be made; it was also sent to the Secretary of State earlier that day.

JP Moehring asked County Attorney George Spence what the role of the Planning Board is in regards to the new courts facility.

County Attorney George Spence stated that he has gone back and looked at both the statutory basis of establishing a planning board for the county and the rules and regulations that the Quorum Court recently passed; it talks about unincorporated portions of Benton County. He does not see any role in it for the Planning Board aside from the first amendment right of any citizen to make a comment about the plans of the county to build a courthouse facility.

County Judge Robert D. Clinard stated that yesterday he went to a meeting in Little Rock of the Arkansas County Judges Association. There was much discussion of this board (currently being called the Working Group Committee) about funding for Arkansas highways, transportation, bridges, et.al. He wanted to let the Quorum Court know that there is discussion about tying any funding to increase in millages. He stated that they are currently at 1.95 mills and there has been talk of making all the counties go up to the full 3.0 mills on the roads. He said that he would send a copy of the resolution that went to the Working Group Committee. He stated that nothing has been decided but it should be discussed at the next Legislative Committee meeting. A short discussion was held regarding future transportation funding.

ANNOUNCEMENTS:

JP Allen announced a Budget Committee meeting on Monday, November 23, 2015 at 5:00 p.m. He stated that they will have a Finance/Budget Committee meeting on Thursday, December 03, 2015 and, from there, the 2016 budget can be moved on to the Committee of the Whole meeting on Tuesday, December 08, 2015.

County Judge Robert D. Clinard reminded the court that the next Quorum Court meeting has been moved up a week to Thursday, December 17, 2015.

ADJOURNMENT:

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

Meeting adjourned at 6:54 p.m.

Respectfully submitted,

Tena O'Brien
County Clerk

Prepared by: Stefanie Laputz