

MINUTES OF BENTON COUNTY QUORUM COURT

**March 17, 2016**

A regular meeting of the Benton County Quorum Court was held on Thursday, March 17, 2016 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.

Quorum Court Coordinator Stefanie Laputz called roll as follows:

15 JPs Present: Sheridan, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag and the prayer.

**CHANGES TO THE AGENDA:**

None.

**MINUTES:**

JP J. Harrison made motion to approve the minutes of the February 25, 2016 Quorum Court meeting as distributed, seconded by JP Jones.

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

15 Yeas: Sheridan, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

Minutes approved as distributed.

**ELECTED OFFICIALS REPORTS:**

None.

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

County Judge Bob Clinard presented the County Judge's report as follows:

- Great River Engineering is working on the rehabilitation design for the War Eagle Bridge project. There is an issue regarding approval of the grant before the design is finished; he would like to discuss this at the next Finance Committee meeting.

- The Benton County Historic Courthouse exterior and interior renovations per the Walton Foundation Grant are in progress. Bids on the interior renovations were taken and all bids were on or under budget. The work is beginning immediately.
- The Benton County Jail expansion project is on hold pending the Sheriff's Office and District Judges' presentation as to the project needs at the next Finance Committee meeting.
- Perkowitz & Ruth/Cromwell/Dewberry are working on the needs assessment study for the Benton County Justice Facility. They are currently surveying the Circuit Judges, Prosecuting Attorney, Circuit Clerk, Public Defender, County Clerk and Sheriff's office. The results of the needs assessment are expected by May 01, 2016.
- The City of Centerton and the Bentonville School District have requested a delay in paving the county roads leading to the new Bentonville West High School due to some on-site issues with removing excavated materials from the jobsite. 90,000 cubic yards of extra dirt needs to be hauled off. When that is finished, the county will be able to begin the project. They have tentatively rescheduled the paving for mid-April.

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

**COMMITTEE REPORTS:**

JP Allen reported that a Finance Committee meeting was held on March 03, 2016. He stated that they discussed the jail expansion and the inmate population, both misdemeanors and felons. He stated that many of the felons have been moved to a state penitentiary. He said that the committee was concerned that they were not housing misdemeanors at the county jail. They are not going to move forward with appropriating more money if there is space available and there is no need. He said they would like to hear from the Circuit Judges and the Sheriff's office regarding this issue.

Brenda Guenther reported that the sales tax was up in February and that it was the second-largest tax received since 2010. She stated that, if the trend continues, they will exceed budget.

JP Jones reported that a Public Safety Committee meeting was held on March 07, 2016 to discuss the Endeavor Foundation Grant resolution on tonight's Quorum Court agenda.

**PUBLIC COMMENTS:**

Lisa Bowden of Centerton spoke about the movement of the dirt from the Bentonville West High School site. She stated she lives near Seba and Keller roads and she expressed concern that the dump truck drivers are speeding and creating a dangerous situation on the roads. She questioned if it is possible to have water sprayed on the roads while the dirt is moved to keep the dust down. She reported that she has asked for assistance from the Benton County Road Department, Sheriff's Department and the Centerton Police Department with this issue.

Laura McKenzie of Centerton stated that she lives directly on Seba road and is Lisa Bowden's neighbor. She expressed concern about the dust exposure to the horses on her farm. In addition, she would like to

discuss her property line and the road boundaries. She would also like to see a sign go up to reduce the speed on the roads.

County Judge Bob Clinard said the City of Centerton and the school system are obtaining all of the road easements for the county. He asked Ms. McKenzie for her phone number to discuss the issue further.

JP-Elect Bob Bland of Centerton stated that he has contacted Centerton Mayor Bill Edwards and Mayor Edwards confirmed that the firm doing the hauling of the dirt is supposed to put water down. He said that Mayor Edwards said he would contact the firm to do what they are supposed to be doing and that he would ask the Centerton Police Department to start patrolling the area. He stated that part of the problem is that both Keller and Seba roads are half county and half city and it is a unique situation.

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

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

15 Yeas: Sheridan, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

Motion passed.

**OLD BUSINESS:**

- (A) Second Reading of Proposed Ordinance Calling a Special Election on the Question of Increasing the Annual Dues of the Beaver Lake Fire Department for Fire Protection Services; Designating the County Official Who Will Collect and Remit the Annual Dues Charged by the Department; and Prescribing Other Matters Pertaining Thereto; Sponsor: JP J. Harrison

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

JP K. Harrison stated that he has received phone calls from concerned residents that this issue has not been communicated to the area's residents; there is also a rumor that they intend to start an ambulance service with this fee.

Beaver Lake Fire Department Chief John Whisenant stated that they began communicating with the community back in September and gave examples of how they have communicated with them since. He said that the ambulance service was during the previous administration; this fee increase is to get firefighter EMTs in the station 24/7. He stated that this would help homeowner insurance rates, help response times and improve the chances of saving lives. He said that their goal is to drop from the current ISO Class 6 to a Class 4 and, speaking with four local insurance agencies, they expect to see between a 5- 20% decrease in homeowner insurance rates. He said that State Farm Insurance does not recognize ISO, however.

Norm Peterson, who lives in the Beaver Shores area, spoke out against the fee increase.

JP Moore called a point of order to ask if this is the proper venue for a public hearing.

Judge Clinard stated that it is not. He said that Mr. Peterson's comments should have been made in the public comments section of the meeting. He acknowledged that the court did recognize Mr. Peterson but requested that he end his comments as soon as possible.

JP Adams stated that the Beaver Lake Fire Department was wise to ask the court for this special election. He said that, regarding the discussion between Fire Chief Whisenant and Mr. Peterson, this will be addressed at the ballot box when it comes to fruition. He added that Mr. Peterson is always welcome to address the JPs during the public comment section of any county meeting.

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

15 Yeas: Sheridan, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

Second reading passed.

**NEW BUSINESS:**

- (A) Proposed Resolution Confirming the Re-appointment of Chris N. Flynt to the Benton County Rural Development Authority; Sponsor: JP J. Harrison

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

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

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

15 Yeas: Sheridan, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

Resolution duly adopted and assigned **No. R-2016-13.**

- (B) Proposed Resolution Authorizing the Submittal of an Application for Arkansas Community and Economic Development Program Funds to the State of Arkansas; Sponsor: JP Barry Moehring

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

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

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

15 Yeas: Sheridan, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

Resolution duly adopted and assigned **No. R-2016-14.**

- (C) Proposed Resolution Authorizing the County Judge of Benton County to Apply for an Endeavor Foundation Grant to House At-Risk Juveniles FY 2016; Sponsor: JP Tom Leadabrand

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

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

Judge Clinard reported that he has firmed up the cost and they are well within budget; it will be about \$200,000. He said that he received an email from Juvenile Detention Center Director Denyse Collins stating that final approval has been given by the state to have the shelter.

JP Jones asked if the state is requiring additional personnel.

Judge Clinard stated that nothing about personnel was discussed in the email. He said that he would forward the email to the JPs.

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

15 Yeas: Sheridan, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

Resolution duly adopted and assigned **No. R-2016-15.**

- (D) 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 Department 0107, Quorum Court and Department 0113, Accounting/H.R., Fund 1000; 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 J. Harrison.

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

15 Yeas: Sheridan, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

Appropriation ordinance duly adopted and assigned **No. O-2016-06.**

- (E) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (**2016** Benton County Budget) to Create a New Fund in Department 0105, County Assessor, Fund 3651 to be Entitled “Assessor GIF Grant” and to Amend *Schedule 1-Revenues by Fund* to Reflect an Increase in Revenues and Expenditures Therein; 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 Chiocco.

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

15 Yeas: Sheridan, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

Appropriation ordinance duly adopted and assigned **No. O-2016-07**.

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (**2016** Benton County Budget) to Amend *Schedule 1 – Revenues by Fund* by Authorizing a Transfer from County General, Fund 1000 to County Road, Fund 2000, and to Appropriate Additional Monies and Authorize Additional Expenditures in Department 0200, Road Department, Fund 2000; 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 Sandlin.

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

15 Yeas: Sheridan, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

Appropriation ordinance duly adopted and assigned **No. O-2016-08**.

**OTHER BUSINESS:**

None.

**ANNOUNCEMENTS:**

Judge Clinard stated that the County Attorney would like to make a short announcement.

County Attorney George Spence reported that both the county and the Sheriff were sued today in federal court related to the whistleblowers and the grievance. He said that he has sent all of the JPs a copy of the response to the recent request for a grievance. He stated that the lawsuit has been forwarded on to the Association of Arkansas Counties Risk Management Fund and they are figuring out who is going to represent the county. He stated that he has been called by a couple of news outfits to ask for comment and he has told them, because it involves personnel and litigation, he has no comment. However, he said that if the JPs want to ask about anything he would be happy to visit with them. He said that it will be ongoing for a while, but they have done their best to act appropriately on behalf of the county.

JP Leadabrand reminded the court that there is early voting for the run-off election going on this week. He said that everyone who is interested should vote either during early voting or on Election Day on March 22, 2016.

**ADJOURNMENT:**

After motion and second, meeting adjourned at 6:42 p.m.

Respectfully submitted,

Tena O'Brien  
County Clerk

Prepared by: Stefanie Laputz