Committee of the Whole Report

January 17, 2019

The Committee of the Whole met Thursday, January 17, 2019 at 6:00 p.m. in the Quorum Court Meeting Room, Benton County Administration Building, Third Floor, 215 East Central Avenue, Bentonville, Arkansas.

12 JPs Present: Bryant, Hobbs, Smith, Adams, Jones, Sandlin, Anglin, Todd, Carr, Moore, Meyers, Edwards
3 JPs Absent: *McKenzie, Allen, Chiocco

Others Present: County Judge Barry Moehring, Assessor Rod Grieve, Sheriff’s Chief Deputy Meyer Gilbert, Communications Director Channing Barker, Comptroller Brenda Guenther, Facilities Administrator Bryan Beeson

Media: Mike Jones– Northwest Arkansas Democrat-Gazette

Committee Chair Kurt Moore called the meeting to order at 6:01 p.m.

PUBLIC COMMENTS
None.

AGENDA
JP Moore stated that he would entertain a motion to move Item 4 to the top of the agenda, so that Mr. Phillips will not have to sit through the other agenda items ahead of the resolution confirming his appointment to the Regional Airport Authority.
JP Carr made motion of same, seconded by JP Anglin.
Motion passed by unanimous show of hands vote.

1. Resolution Request: Confirming the County Judge’s Appointment of Phil Phillips to the NWA Regional Airport Authority
JP Moore recognized Phil Phillips, who stated that he has served on the board since 1999 as Washington County’s representative, and stated that he will provide stability on the board. He introduced Aaron Burkes, who is replacing Scott Van Laningham as the airport’s Executive Director and CEO, and gave several examples of the increase in traffic and expansion projects at XNA.
JP Adams made motion to accept Judge Moehring’s recommendation and to forward the resolution to the January 24, 2019 Quorum Court agenda, seconded by JP Sandlin. Motion passed by unanimous show of hands vote.
2. March 12, 2019 Special Election Update: Election Coordinator Kim Dennison
Kim Dennison gave an update on the Election Commission meeting held earlier in the day in which locations for election day vote centers were accepted, as well as days, hours, and locations for early voting for the March 12, 2019 countywide special sales tax election. She stated that all vote centers that were in use during the 2018 General Election will be open, with the exception of St Mary’s Catholic Church in Siloam Springs, which will not be available due to a scheduling conflict, and added that there will be four offsite early voting locations in addition to the two county clerk’s offices and Election Commission vote center in Rogers. She listed those four locations as: Riordan Hall in Bella Vista, Reach Church in Centerton, Landmark Baptist Church in Bentonville, and the Chamber of Commerce building in Lowell. She added that all of the locations will be open during the same time period as the county clerk’s office hours, which will be Tuesday, March 5th through Monday March 11th, from 8:00 a.m. to 4:30 p.m.
JP Smith asked what the estimated cost of the election is. Kim Dennison replied that the rough estimate was approximately $30,000.

3. Courts Facility Update: Hight Jackson
Shayan Dehbozorgi, architect with Hight Jackson Associates presented a PowerPoint of the most recent courthouse design, showing the site location, orientation of the building on the proposed site, and interior floorplans, and gave detailed explanations of each area.
JP Meyers asked what the seating capacity is for each courtroom. Shayan Dehbozorgi answered 85 people.

4. Town Hall Presentation and Schedule Update: County Judge Barry Moehring
County Judge Barry Moehring stated that they would be viewing the presentation that will be presented at the upcoming town hall meetings, and it is available to anyone who wishes to host their own meeting, or they are welcome to co-host any of the meetings in their districts that are already scheduled.
Judge Moehring went through the presentation, which covered the history of the courthouse, the conditions and locations of the existing courtrooms, and the difficulties of security, access, and parking that the new facility would alleviate. He said the project also includes a new 400-space parking deck, which will be funded by a third party, located across “B” Street from the new courts building, providing an approximate 60% increase in downtown parking. He then listed the advantages of a new, contemporary courtroom, including improved audio/visual capabilities, ease of access for the public, better security, and the ability to transport prisoners into and out of the courtrooms without interaction with the public.
* JP McKenzie entered the meeting.
He also noted that an additional judgeship has been requested based on the increase in caseload and, if granted, the new judge would take the bench in January of 2021.
JP Edwards asked if the additional judge would require them to immediately begin finishing the third floor for another courtroom.
Judge Moehring stated that since one courtroom will remain at the Juvenile Justice Center location, there will be a vacant courtroom in the new building for a new judge, and it should be another couple of decades before they will need to expand to the fourth floor.
Judge Moehring went over the proposal for funding the new facility, which includes $10 million from the county, and $25 million from the sales tax revenue, adding that $1.5 million of the county’s portion has already been spent in architectural fees. He noted that 1/8 of one percent is the lowest amount that can be asked for, and it is for a period of 4 and a half years, which will allow them to complete the project without going into long-term debt, and it does contain a hard sunset clause. He also noted that the impact of the sales tax increase on $100 in purchases would be 12.5 cents.

The presentation also included a breakdown of the contributions from third-party funding, such as the Walton Family Foundation, which has provided the land, a $2 million cash grant, and the planned parking deck just east of the proposed building site. He added that they have also funded the recent renovation of the ground floor of the historic courthouse building which is now occupied by the Prosecuting Attorney’s offices.

JP Moore asked if the $35 million includes funds for renovating the rest of the existing courthouse.

Judge Moehring replied that the project cost is $30 million, and there is an additional $5 million, most of which will go toward renovations in the historic courthouse, including moving the Public Defender into a renovated second floor. He noted that the original courtroom on the third floor is a showcase which could be used for public meetings, and the parking deck should alleviate some of the parking problems downtown that occur on heavy court traffic days.

JP Moore asked if Downtown Bentonville, Inc. would be doing any advocacy on this issue. Judge Moehring stated that Chambers of Commerce from Bentonville-Bella Vista-Pea Ridge, Rogers-Lowell, and Siloam Springs are all supportive, but DBI has a certain tax status that prohibits them from advocating or endorsing an issue such as this one, although their board is very supportive.

JP Edwards asked if there would be any other media push or advertising.

Judge Moehring stated that the county’s involvement would be informational only, but a committee has been formed that will take on more of an advocacy role. He emphasized that county staff and resources cannot be used for that purpose, but elected officials are free to say or do whatever they want.

JP Hobbs asked if collection of the sales tax would stop if the money is raised before the 54 months is up, or would it continue for the entire time period.

Judge Moehring stated that the wording in the calling ordinance states that it will be for a 54-month period, but there is a stipulation that any excess will go toward operations.

JP Smith asked when construction would begin if the sales tax were to be approved. Judge Moehring stated that they should begin to see some activity during the summer, and estimates are that it will be a 24-month construction period.

JP Bryant asked what would happen if the design phase of the project is 100% complete in March, and the sales tax is not approved.

Judge Moehring stated that they have been concentrating on preparing this information, and he does not know what will happen in the future if the proposal does not pass, other than they will continue to hold court in downtown Bentonville as they have been doing.

He said he does not want anyone to get the impression that the courts are not functioning – all the departments involved are getting the job done in difficult circumstances, but he reminded them that while he himself was still a JP, Judge Schrantz came and told the court that they are...
approaching a crisis situation, and now even more so with the possibility of an additional judge.

JP Smith asked what would happen if there is not enough money collected to pay for the building.

Judge Moehring stated that just prior to the beginning of construction, Nabholz Construction will re-estimate the costs for the build, and contingencies will be built in, but Nabholz has stated that they are very confident that the building will come in under $30 million.

Judge Moehring asked the court to help get the word out about the town hall meetings, and reminded them that they are welcome to attend any or all of them, and to let him know how much they want to participate.

5. Appropriation Request: Transfer for Maintenance/Facilities Purchase of Assessor’s Office Vehicle

JP Sandlin stated that this appropriation is to purchase a vehicle from the Assessor’s Office that is driven by maintenance staff who were transferred out of the Assessor’s Office into the County Judge’s Maintenance and Facilities Department, and made motion to forward to the January 24, 2019 Quorum Court agenda, seconded by JP Anglin.

Motion passed by unanimous show of hands vote.

6. Ordinance Request: Changes to Committee Structure and Monthly Meeting Schedule Discussed at Organizational Meeting

JP Moore stated that this was discussed at the organizational meeting, and asked who would like to sponsor the ordinance.

JP Adams stated that everyone seemed to be in favor of the changes at the organizational meeting, and made motion to approve and forward to the January 24, 2019 Quorum Court agenda, seconded by JP Sandlin.

Discussion followed concerning committee structure and authority of committees other than the Quorum Court. JP Jones stated that the only binding actions of the court occur at the Quorum Court meetings; all other actions simply state their intent.

JP McKenzie asked if the sunset clause stating that this would be revisited next year had been included in the ordinance.

JP Jones stated that they decided at the Organizational Meeting that it would be placed on the January 2020 Committee of the Whole agenda.

Judge Moehring reminded the committee that they can try this for a period of time, and if they find it is not working, they can change it at any time.

JP Jones stated that of the three additional changes submitted to them by County Attorney George Spence, he felt the first two dealing with changing the quorum court meeting dates were unnecessary, and made motion to amend JP Adams’ motion and include the third item regarding the Committee of the Whole meeting date, seconded by JP Sandlin.

Motion to amend passed by unanimous show of hands vote.
JP Adams indicated that the intent of his motion was to include all three of the recommendations in the ordinance to be forwarded to the Quorum Court agenda.

JP Jones withdrew his motion.

Motion to forward passed by unanimous show of hands vote.

OTHER BUSINESS
None

ANNOUNCEMENTS
JP Moore announced that the next Quorum Court meeting will be Thursday, January 24, 2019 at 6:00 p.m.
JP Moore reminded the committee that next month and moving forward, the Finance Committee will meet on the second Tuesday of the month, and the Committee of the Whole will meet on the third Tuesday of the month, followed by Quorum Court on the fourth Thursday.

PUBLIC COMMENTS
Michael Kalagias of Rogers, stated that finances have not been handled well at the county, they have had to go into debt, and they are building way more courthouse than they could possibly ever need. He said the budget for emergency vehicles has been cut in half, but they can find plenty of money for the Sheriff’s Department to buy new Tahoes so that the command staff can commute back and forth to work, but as a firefighter, he responds in a vehicle that has over 200,000 miles on it. He said that last year the Libertarian Party, at their own expense, came up with a plan for a 2-story court building that would have gotten the job done for half the cost as the one being planned now. He said they should focus on providing services like roads out in the county instead of providing the City of Bentonville with a nice new building on the town square. They just need something that can get the job done, and they can do it whole lot cheaper than this.

ADJOURNMENT
JP Moore declared the meeting adjourned at 7:15 p.m.