

JOURNAL OF PROCEEDINGS
CARROLL COUNTY QUORUM COURT
AUGUST 19, 2019

The Carroll County Quorum Court held their regular meeting on Monday, August 19, 2019, in the Eastern District Courthouse in Berryville. All Quorum Court members were present. Members of 4H from the Grandview 4H Club (Colt Wyatt & Avery Watt) led the group with the help of their Aunt, Sara Summers, in the invocation and the Pledge of Allegiance. The meeting was called to order by County Judge Sam Barr at 5:00pm and roll call was taken.

The Journal of Proceedings from the July 15, 2019 meeting was approved with a minor spelling correction that was needed. The motion was made to accept and verbally approved by all members.

A motion was made by JP Howerton to add item “e” – a Resolution authorizing the County Judge to execute necessary paperwork to renew a line of credit with Equity Bank for the Carroll County Airport.

A motion was made by JP Olson to add item “f” – a Supplemental Appropriation Ordinance to add funds to line items in certain departments for the updating of the County Website.

A motion was made by JP Swofford to add item “g” which concerned a period of discussion concerning the positions of combining the OEM and the County Communications Coordinator in an effort to save funds and be more efficient with respect to available physical assets of the positions (ie: vehicle, office space).

All three motions were voted on and approved with a verbal/hands vote.

Under Public Comment, Mr. Pat Humphrey requested an FOIA request for County Road 324 that he asserts was closed and that proper procedures for the closure was not followed. The term “lost prescriptive easement” was brought up. No action was taken by the JPs or the County Judge other than Road Foreman James Kelly saying that there was no road access.

Jeff Hatley, the Public Information Officer with Ozark Regional Transit caught the Court up to date on number of riders and that it was felt that the ORT is finally catching up from the fire of 2017 that did extensive damage to transport vehicles. A report goes in the Quorum Court packets each month or as they are made available so that JPs can stay informed about the ridership in Carroll County. JP Deaton inquired as to the number of Vets that may use the service to get to the County Veteran Services office. The number of Vets who use ORT was not known, however the county saw a 7% increase in ridership overall with 167 riders. JP Farrow asked if the buses had bicycle racks and whether brochures were available. Yes, the buses do have racks. JP Matt Phillips suggested a link for ORT on the County’s webpage and all agreed that was a very good idea.

There was no old business.

Under new business, a resolution for a grant agreement with the Federal Aviation Administration for an “Airport Layout Plan Update and Narrative Report Project” was approved by the Quorum Court for the Carroll County Airport. The resolution was sponsored by JP John Howerton who made a motion to approve the resolution with a second by JP Matt Phillips. JPs approved the resolution in the roll call vote.

JP Don McNeely sponsored an ordinance that would regulate nuisance, maintenance of premises and the disturbing noises of animals that can become a public nuisances from time to time. Several JPs expressed the need for animal control in the county and that the ordinance was a good idea, but as stated by JP Hicks, the responsibility would lie with the Sheriff’s department and they already get a number of calls from residents about nuisance animals. JP Hicks asked Cpt. Contreras to comment and he could see the potential for a call volume increase. He also raised the issue of deniability on behalf of the animal owner whereby the Sheriff’s office could not issue a citation if the owner denied owning the animal. The county also does not have an animal control officer should the animal need to be removed from its environment. JP Chuck Olson and JP Jack Deaton both said this ordinance was a good start. JP Don McNeely asked resident Natasha Gee to speak to the Quorum Court about her particular situation where her neighbor has 40 dogs that is kept both in and outside of the home. The smell, noise, and trash are a constant issue. The home in question is rented. The County needs a place to start to implement change

was a theme Mrs. Gee suggested. JP Harrie Farrow felt some rewriting needed to be done especially with respect to a violation being a misdemeanor. The possibility of a warning or “three strikes” might be better. JP Matt Phillips agreed with the assertion of a misdemeanor being too strong. JP Marty Johnson asked if the ASPCA had been to the home in question. Several JPs thought that there was a state statute concerning animal cruelty that might address the situation. A roll call vote was taken with JPs Deaton, Olson, Matt, and McNeely voting for the measure and JPs Farrow, Johnson, Phillips, Hicks, Hall, Swofford, and Howerton voting against. The measure did not pass, but JP McNeely would meet with the Prosecuting Attorney’s office with Mrs. Gee and see how the ordinance could be reworked.

A supplemental appropriation ordinance reimbursing the elections line item was approved unanimously. The funds reimbursed were for those expenditures made on behalf of the Election Commission to hold the recent school board election and subsequent run-off (Eureka Springs). The remaining \$19.60 came from an old piece of voting equipment that was sent to the local recycling business to be scrapped. The Judge’s order # 2019-13 was held until such a time when it could be added to the same line item in order to save funds in publishing the ordinance.

The road department found that locating a tractor with required equipment was not an easy task. JP Deaton said that Assessor Jeannie Davidson did the work of coming up with cost analysis of a tractor that County Judge Sam Barr had offered the county for purchase when an affordable one could not be found. He also stated that it was requested that the Prosecuting Attorney’s office was asked to offer their opinion on the justification for the purchase based on law ACA 14-14-1202 and Thomas Allgood gave that opinion saying that all of the requirements of the law have been satisfied. He also stated that an affidavit was necessary and that the Quorum Court had to approve the ordinance by a 2/3 vote of the Justices. JP Deaton made the motion to accept the ordinance with JP Marty Johnson making the second. Discussion came from several JPs among them being JP Howerton who thought this was a good deal for the county. JP Farrow asked if another tractor could be found and that the hours and price should have been stated in the ordinance. Jim Kelley, road foreman, said the tractor has approximately 943 hours and that the tractors they found for the price that they could afford was junk. He said a good tractor for the price was just not out there and if they were in the price range they were getting rid of the tractor for a reason. The price stated is \$39,000. JP Hicks as well as a majority of other JPs thought the implication and perception of a purchase to the head of the road department from the road department was not good. JP Hicks said that the County trusts Judge Sam Barr, so he has no reason not to do the same. JP Larry Swofford reiterated that Thomas Allgood said all was in order and that the exemption for this purchase was for unusual circumstances. JP Olson said the county needed the tractor and it was a good buy. JP Swofford said the Assessor says it’s a good buy. Assessor Jeannie Davidson said that there was just nothing out there similar. JP John Howerton said he had done some checking and a rough tractor of similar equipment was around \$42,700 and a premium was around \$45,000. JP Hall said that tractors do not readily lose their value and JP Farrow was comfortable with the stated verbal price of \$39,000. A roll call vote brought a unanimous result with all approving the measure. No additional appropriation of funds was necessary for the purchase.

The Carroll County Airport asked the Quorum Court to authorize the County Judge to execute necessary documents to renew the “line of credit” with a local bank. JP John Howerton sponsored the resolution. He made a move to accept the resolution with JP Roger Hall making a second. JP Harrie Farrow asked how the money was being used as it was a line of credit. JP John Howerton said that if the resolution was not passed the loan would be called due and payable immediately. He said that the loan was from remodel work done in the airport’s main building. The resolution was passed with all members voting to accept the resolution.

The County’s newly updated website is complete, but a few departments were unaware that the cost was to be split and charged off to their respective departments. JP Chuck Olson sponsored and made a motion to accept appropriations to be made to the departments of County Judge, Circuit Clerk, Quorum Court, and Veteran’s Services. The measure was seconded by JP Larry Swofford and approved by the Quorum Court with all members voting to accept the ordinance.

Under the approved discussion, JP Larry Swofford said that the personnel and budget committee met and that the county needed to find a replacement for Emergency Communications Coordinator Sam Ward who retired. JP Swofford said that several ideas were talked about with the thought it was going to be very difficult to find a replacement who would take a salary in the \$25-\$35,000 area and that the county would get what we paid for. Personnel thought the position should be combined with the OEM who has the office, vehicle, and established budget. If the two salaries were combined, it would bring around \$40,000 that could be offered to a perspective replacement with a portion being reimbursed from the state. JP Craig Hicks asked if the county would lose Nick Samac who currently serves as the OEM. JP Larry Swofford said it was not the intent to lose Nick and he would be asked if he were interested. JP John Howerton said that times have changed and that the county needed to pay more. JP Don McNeely asked if there was a job description with JP Matt asking the same question. JP Hicks asked if Nick Samac could do both jobs. JP McNeely said it costs a lot more to keep the radios going. JP Farrow asked the Judge why he was against the move and Judge Barr said he would address it in the Judge's comments at the end of the meeting. JP Jack Deaton thought by combining the positions was the most efficient use of county funds. It would be a full-time position. JP Matt said she had asked other Class 3 counties what they pay for the combined position and it was in the mid \$30,000 range. No decision was made.

JP Comments included JP Matt Phillips saying the hospital would be celebrating its 50th anniversary on September 15th from 1-4pm. JP Chuck Olson said that Harness Roofing was scheduled to come but hadn't given him a date. JP Jack Deaton said that the County Clerk's office was complete but that a couple of minor items needed to be done one of which was the closure on the outside door that needed to be attached.

The Judge's comments concerned the discussion about the OEM. He reiterated that the judge was responsible for 911 and hiring was his responsibility. He didn't see how one man could do both positions and that \$100-\$120,000 was too much to pay. He said that person would then need staff and that no one should be paid more than an elected official. He also felt that the aftereffect of the change may end up with constituents and officials not liking it in the end.

County Judge Sam Barr entertained a motion to adjourn with JP Roger Hall making that motion. JP Harrie Farrow seconded the motion. A vote adjourned the meeting at 6:03pm.