

**JOSEPH K. WOOD**  
County Judge



280 North College, Suite 500  
Fayetteville, AR 72701

**WASHINGTON COUNTY, ARKANSAS**  
**County Courthouse**

**REGULAR MEETING OF THE**  
**WASHINGTON COUNTY QUORUM COURT**

February 15, 2018  
6:00 p.m.  
Washington County Quorum Court Room

**A G E N D A**

1. **CALL TO ORDER**
2. **PRAYER AND PLEDGE**
3. **CITIZEN'S COMMENTS:**  
Fifteen-minute comment period with a three-minute limit for each individual to comment on items on the agenda or other items.
4. **ADOPTION OF AGENDA**
5. **CONSENT AGENDA:**
  1. **APPROVAL OF MINUTES** (5.1)
  2. **AN EMERGENCY ORDINANCE RATIFYING** (5.2 - 5.2A) **JOEL MAXWELL**  
**A CONDITIONAL USE PERMIT GRANTED BY**  
**THE PLANNING AND ZONING BOARD**  
**(FLAMINGO SPRINGS)**
  3. **AN EMERGENCY ORDINANCE RATIFYING** (5.3 – 5.3A) **JOEL MAXWELL**  
**A CONDITIONAL USE PERMIT GRANTED BY**  
**THE PLANNING AND ZONING BOARD**  
**(CINCINNATI CELL TOWER)**

4. A RESOLUTION AUTHORIZING THE SUBMITTAL (5.4)  
OF AN APPLICATION TO THE ARKANSAS UNPAVED  
ROADS GRANT FOR ROAD IMPROVEMENTS ON  
PARKER BRANCH ROAD (CR45) HARVEY BOWMAN
5. AN ORDINANCE CREATING THE POSITION OF ( 5.5)  
CATALOGING/BRANCH CLERK IN THE COUNTY  
LIBRARY BUDGET; AND, REDUCING SALARY  
LINE ITEMS IN THE COUNTY LIBRARY BUDGET  
BY 13,894 AND RESTORING THOSE FUNDS TO  
UNAPPROPRIATED RESERVES; AND, APPROPRIATING  
AMOUNT OF \$38,866 FROM THE COUNTY LIBRARY  
FUND TO THE COUNTY LIBRARY BUDGET FOR 2018 BILL USSERY
6. AN ORDINANCE CHANGING THE TITLE OF LEAD (5.6)  
JUVENILE OFFICER IN THE CIRCUIT COURT III  
BUDGET FOR 2018 BILL USSERY
7. COMMITTEE REPORT
6. COUNTY JUDGE'S REPORT JUDGE JOSEPH WOOD
7. A RESOLUTION OF THE QUORUM COURT OF (7.1 – 7.2)  
WASHINGTON COUNTY CERTIFYING LOCAL  
COUNTY GOVERNMENT ENDORSEMENT OF  
OURPHARMA, LLC TO PARTICIPATE IN THE  
CONSOLIDATED INCENTIVE (TAX BACK) ACT  
OF 2003 SUE MADISON
8. AN ORDINANCE CHANGING THE TITLE OF (8.1)  
JANITORIAL PERSON IN THE BUILDING & GROUNDS BUDGET;  
AND, REDUCING \$81,360 FROM SALARY LINE ITEMS  
IN THE BUILDING & GROUNDS BUDGET AND RE-APPROPRIATING  
THE AMOUNT OF \$81,360 FROM THE BUILDING & GROUNDS BUDGET  
TO VARIOUS OTHER LINE ITEMS FOR 2018 BILL USSERY

9. AN ORDINANCE CHANGING THE TITLE OF (9.1)  
SECURITY ANALYST/SENIOR PROGRAMMER  
IN THE INFORMATION TECHNOLOGY BUDGET; AND,  
REDUCING \$87,396 FROM SALARY LINE ITEMS IN THE  
INFORMATION TECHNOLOGY BUDGET AND APPROPRIATING  
THE AMOUNT OF \$87,396 FROM THE INFORMATION TECHNOLOGY  
BUDGET TO THE ASSESSORS BUDGET FOR 2018 BILL USSERY
  
10. AN ORDINANCE APPROPRIATING THE AMOUNT OF (10.1)  
\$16,040 FROM THE GENERAL FUND TO THE COUNTY  
ATTORNEY BUDGET FOR 2018 BILL USSERY
  
11. OTHER BUSINESS
  
12. ADJOURNMENT

**MINUTES OF THE  
REGULAR MEETING OF THE  
WASHINGTON COUNTY QUORUM COURT**

Thursday, January 18, 2018

6:00 p.m.

Washington County Quorum Court Room

County Judge Joseph K. Wood called the meeting to order.

JP Alicia Deavens led the prayer and pledge.

Members present were JP Harvey Bowman, JP Alicia Deavens, JP Robert Dennis, JP Lisa Ecke, JP Ann Harbison, JP Joe Kieklak, JP Tom Lundstrum JP Eva Madison, JP Sue Madison, JP Joel Maxwell, JP Joe Patterson, JP Butch Pond, JP Fred Rausch, and JP Bill Ussery. JP Daniel Balls was absent.

A motion was made by JP Harbison to remove agenda item #9, White River Landing CUP Settlement Discussion, and was seconded by JP Dennis. There were comments made by JP Harbison, JP Pond, JP E Madison and County Attorney Lester. A voice vote was made and the motion passed unanimously.

Following a couple of amendments to the agenda, a motion was made by JP E Madison to approve the agenda as amended and seconded by JP S Madison. The agenda was unanimously adopted.

During the citizen's comment time, Steve Gray spoke in support of the Veteran Services.

A motion was made by JP Ecke to approve the December 21st minutes and seconded by JP S Madison. The minutes were unanimously approved.

County Treasurer Bobby Hill gave the Treasurer's Report.

County Judge Joseph Wood gave the Judge's report.

A motion to suspend the rules and read all ordinances and resolution by title only was made by JP S Madison and seconded by JP Maxwell. The motion was passed with majority vote.

County Prosecutor Matt Durrett provided an end of year report on the Hot Check Fee Account.

JP Patterson introduced agenda item 10.1. County Attorney Lester read the resolution by title only, "A RESOLUTION OF THE QUORUM COURT OF WASHINGTON COUNTY CERTIFYING LOCAL COUNTY GOVERNMENT ENDORSEMENT OF ROCKLINE INDUSTRIES, INC. TO PARTICIPATE IN THE CONSOLIDATED INCENTIVE (TAX BACK) ACT OF 2003". A motion to adopt the resolution was made by JP Patterson and seconded by JP Harbison. Scott Edmondson, VP of Economic Developments shared information with the Board about the Resolution. There were comments

made by JP Ussery, JP Dennis and JP Harbison. There was no public comment. A roll call was called and all members present voted to adopt the resolution.

**Resolution 2018-01, A RESOLUTION OF THE QUORUM COURT OF WASHINGTON COUNTY CERTIFYING LOCAL COUNTY GOVERNMENT ENDORSEMENT OF ROCKLINE INDUSTRIES, INC. TO PARTICIPATE IN THE CONSOLIDATED INCENTIVE (TAX BACK) ACT OF 2003, was adopted.**

JP Pond introduced agenda item 11.1. JP Pond asked County Attorney Lester to explain the ordinance. Thereafter, a motion to suspend the rules and remove item 11.1 from the agenda was made by JP E Madison and seconded by JP Lundstrum. There were comments made by JP E Madison, JP Pond, JP S Madison, JP Ecke and County Attorney Lester. A voice vote was made and the motion passed unanimously. A motion to authorize the County Judge to enter into a contract for services with the Association of Arkansas Counties was made by JP Ecke and seconded by JP Pond. A voice vote was made and the motion passed with majority vote.

JP Ecke introduced agenda item 12.1. County Attorney Lester read the ordinance by title only, "AN ORDINANCE CHANGING PERSONNEL POSITIONS IN THE SHERIFF BUDGET; AND, REDUCING THE AMOUNT OF \$16,102 FROM SALARY LINE ITEMS IN THE GENERAL FUND AND RESTORING THOSE FUNDS TO UNAPPROPRIATED RESERVES BUDGET FOR 2018". A motion to adopt the ordinance was made by JP Ecke and seconded by JP Harbison. There was no public comment. A roll call was called and all members present voted to adopt the ordinance.

**Ordinance 2018-01, AN ORDINANCE CHANGING PERSONNEL POSITIONS IN THE SHERIFF BUDGET; AND, REDUCING THE AMOUNT OF \$16,102 FROM SALARY LINE ITEMS IN THE GENERAL FUND AND RESTORING THOSE FUNDS TO UNAPPROPRIATED RESERVES BUDGET FOR 2018, was adopted.**

JP Ussery introduced agenda item 13.1. County Attorney Lester read the ordinance by title only, "AN ORDINANCE ANTICIPATING REVENUES TOTALING \$2,435,363 IN VARIOUS FUNDS; AND APPROPRIATING \$2,447,356 FROM VARIOUS FUNDS TO VARIOUS BUDGET LINE ITEMS FOR 2018". There was a scrivener's error in Article 2- 1906 Animal Shelter Fund \$2000 the amount should be \$7000. A motion to adopt the ordinance as amended was made by JP Ussery and seconded by JP Harbison. There were comments made by JP S Madison, County Attorney Lester, Comptroller Ashley Farber, and JP Rausch. There was no public comment. A roll call was called and all members present voted to adopt the ordinance.

**Ordinance 2018-02, AN ORDINANCE ANTICIPATING REVENUES TOTALING \$2,435,363 IN VARIOUS FUNDS; AND APPROPRIATING \$2,447,356 FROM VARIOUS FUNDS TO VARIOUS BUDGET LINE ITEMS FOR 2018, was adopted.**

JP Ussery introduced agenda item 14.1. County Attorney Lester read the ordinance by title only, "AN ORDINANCE CHANGING THE TITLE OF JUVENILE OFFICER IN THE CIRCUIT COURT III BUDGET; REDUCING \$2,881 FROM SALARY LINE ITEM IN THE VETERANS SERVICE BUDGET; AND, APPROPRIATING THE TOTAL AMOUNT OF \$2,881 TO SALARY LINE ITEMS IN THE CIRCUIT COURT III BUDGET FOR 2018". There were comments made by JP E Madison and JP S Madison. A motion to adopt the ordinance was made by JP Ussery and seconded by JP Pond. During public

comment, Judge Stacey Zimmerman spoke about the request. A roll call was called and all members present voted to adopt the ordinance.

**Ordinance 2018-03, AN ORDINANCE CHANGING THE TITLE OF JUVENILE OFFICER IN THE CIRCUIT COURT III BUDGET; REDUCING \$2,881 FROM SALARY LINE ITEM IN THE VETERANS SERVICE BUDGET; AND, APPROPRIATING THE TOTAL AMOUNT OF \$2,881 TO SALARY LINE ITEMS IN THE CIRCUIT COURT III BUDGET FOR 2018, was adopted.**

JP Ussery introduced agenda item 15.1. County Attorney Lester read the ordinance by title only, "AN ORDINANCE CHANGING THE TITLE OF SECRETARY RECEPTIONIST IN THE VETERANS SERVICE BUDGET; AND, APPROPRIATING THE TOTAL AMOUNT OF \$1,296 TO SALARY LINE ITEMS IN THE VETERANS SERVICE BUDGET; AND, REDUCING \$10,026 FROM SALARY LINE ITEM IN THE VETERANS SERVICE BUDGET AND RESTORING THOSE FUNDS TO UNAPPROPRIATED RESERVES (1000 GENERAL FUND) FOR 2018". JP Ussery asked Director Josh Medina to explain the position change. There were comments made by various members of the Court. A motion to adopt the ordinance was made by JP Ussery and seconded by JP Ecke. During public comment, Terry Thurman, Chuck Adkins, and Steve Gray spoke in support of the Veterans Service. A roll call was called and all members present voted to adopt the ordinance.

**Ordinance 2018-04, AN ORDINANCE CHANGING THE TITLE OF SECRETARY RECEPTIONIST IN THE VETERANS SERVICE BUDGET; AND, APPROPRIATING THE TOTAL AMOUNT OF \$1,296 TO SALARY LINE ITEMS IN THE VETERANS SERVICE BUDGET; AND, REDUCING \$10,026 FROM SALARY LINE ITEM IN THE VETERANS SERVICE BUDGET AND RESTORING THOSE FUNDS TO UNAPPROPRIATED RESERVES (1000 GENERAL FUND) FOR 2018, was adopted.**

JP Ussery introduced agenda item 16.1. County Attorney Lester read the ordinance by title only, "AN ORDINANCE CHANGING THE TITLE OF PARALEGAL IN THE COUNTY ATTORNEY BUDGET; REDUCING \$1,085 FROM SALARY LINE ITEM IN THE VETERANS SERVICE BUDGET AND APPROPRIATING THE AMOUNT OF \$1,085 TO SALARY LINE ITEMS IN THE COUNTY ATTORNEY BUDGET FOR 2018; AND APPROPRIATING THE AMOUNT OF \$1,085 TO SALARY LINE ITEMS IN THE ROAD FUND BUDGET FOR 2018". A motion to adopt the ordinance was made by JP Ussery and seconded by JP E Madison. There was a comment made by County Attorney Lester. There was no public comment. A roll call was called and all members present voted to adopt the ordinance.

**Ordinance 2018-05, AN ORDINANCE CHANGING THE TITLE OF PARALEGAL IN THE COUNTY ATTORNEY BUDGET; REDUCING \$1,085 FROM SALARY LINE ITEM IN THE VETERANS SERVICE BUDGET AND APPROPRIATING THE AMOUNT OF \$1,085 TO SALARY LINE ITEMS IN THE COUNTY ATTORNEY BUDGET FOR 2018; AND APPROPRIATING THE AMOUNT OF \$1,085 TO SALARY LINE ITEMS IN THE ROAD FUND BUDGET FOR 2018, was adopted.**

JP Ussery introduced agenda item 17.1. County Attorney Lester read the ordinance by title only, "AN ORDINANCE CHANGING THE TITLE OF HEO I IN THE ROAD BUDGET; AND, REDUCING \$1,167 FROM SALARY LINE ITEMS IN THE ROAD BUDGET AND RESTORING THOSE FUNDS TO UNAPPROPRIATED ROAD RESERVES (2000 ROAD FUND) FOR 2018". A motion to adopt the ordinance was made by JP Ussery and seconded by JP Harbison. There were comments made

by JP Kieklak and Chief Gales. There was no public comment. A roll call was called and all members present voted to adopt the ordinance.

**Ordinance 2018-06, AN ORDINANCE CHANGING THE TITLE OF HEO I IN THE ROAD BUDGET; AND, REDUCING \$1,167 FROM SALARY LINE ITEMS IN THE ROAD BUDGET AND RESTORING THOSE FUNDS TO UNAPPROPRIATED ROAD RESERVES (2000 ROAD FUND) FOR 2018, was adopted.**

A motion to suspend the rules and add a line item transfer to the agenda was made by JP E Madison and seconded by JP Pond. JP E Madison explained the new Budget Controls set in place by the Quorum Court requires approval when there is a line item transfer that exceeds 12% of operating budget. The Circuit Court Juvenile Division, budget 3031 0446 needs to transfer \$14,036 from line item 3009, other professional services, to 2005, food. Judge Stacey Zimmerman explained the line item transfer. There was a voice vote and all members present voted unanimously to approve the line item transfer.

County Attorney Lester presented a set of rules for Consent Agenda. A motion to approve the Consent Agenda rules was made by JP Maxwell and seconded by JP E Madison. There were comments made by JP E Madison, JP Lundstrum, and JP Ussery. A voice vote was called and all members present voted unanimously to approve the Consent Agenda rules.

JP Bowman provided an update on Public Works – There was no meeting due to lack of an agenda.

JP Dennis provided an update on County Services – There is a meeting scheduled for January 29<sup>th</sup>.

JP Ecke provided an update on Personnel – Blair Johanson explained the JESAP policy and processes.

JP Maxwell provided an update on Jail/LE/Courts – There was no meeting due to lack of an agenda.

JP Ussery provided an update on Finance & Budget – There was not a meeting but working on 2019 budget.

During “Other Business” JP E Madison spoke about the Veterans and City millage. JP Kieklak spoke about serving the citizens of Washington County.

A motion to adjourn the meeting was made by JP E Madison and seconded by JP Deavens. The meeting was adjourned at 7:50 pm.

Respectfully submitted by

Patty Burnett  
Quorum Court Coordinator

ORDINANCE NO. 2018-

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD.

WHEREAS, the Planning and Zoning Board granted a Conditional Use Permit on January 11, 2018 for Flamingo Springs.

WHEREAS, immediate ratification is necessary by the Quorum Court to prevent undue delay and expense to the applicant; and,

WHEREAS, ratification will not affect any appeal rights any person may have.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. That the Conditional Use Permit for Flamingo Springs granted by the Planning and Zoning Board is hereby ratified.

ARTICLE 2. Emergency Clause: It is hereby determined that it is in the best interest of the applicant and the public for this ordinance to be effective immediately; therefore, an emergency is declared to exist and this ordinance shall be and is effective on the date of its passage.

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: Joel Maxwell
Date of Passage: February 15, 2018
Votes For: Votes Against:
Abstention: Absent:



### Flamingo Springs CUP

**The Planning Board/Zoning Board of Adjustments approved Flamingo Springs Conditional Use Permit (with conditions) on January 11, 2018.**

**Staff does not expect any appeals on this CUP and recommends ratification of the project.**

#### County

#### **d. Flamingo Springs CUP**

##### *Conditional Use Permit Request*

Location: Section 14, Township 14 North, Range 32 West

Owners/Applicants: Zach & Laura Kraus

Surveyor/Engineer: Glenn Carter

Location Address: 15474 Greasy Valley Rd.

Approximately +/- 19.81 acres

Proposed Land Use: Commercial RV Park

Coordinates: Latitude: 35.89072830, Longitude: -94.35861882

Project #: 2017-262

Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

The owners of this property and applicants for this request are Zach & Laura Kraus. The surveyor/engineer is Glenn Carter. This property is located off Greasy Valley Road, WC-8. The applicants are requesting **Conditional Use Permit** approval to allow an RV Park business on a property that is approximately 20.23 acres in size, and currently zoned for Agricultural and Single Family Residential Uses.

Most of the construction, including renovation of the vintage RV trailers, is already complete. The owners didn't understand Washington County had permitting requirements before they began construction. And now they are requesting CUP & Pre-LSD approval to come into compliance. The business is not currently in operation, but the residence is occupied.

The Quonset hut building is considered a mixed occupancy building by the fire marshal, as it is partially the applicant's residence and partially the clubhouse for the business. It is 2320 sq.ft. with a deck on the back. There is a commercial pool already constructed, with room for 6 RV trailers to be placed around the pool and an additional 2 RV trailers to be placed along the tree line to the north of the pool. The applicants are proposing a commercial hot tub as well.

Additionally, there is an entrance drive, fire turn around, parking, and a fenced area around the pool. There is an existing septic system to service the residence, and a proposed septic system to service the bathrooms and shower. The commercial and residential uses cannot both utilize the same septic system. The business must have its own septic system.

The applicants propose to do the commercial laundry at a nearby laundromat.

**Staff does not expect this to be contentious and recommended approval of the proposed Flamingo Springs Conditional Use Permit with conditions.**

**The Planning Board/ Zoning Board of Adjustments approved (5 members voted "in favor", 0 members voted "against", 2 members were not present) the project with the following conditions:**

#### Water/Plumbing/Fire Conditions:

1. This development must be fully approved by the Fire Marshal before any of the commercial structures (clubhouse, RV trailers, pool, hot tub) may be occupied by the public.
2. The entrance drive must be constructed to 20' wide driving surface.
3. The entrance drive must be paved with asphalt 20' wide.
4. A hammerhead turnaround is required.
5. The entrance drive shall be designated as fire lane.
6. No parking is allowed along the entrance drive.
7. All access roads and parking area drives must have a 38' turn radius at minimum.
8. Fire lanes along the drive and within the parking area must be marked (can be marked with signage- if the drive and lots are gravel; or marked with paint- if the drive and lots are paved).

9. A kitchen is not allowed as part of the commercial component of this development.
10. The residential kitchen may not be used for commercial purposes.
11. Exit lights/emergency lights and fire extinguishers are required.
12. The Fire Marshal will inspect all improvements prior to the building being occupied.
13. The applicant must comply with any Health/Safety/Fire Code recommendations made by the project engineer and/or the county fire marshal.
14. The building must meet Arkansas State Fire Code.
15. The applicant's engineer is to set the final occupancy load, and ensure the building meets Arkansas State Fire Code.
16. A statement at Final LSD will be required that states the buildings are in compliance with AR State Fire Code and ADA regulations.
17. The electrical wiring inside each of the RV trailers must be inspected and approved by the state electrical inspector before they can be occupied by the public.

Health Department Conditions:

1. All applicable permitting through the Arkansas Health Department must be approved before any of the buildings may be occupied by the public.
2. The proposed septic system for the business must receive approval from the Health Department before it is installed.
3. The proposed septic system for the business must be inspected and approved by the Health Department prior to occupation of the proposed building.
4. No parking is allowed on any portion of the septic system including the alternate area. The alternate area must remain undisturbed. (No overflow parking either).
5. The pool must have an 8 ft deck around it.
6. The pool must have a 4 ft fence around it.
7. Project must be in compliance with the regulations of the Arkansas Department of Health.
8. The septic system is not sized appropriately to handle the commercial laundry. All the commercial laundry must be done off site, or the septic system must be upgraded.
9. The hot tub must be reviewed, inspected, and approved by the Health Department before it is occupied by the public.

Roads/Sight Visibility/Ingress-Egress/Parking Conditions:

1. The posted speed limit must be decreased to 35 mph at the site location.
2. No signage or parking is allowed within Washington County's road right-of-way (ROW), and none is shown on the submitted plans.
3. The Road Department requires a minimum 30' ROW to be dedicated on the applicant's side of the road.
4. Generally, any work (i.e. clearing, grading, driveway install) to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department.

Signage/Lighting/Screening Conditions:

1. No signage is allowed within Washington County's road right-of-way (ROW).
2. No additional signage is allowed to be placed without review by the Planning Dept.
3. A sign warning of the blind corner and the proximity of the commercial driveway is required to be placed to the north of the blind corner, facing such that it is visible to southbound traffic. The sign must not exceed 24 sq. ft. in size.
4. The warning sign and its placement must be reviewed by Planning Staff before it is installed.
5. If additional signage is desired in the future, a sketch of the proposed sign must be submitted to Washington County Planning for approval prior to the sign being placed.
6. Any proposed future signage may not exceed 24 sq. ft. in size and must not be directly lit.

7. All outdoor lighting must be shielded from neighboring properties, and any lighting must be indirect and not cause disturbance to drivers or neighbors. Additionally all security lighting must be shielded appropriately.
8. All outdoor storage, and dumpster if desired in the future, must be screened with opaque material (gates must be opaque too).

Utility Conditions:

1. Any damage or relocation of utilities will be at the expense of the owner/applicant.
2. The electrical wiring from the electric meter out to each RV trailer must be inspected and approved certified by the state electrical inspector before any of the RV trailers may be occupied by the public.

Additional and Standard Conditions:

1. The connection between the building and the handicapped parking spaces, as well as the restrooms, must be ADA compliant.
2. Pay engineering fees (engineering fees have not been calculated yet). This total will be calculated at the Final LSD phase for this project once all invoices are received.
3. A statement from the project engineer must be submitted prior to the building being occupied that says the development (building, parking, access, RV trailers, restrooms, etc) are in full compliance with all ADA regulations.
4. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
5. Only 8 RV trailers are allowed at this time. If additional RVs or facilities are desired in the future a proposal must be submitted to the Planning Dept and subsequent planning review and planning board approval will be required.
6. This CUP must be ratified by the Quorum Court.
7. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
8. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - This project does require additional Planning Board review (Preliminary & Final Large Scale Development).
9. The maximum lease will have a sunset clause of 30 days.

\* County Ordinance allows for an appeal period (for any party: applicant, neighbor, member of the public, etc) within 30 days of the Planning Board/ZBA approval. Even if the Quorum Court ratifies the CUP; the right of appeal remains until the 30 days has passed. If an appeal is filed within the 30 day period then a subsequent hearing will be scheduled and held by the Quorum Court.

ORDINANCE NO. 2018-

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD.

WHEREAS, the Planning and Zoning Board granted a Conditional Use Permit on January 11, 2018 for Cincinnati Cell Tower.

WHEREAS, immediate ratification is necessary by the Quorum Court to prevent undue delay and expense to the applicant; and,

WHEREAS, ratification will not affect any appeal rights any person may have.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. That the Conditional Use Permit for Cincinnati Cell Tower granted by the Planning and Zoning Board is hereby ratified.

ARTICLE 2. Emergency Clause: It is hereby determined that it is in the best interest of the applicant and the public for this ordinance to be effective immediately; therefore, an emergency is declared to exist and this ordinance shall be and is effective on the date of its passage.

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: Joel Maxwell
Date of Passage: February 15, 2018
Votes For: Votes Against:
Abstention: Absent:

### Cincinnati Cell Tower CUP

**The Planning Board/Zoning Board of Adjustments approved Cincinnati Cell Tower CUP, with conditions, request on January 11, 2018 (5 members voted "in favor", 0 members voted "against", 2 members were absent).**

The 30-day appeal window for this project has not yet fully run. An appeal of this approval may be filed; however, as an appeal remains uncertain at this time, staff recommends ratification of the approval of Cincinnati Cell Tower CUP.

If an appeal is not filed, the applicant may continue on with the Communication Tower process. The applicant understands that even if this project is ratified, an appeal may still be filed and no further approvals may be given until after the appeal period has run.

**Ratification will not affect any appeal rights any person may have.**

Cincinnati Cell Tower is requesting Conditional Use Permit approval to construct a wireless telecommunications facility that will include a 250 foot tall telecommunications tower with accompanying ground equipment to be contained in a 100x100 foot fenced compound. A lightning rod may be installed and cause the final height of the tower to be 260 feet.

The tower will be constructed on 0.23 acres on parcel 001-13406-000 owned by John and Rita Randolph. An access easement will connect to the facility from Arkansas State Highway 59. The access easement will be 26 feet wide and made of gravel. The tower will be setback approximately 974.06 feet from Arkansas State Highway 59.

The proposed facility will be unmanned. The expected traffic after construction is 1 vehicle every three weeks.

The total disturbed area is less than one acre. The applicant states that best management SWEPP practices will be utilized.

The applicant states that the proposed site is designed to fill a coverage hole on Arkansas State Highway 59. A map has been provided. The area is marked in dark blue. An FCC scrub showed a Smith Communications tower approximately 2.4 miles from the proposed site. However, the tower was too far south and would interfere with an already existing tower in Lincoln.

Per Sec. 11-307, there are no buildings or residences within 375 feet of the proposed tower location. The building setback is derived from the height of the tower, 250 feet, plus 150 percent of the height of the tower; 250 feet plus 150 percent is 375 feet.

Per Sec. 11-306, the proposed tower is set back more than 20 feet from the road.

Planning Staff have not received comment from adjacent land owners.

Staff visited the site and observed that it is mainly agricultural and residential.

**The Planning Board/Zoning Board of Adjustments approved Cincinnati Cell Tower CUP request on January 11, 2018 (5 members voted "in favor", 0 members voted "against", 2 members were absent) with the following conditions:**

**Planning Conditions:**

1. A copy of the Federal Communications Commission (FCC) approval letter must be submitted to Staff prior to tower operation.
2. Must be an approximately 250 foot tall guyed wireless communications tower facility that, with the addition of lights and a lightning rod, could increase the overall height to approximately 260 feet.
3. Compound must be generally sized as presented (100'x100').

4. This CUP will apply only to the lease area and related easement as presented and not to the entire 35.5654 acres.
5. Proper Circuit Clerk-filed easement documents shall be recorded for the proposed access and utility easement.

**Water/Plumbing/Fire Conditions:**

1. The access road must be a minimum of 26 feet wide. The corresponding gates to the access roads should also be 26 feet wide to allow emergency vehicles access.
2. Cul-de-sac style turnarounds must be a minimum of 95 feet in diameter. The applicant should heed this or refer to the Arkansas State Fire Code and use one of the approved methods for turnaround.
3. All entrance drives and access roads must be able to support 75,000 pounds in all weather conditions.
4. The Fire Marshal would like more information on the generator. What type of safety features will it have?
5. A Knox Box may be required. The Fire Marshal will ask the local fire authority and if they require one, the Fire Marshal will also require it of the applicant.

**Roads/Sight Visibility/Ingress-Egress/Parking Conditions:**

1. Permits from the Arkansas Department of Transportation may be required to connect to the Arkansas State Highway. However, since the access road already exists, permits may not be needed.

**Drainage Conditions:**

1. The proposed entrance drive crosses a FEMA Zone A floodplain. The applicant should confirm that where the proposed driveway crosses the floodplain, that there will not be any fill added within the floodplain that will result in a rise in the water surface elevation.

**Signage/Lighting/Screening Conditions:**

1. Lighting may be required by the FAA. This will be addressed during the Cell Tower Review process.

**Addressing Conditions:**

1. The applicant must apply for 911 addresses to be assigned.

**Utility Conditions:**

1. Any damage or relocation of utilities will be at the expense of the owner/applicant.

**Additional and Standard Conditions:**

1. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
2. This CUP must be ratified by the Quorum Court.
3. Must adhere to all Washington County Communication Tower Ordinance Standards.
4. Must proceed through Washington County Communication Tower Administrative Approval process OR Washington County Full Communication Tower Review.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. If all Administrative Tower requirements cannot be met, this tower will have to undergo full Tower Review by the Planning Board; utilities and other agencies would then review this project.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - This project requires additional review; the applicant must submit for either Administrative Tower Review OR Full Tower Review within 12 months of this CUP project's ratification.

RESOLUTION NO. 2018-

BE IT RESOLVED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, A RESOLUTION TO BE ENTITLED:

A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE ARKANSAS UNPAVED ROADS GRANT FOR ROAD IMPROVEMENTS ON PARKER BRANCH ROAD (CR 45).

WHEREAS, it is the desire of the County Judge and the County Roads Superintendent to submit an application for an Arkansas Unpaved Roads Grant; and

WHEREAS, said grant will be used to redesign the drainage, armor ditches, install check dams to slow and direct water, and stabilize the road bed on approximately one-half (1/2) mile of the road; and

WHEREAS, said project will slow and reduce the amount of sediment entering the Middle Fork of the White River from the county road.

WHEREAS, the Quorum Court recognizes the need for said grant in the amount of up to \$75,000, with a 50% match that may be contributed by either in-kind contributions or a combination of payment from the Road Department's Budget and in-kind contributions.

NOW, THEREFORE, BE IT RESOLVED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS:

ARTICLE 1. It hereby authorizes and approves the submission of a grant application as stated above.

ARTICLE 2. The County Judge is further authorized to administer the grant funds for the same project.

\_\_\_\_\_  
JOSEPH K. WOOD, County Judge

\_\_\_\_\_  
DATE

\_\_\_\_\_  
BECKY LEWALLEN, County Clerk

Sponsor: Harvey Bowman  
Date of Passage: February 15, 2017  
Votes For: \_\_\_\_\_ Votes Against: \_\_\_\_\_  
Abstention: \_\_\_\_\_ Absent: \_\_\_\_\_

ORDINANCE NO. 2018-\_\_\_\_\_

**APPROPRIATION ORDINANCE:**

**BE IT ORDAINED BY THE QUORUM COURT  
OF THE COUNTY OF WASHINGTON,  
STATE OF ARKANSAS, AN ORDINANCE  
TO BE ENTITLED:**

**AN ORDINANCE CREATING THE POSITION  
OF CATALOGING/BRANCH CLERK IN THE  
COUNTY LIBRARY BUDGET; AND,  
REDUCING SALARY LINE ITEMS IN THE  
COUNTY LIBRARY BUDGET BY 13,894 AND  
RESTORING THOSE FUNDS TO  
UNAPPROPRIATED RESERVES; AND,  
APPROPRIATING THE AMOUNT OF \$38,866  
FROM THE COUNTY LIBRARY FUND TO THE  
COUNTY LIBRARY BUDGET FOR 2018.**

**ARTICLE 1.** There is hereby created the position of Cataloging/Branch Clerk, Grade 9 (Position 0600005) in the County Library Budget of the County Library Fund (30080600) for 2018.

**ARTICLE 2.** Appropriations are hereby reduced by the total amount of \$13,894 from the Part Time Salaries Line Item in the County Library Fund (30080600-1002) for 2018; these funds shall be restored to unappropriated reserves.

**ARTICLE 3.** There is hereby appropriated the total amount of \$38,866 in the following Salary Line Items in the County Library Budget for 2018:

Salaries, Full-Time (0600005)	(30080600-1001)	\$	28,226
Social Security Matching	(30080600-1006)		1,979
Noncontributory Retirement	(30080600-1008)		3,891
Health Insurance Matching	(30080600-1009)		4,660
Life Insurance Matching	(30080600-1016)		110
<b>TOTAL APPROPRIATIONS:</b>			<b><u>\$ 38,866</u></b>

\_\_\_\_\_  
Joseph K. Wood, County Judge

\_\_\_\_\_  
Date

\_\_\_\_\_  
BECKY LEWALLEN, County Clerk

Sponsor: \_\_\_\_\_ Bill Ussery \_\_\_\_\_  
Date of Passage: February 15, 2018 \_\_\_\_\_  
Votes For: \_\_\_\_\_ Votes Against: \_\_\_\_\_  
Abstention: \_\_\_\_\_ Absent: \_\_\_\_\_



ORDINANCE NO. 2018-\_\_\_\_\_

APPROPRIATION ORDINANCE:

BE IT ORDAINED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE CHANGING THE TITLE OF LEAD JUVENILE OFFICER IN THE CIRCUIT COURT III BUDGET FOR 2018.

ARTICLE 1. The title of the personnel position of Lead Juvenile Officer, Grade 18 (Position 0403005) in the Circuit Court III Budget of the General Fund (10000403) is hereby changed to Lead Juvenile Officer/ Special Police Officer (Grade 19) for 2018.

\_\_\_\_\_  
Joseph K. Wood, County Judge

\_\_\_\_\_  
Date

\_\_\_\_\_  
BECKY LEWALLEN, County Clerk

Sponsor: \_\_\_\_\_ Bill Ussery \_\_\_\_\_  
Date of Passage: February 15, 2018  
Votes For: \_\_\_\_\_ Votes Against: \_\_\_\_\_  
Abstention: \_\_\_\_\_ Absent: \_\_\_\_\_

RESOLUTION NO. 2018-

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, A RESOLUTION TO BE ENTITLED:

A RESOLUTION OF THE QUORUM COURT OF WASHINGTON COUNTY CERTIFYING LOCAL COUNTY GOVERNMENT ENDORSEMENT OF OURPHARMA, LLC TO PARTICIPATE IN THE CONSOLIDATED INCENTIVE (TAX BACK) ACT OF 2003.

WHEREAS, OurPharma, LLC has applied for the Consolidated Incentive (Tax Back) Program, requesting benefits accruing for expansion to its business and equipment in Washington County, Arkansas; and

WHEREAS, local government must endorse a business applicant's participation in the Consolidated Incentive Act of 2003 for the business to benefit from the refunds/tax credits, as provided in A.C.A. § 15-4-270(d) of Act 182 of 2003; and,

WHEREAS, OurPharma, LLC has agreed to furnish Washington County all necessary information for compliance.

NOW THEREFORE, BE IT RESOLVED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. OurPharma, LLC be endorsed by the Quorum Court of Washington County for benefits from the refunds/tax credits as provided in the Consolidated Incentive (Tax Back) Act of 2003.

ARTICLE 2. The Department of Finance and Administration be authorized to refund local sales and use taxes to OurPharma, LLC and that the County Judge be authorized to sign the application.

\_\_\_\_\_  
JOSEPH K. WOOD, County Judge

\_\_\_\_\_  
DATE

\_\_\_\_\_  
BECKY LEWALLEN, County Clerk

Sponsor: Sue Madison  
Date of Passage: February 15, 2018  
Votes For: \_\_\_\_\_ Votes Against: \_\_\_\_\_  
Abstention: \_\_\_\_\_ Absent: \_\_\_\_\_



To: Judge Joseph Wood  
Washington County

From: Steve Clark, President & CEO

Date: February 5, 2018

Subject: Recommendation to pass a County Resolution to support Tax Back Sales/Use Tax Refund for OurPharma, LLC

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OurPharma, LLC has made an application with the Arkansas Economic Development Commission (AEDC) to participate in the state's Tax Back (Sales and Use Tax Refund) program. This program allows Arkansas businesses (new or expanding) with a minimum of \$100,000 in new investments to receive a tax back from sales and use tax paid on qualified expenses related to the new development or expansion.

OurPharma, LLC is a home grown new business that will manufacture and/or compound pharmaceutical medications. OurPharma is now working on building a new campus at 2512 S City Lake Road in the Fayetteville Commerce District. This new development project will have:

- a) Two phases, Phase I and II. The investments are estimated at \$31.3M.
- b) New construction of a 22,460 SF compounding facility, a 22,460 SF manufacturing facility, and a 10,800 SF administration building on a green site.
- c) An initial creation of 41 new jobs within the first 2 years and eventually expanding to over a hundred jobs.
- d) Average rate of pay of more than \$30/hr.
- e) Machinery and equipment costs estimated to be over \$5 M



As a locally owned business, OurPharma offers excellent paying jobs while striving to be an innovative manufacturer in the healthcare sector. We expect this company to make a difference in the pharmaceutical arena and to provide affordable solutions to diabetic patients nationally and globally.

We definitely would like to show support for companies such as OurPharma and to encourage future companies to set up their business in Fayetteville and so in Washington County that I respectfully request that the County passes a Resolution to support the Tax Back Sales/Use Tax Refund for OurPharma.

Thank you for your kind consideration in this matter.

Yours truly,

A handwritten signature in blue ink, appearing to read "Steve Clark". The signature is fluid and cursive, with a large initial "S" and "C".

Steve Clark, IOM  
President and CEO

ORDINANCE NO. 2018-\_\_\_\_\_

**APPROPRIATION ORDINANCE:**

**BE IT ORDAINED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:**

**AN ORDINANCE CHANGING THE TITLE OF JANITORIAL PERSON IN THE BUILDING & GROUNDS BUDGET; AND, REDUCING \$81,360 FROM SALARY LINE ITEMS IN THE BUILDING & GROUNDS BUDGET AND RE-APPROPRIATING THE AMOUNT OF \$81,360 FROM THE BUILDING & GROUNDS BUDGET TO VARIOUS OTHER LINE ITEMS FOR 2018.**

**WHEREAS**, the Building & Grounds Department had three employees retire at the end of 2017 and the County elects to upgrade an existing position and not fill the three empty positions; and

**WHEREAS**, Buildings & Grounds will re-appropriate the money from the unfilled positions to upgrade a position and to contract janitorial work.

**ARTICLE 1.** The title of the personnel position Janitorial Person, Grade 6 (Position 0108102) in the Building & Grounds budget of the General Fund (10000108) is hereby changed to Building Maintenance Technician (Grade 13) for 2018.

**ARTICLE 2.** The following Salary Line Items in the Building & Grounds Budget are hereby reduced by a total sum of \$81,360:

Salaries, Full-Time (0108103)	(10000108-1001)	\$	30,893
Salaries, Full-Time (0108109)	(10000108-1001)		27,992
Social Security Matching	(10000108-1006)		4,356
Noncontributory Retirement	(10000108-1008)		8,579
Health Insurance Matching	(10000108-1009)		9,320
Life Insurance Matching	(10000108-1016)		220
<b>TOTAL REDUCTIONS:</b>		<b>\$</b>	<b><u>81,360</u></b>

**ARTICLE 3.** There is hereby re-appropriated the amount of \$81,360 within Building & Grounds Budget for 2018:

Salaries, Full-Time (0108102)	(10000108-1001)	\$	1,965
Other Professional Services	(10000108-3009)		<u>79,395</u>
<b>TOTAL APPROPRIATIONS:</b>		<b>\$</b>	<b><u>81,360</u></b>

\_\_\_\_\_  
Joseph K. Wood, County Judge

\_\_\_\_\_  
Date

\_\_\_\_\_  
BECKY LEWALLEN, County Clerk

Sponsor: \_\_\_\_\_ Bill Ussery

Date of Passage: February 15, 2018

Votes For: \_\_\_\_\_ Votes Against: \_\_\_\_\_

Abstention: \_\_\_\_\_ Absent: \_\_\_\_\_

ORDINANCE NO. 2018-\_\_\_\_\_

**APPROPRIATION ORDINANCE:**

**BE IT ORDAINED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:**

**AN ORDINANCE CHANGING THE TITLE OF SECURITY ANALYST/SENIOR PROGRAMMER IN THE INFORMATION TECHNOLOGY BUDGET; AND, REDUCING \$87,396 FROM SALARY LINE ITEMS IN THE INFORMATION TECHNOLOGY BUDGET AND APPROPRIATING THE AMOUNT OF \$87,396 FROM THE INFORMATION TECHNOLOGY BUDGET TO THE ASSESSORS BUDGET FOR 2018.**

**WHEREAS**, the Washington County Assessor’s office is in need of a full-time GIS Analyst/Senior Programmer and the IT Department desires to transfer one full-time staff position to the Assessor’s Office.

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:**

**ARTICLE 1.** The title of the personnel position Security Analyst/Senior Programmer, Grade 25 (Position 0115001) in the Information Technology Budget of the General Fund (10000115) is hereby changed to GIS Analyst/Senior Programmer, Grade 26 (Position 0105063) in the Assessor’s Budget for 2018.

**ARTICLE 2.** The following Salary Line Items in the Information Technology Budget are hereby reduced by a total sum of \$87,396:

Salaries, Full-Time (0115001)	(10000115-1001)	\$	67,505
Social Security Matching	(10000115-1006)		5,164
Noncontributory Retirement	(10000115-1008)		9,957
Health Insurance Matching	(10000115-1009)		4,660
Life Insurance Matching	(10000115-1016)		110
<b>TOTAL REDUCTIONS:</b>			<b><u>\$ 87,396</u></b>

**ARTICLE 3.** There is hereby appropriated the amount of \$87,396 from the Information Technology Budget to the Assessor’s Budget for 2018:

Salaries, Full-Time (0105063)	(10000105-1001)	\$	67,505
Social Security Matching	(10000105-1006)		5,164
Noncontributory Retirement	(10000105-1008)		9,957
Health Insurance Matching	(10000105-1009)		4,660
Life Insurance Matching	(10000105-1016)		110
<b>TOTAL APPROPRIATIONS:</b>			<b><u>\$ 87,396</u></b>

\_\_\_\_\_  
Joseph K. Wood, County Judge

\_\_\_\_\_  
Date

\_\_\_\_\_  
BECKY LEWALLEN, County Clerk

Sponsor: \_\_\_\_\_ Bill Ussery

Date of Passage: February 15, 2018

Votes For: \_\_\_\_\_ Votes Against: \_\_\_\_\_

Abstention: \_\_\_\_\_ Absent: \_\_\_\_\_

ORDINANCE NO. 2018-

**APPROPRIATION ORDINANCE:**

**BE IT ORDAINED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENACTED:**

**AN ORDINANCE APPROPRIATING THE AMOUNT OF \$16,040 FROM THE GENERAL FUND TO THE COUNTY ATTORNEY BUDGET FOR 2018.**

**WHEREAS**, the Quorum Court approved the County Attorney’s salary of \$76,300 for 2017 when it passed said budget in 2016; and

**WHEREAS**, the County Attorney’s approved budget for 2018 incorrectly omitted \$6,300 from various salary line items in the County Attorney’s budget; and

**WHEREAS**, the County Attorney was underpaid by \$6,058 in 2017 and did not have that money in the budget due to the payment of the previous County Attorney for the first few weeks of 2017 and has been underpaid by \$744 for 2018.

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:**

**ARTICLE 1.** There is hereby appropriated the total amount of \$16,040 from the General Fund to the following line items in the County Attorney’s Budget for 2018:

<u>County Attorney:</u>	
Salaries, Full-time (0122001) (10000122-1001)	\$ 13,072
Social Security Matching (10000122-1006)	1,001
Noncontributory Retirement (10000122-1008)	1,967
<b>TOTAL APPROPRIATION:</b>	<b><u>\$ 16,040</u></b>

\_\_\_\_\_  
JOSEPH K. WOOD, County Judge

\_\_\_\_\_  
DATE

\_\_\_\_\_  
BECKY LEWALLEN, County Clerk

Sponsor: Bill Ussery  
Date of Passage: February 15, 2018  
Votes For:            Votes Against:   0    
Abstention:   0   Absent: