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2017 NOV 20 AM 10:31

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

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

Thursday, October 19, 2017
6:00 p.m.
Washington County Quorum Court Room

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

JP Rausch led the prayer and pledge.

Members present were JP Daniel Balls, 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.

Following an amendment to the agenda, a motion to approve the agenda was made by JP S Madison and was seconded by JP Pond. The agenda was unanimously adopted.

There were no citizen comments.

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

A motion to suspend the rules and read all ordinances and resolutions by title only was made by JP S Madison. JP Ecke requested as a friendly amendment that agenda item 13 be read in its entirety. JP S Madison accepted the friendly amendment and JP Deavens seconded the motion. The motion passed with majority vote. JP Lundstrum opposed.

JP Bowman introduced agenda item 6.1. County Attorney Lester read the resolution by title only, "A RESOLUTION OF THE QUORUM COURT OF WASHINGTON APPROVING THE ISSUANCE OF THE HEALTH AND EDUCATIONAL FACILITIES AUTHORITY OF THE STATE OF MISSOURI HEALTH FACILITIES REVENUE BONDS". A motion was made by JP Bowman to adopt the resolution and was seconded by JP Lundstrum. There was no public comment. A roll call was called and all members voted to adopt the resolution.

Resolution 2017-13, A RESOLUTION OF THE QUORUM COURT OF WASHINGTON APPROVING THE ISSUANCE OF THE HEALTH AND EDUCATIONAL FACILITIES AUTHORITY OF THE STATE OF MISSOURI HEALTH FACILITIES REVENUE BONDS, was adopted.

Jeff Hatley, Public Information Officer for Ozark Regional Transit, provided a Transit Quarterly Report to the Quorum Court. There was a comment made by JP Ecke. Mr. Hatley will email the Court the next two months and will present his end of the year report at the January Regular Quorum Court meeting.

Judge Wood presented his Judge's Report. He gave an update on different departments; update on area activities going on in Washington County; He received a letter from Arkansas of Transportation, their board of commissioners met and will continue to look at the Hwy 412 study. County Attorney Lester gave an update on the county lawsuit and on the rock quarry in Farmington. There were comments made by JP E Madison, JP Dennis, JP Balls, and JP Ussery.

JP Pond introduced agenda item 9.1. A motion was made by JP Pond and was seconded by JP Patterson to amend the ordinance to include an emergency clause in the title; therefore to create an emergency for the passage. JP Pond requested a roll call. A roll call was called and the vote was tallied as follows:

JP Balls – Yes
JP Bowman – Yes
JP Deavens – Yes
JP Dennis – Abstain
JP Ecke – Yes
JP Harbison – Yes
JP Kieklak – Yes
JP Lundstrum – Yes
JP E Madison – Yes
JP S Madison – Yes
JP Maxwell – Yes
JP Patterson – Yes
JP Pond – Yes
JP Rausch – Yes
JP Ussery – Yes

County Attorney Lester read the ordinance by title only including the emergency clause, “AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD” (Boote). A motion was made by JP Pond to adopt the ordinance and was seconded by JP Harbison. There were comments made by JP Dennis, JP Pond, and Planning Director Jim Kimbrough. There was no public comment. A roll call was called and all members voted to adopt the ordinance.

Ordinance 2017-60, AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD, was adopted.

JP Deavens introduced agenda item 10.1. A motion was made by JP Deavens and was seconded by JP Bowman to amend the ordinance to include an emergency clause in the title. A voice vote was called and the motion passed unanimously. County Attorney Lester read by title only including the emergency clause, “AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD” (Frazier). There were comments made by JP Maxwell and JP Deavens. A motion was made by JP Deavens to adopt the ordinance and was seconded by JP Pond. There was no public comment. A roll call was called and all members voted to adopt the ordinance.

Ordinance 2017-61, AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD, was adopted.

JP Ussery introduced agenda item 11.1. A motion was made by JP Ussery and was seconded by JP Deavens to amend the ordinance to include an emergency clause in the title. A voice vote was called and the motion passed with majority vote. JP Dennis opposed. County Attorney Lester read the ordinance by title only including the emergency clause, “AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD” (Butterfield Wireless Telecommunications). There were comments made by JP Dennis and JP Pond. A motion was made by JP Ussery to adopt the ordinance and was seconded by JP Pond. There was no public comment. A roll call was called and all members voted to adopt the ordinance.

Ordinance 2017-62, AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD, was adopted.

County Attorney Lester provided information on consent agenda. JP S Madison requested County Attorney Lester provide some suggested rules and have them ready to be implemented before the next meeting.

JP Ecke introduced agenda item 13.1. County Attorney Lester read the ordinance, "AN ORDINANCE AMENDING SECTION 32(C) OF THE EMPLOYEE HANDBOOK". JP Ecke referred the ordinance to JP Harbison, who co-sponsored the ordinance. A motion to adopt the ordinance was made by JP Harbison. There were comments made by various members of the Court. Thereafter, JP Harbison withdrew her motion and made a motion to remove agenda item 13.1 and work on the sick leave policy. The motion was properly seconded. A voice vote was called and the motion passed unanimously.

JP E Madison introduced agenda item 14.1. County Attorney Lester read the resolution by title only, "A RESOLUTION URGING THE ARKANSAS ADMINISTRATIVE OFFICE OF THE COURTS TO IMPLEMENT E-FILING IN WASHINGTON COUNTY WITHOUT DELAY". A motion to adopt the resolution was made by JP E Madison and was seconded by JP Lundstrum. There was a comment made by JP Kieklak in support of the resolution. There was no public comment. A roll call was called and all members voted to adopt the resolution.

Resolution 2017-12, A RESOLUTION URGING THE ARKANSAS ADMINISTRATIVE OFFICE OF THE COURTS TO IMPLEMENT E-FILING IN WASHINGTON COUNTY WITHOUT DELAY

JP E Madison introduced agenda item 15.1, was adopted.

JP E Madison introduced agenda item 15.1. County Attorney Lester read the ordinance by title only, "AN ORDINANCE ANTICIPATING ADDITIONAL REVENUES OF \$450,224 IN THE DEM GRANT FUND; AND APPROPRIATING THE AMOUNT OF \$450,224 FROM THE DEM GRANT FUND TO VARIOUS HOMELAND SECURITY BUDGETS OF 2017". A motion to adopt the ordinance was made by JP E Madison and was seconded by JP Deavens. There was no public comment. A roll call was called and all members voted to adopt the ordinance.

Ordinance 2017-55, AN ORDINANCE ANTICIPATING ADDITIONAL REVENUES OF \$450,224 IN THE DEM GRANT FUND; AND APPROPRIATING THE AMOUNT OF \$450,224 FROM THE DEM GRANT FUND TO VARIOUS HOMELAND SECURITY BUDGETS OF 2017, was adopted.

JP E Madison introduced agenda item 16.1. County Attorney Lester read the ordinance by title only, "AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$21,342 AND APPROPRIATING ADDITIONAL REVENUES OF \$85,467 IN VARIOUS FUNDS AND REDUCING \$22,600 IN VARIOUS LINE ITEMS FOR 2017". A motion to adopt the ordinance was made by JP E Madison and was seconded by JP S Madison. There was no public comment. A roll call was called and all members voted to adopt the ordinance.

Ordinance 2017-56, AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$21,342 AND APPROPRIATING ADDITIONAL REVENUES OF \$85,467 IN VARIOUS FUNDS AND REDUCING \$22,600 IN VARIOUS LINE ITEMS FOR 2017, was adopted.

JP E Madison introduced agenda item 17.1. There was a scrivener's error in Article 3 34000517-3103 should be 34000203-3103). County Attorney Lester read the ordinance by title only, "AN ORDINANCE TRANSFERRING \$800,000 FROM THE ROAD FUND TO THE FEMA FUND; AND APPROPRIATING THE AMOUNT OF \$800,000 FROM THE FEMA FUND TO THE FEMA 2017 BUDGET FOR 2017". A motion to adopt the amended ordinance was made by JP E Madison and was seconded by JP Pond. There was no public comment. A roll call was called and all members voted to adopt the ordinance.

Ordinance 2017-57, AN ORDINANCE TRANSFERRING \$800,000 FROM THE ROAD FUND TO THE FEMA FUND; AND APPROPRIATING THE AMOUNT OF \$800,000 FROM THE FEMA FUND TO THE FEMA 2017 BUDGET FOR 2017, was adopted.

JP E Madison introduced agenda item 18.1. County Attorney Lester read the ordinance by title only, "AN ORDINANCE REDUCING PERSONAL SERVICES LINE ITEMS IN THE ANIMAL SHELTER BUDGET BY \$17,332; AND APPROPRIATING THE AMOUNT OF \$17,332 FROM THE GENERAL FUND TO THE ANIMAL SHELTER BUDGET FOR 2017". A motion to adopt the ordinance was made by JP E Madison and was seconded by JP Deavens. There was no public comment. A roll call was called and all members voted to adopt the ordinance.

Ordinance 2017-58, AN ORDINANCE REDUCING PERSONAL SERVICES LINE ITEMS IN THE ANIMAL SHELTER BUDGET BY \$17,332; AND APPROPRIATING THE AMOUNT OF \$17,332 FROM THE GENERAL FUND TO THE ANIMAL SHELTER BUDGET FOR 2017, was adopted.

JP E Madison introduced agenda item 19.1. County Attorney Lester read the ordinance by title only, "AN EMERGENCY ORDINANCE AUTHORIZING THE COUNTY TO CONTINUE TO DO BUSINESS WITH DON SHIPLEY D/B/A MOONLIGHT INDUSTRIES". There were comments made by JP E Madison and Collector Angela Wood. A motion to adopt the ordinance was made by JP E Madison and was seconded by JP Pond. There was no public comment. A roll call was made.

The votes were tallied as follows:

JP Balls – Yes
JP Bowman – Yes
JP Deavens – Yes
JP Dennis – Yes
JP Ecke – Yes
JP Harbison – Yes
JP Kieklak – Yes
JP Lundstrum – No
JP E Madison – Yes
JP S Madison – Yes
JP Maxwell – Yes
JP Patterson – Yes
JP Pond – Yes
JP Rausch – Yes
JP Ussery – Yes

Ordinance 2017-59, AN EMERGENCY ORDINANCE AUTHORIZING THE COUNTY TO CONTINUE TO DO BUSINESS WITH DON SHIPLEY D/B/A MOONLIGHT INDUSTRIES, was adopted.

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

JP Dennis provided an update on County Services – There was no meeting this month due to lack of an agenda.

JP Ecke provided an update on Personnel – Discussed grievance procedures and paid time off. JESAP recommendations were tabled until the next meeting.

JP E Madison provided an update on Finance & Budget – Will meet October 24th to conclude the individual budgets. The budget process is about done.

JP Maxwell provided an update on Jail/LE/Courts – Discussed basic reports, burden on the jail, amount of inmates, how each municipalities pays, if we should charge booking for all city, if we should charge by day.

JP Ussery provided an update on Ordinance Review – There was no meeting this month due to lack of an agenda.

During “Other Business”, JP Eck expressed her appreciation to the Road Department and Superintendent Charles Ward; JP S Madison made a motion at the next regular Quorum Court meeting the consent agenda be put on the agenda. The consent agenda will include items that have been unanimously voted on during a committee meeting; before the next Quorum Court meeting County Attorney Lester will develop a list of rules. JP E Madison seconded the motion. There was a comment made by JP Kieklak. A voice vote was called and the motion passed unanimously.

JP E Madison made a motion to adjourn and was properly seconded. The meeting was adjourned at 7:40 pm.

Respectfully submitted by



Patty Burnett

Quorum Court Coordinator

Approved
November 16, 2017

FILED

2017 OCT 23 AM 10:28

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

RESOLUTION NO. 2017-13

**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 APPROVING THE ISSUANCE OF
THE HEALTH AND EDUCATIONAL FACILITIES
AUTHORITY OF THE STATE OF MISSOURI
HEALTH FACILITIES REVENUE BONDS.**

WHEREAS, the Health and Educational Facilities Authority of the State of Missouri (the "Authority") has represented that it is authorized by Chapter 360 of the Revised Statutes of the State of Missouri to issue bonds the interest on which is tax-exempt in order to finance certain educational and health facilities both within and outside of the State of Missouri; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") requires that, in order for the interest on such bonds to be tax-exempt, a properly-noticed public hearing with respect to the issuance of such bonds and the facilities to be financed, refinanced or reimbursed thereby be held in the jurisdiction in which the facilities being financed or refinanced are located and that approval be provided by the governing body or the chief elected representative of such jurisdiction; and

WHEREAS, the Authority intends to issue one or more series of its Health Facilities Revenue Bonds (Mercy Health) in a principal amount not to exceed \$325,000,000 (the "Bonds"), and to loan the proceeds thereof to or for the benefit of Mercy Health, a Missouri nonprofit corporation, and its affiliates (collectively, "Mercy Health"), to finance, refinance, and reimburse the costs of health care facilities to be owned and operated by Mercy Health; and

WHEREAS, Mercy Health may use sale proceeds of the Bonds in an amount not to exceed \$6,000,000 to finance, refinance and reimburse the costs of the acquisition, construction, development, equipping and furnishing of a multi-specialty clinic and other related capital improvements that will be owned and operated by Mercy Health and Mercy Health Northwest Arkansas Communities, an Arkansas nonprofit corporation and affiliate of Mercy Health, subject to all applicable development and building codes, ordinances and approvals of Washington County, Arkansas (the "County") with respect to construction projects in the County; and

WHEREAS, the Authority has requested the County to provide "Host Approval" under Section 147(f) of the Internal Revenue Code in connection with the use of the sale proceeds of the Bonds in the County; and

WHEREAS, the County has been assured that there will be no financial liability accruing to the County as a result of such approval and that this approval shall constitute approval solely for the purpose of permitting Mercy Health to proceed with the use of the sale proceeds of the Bonds in the County; and

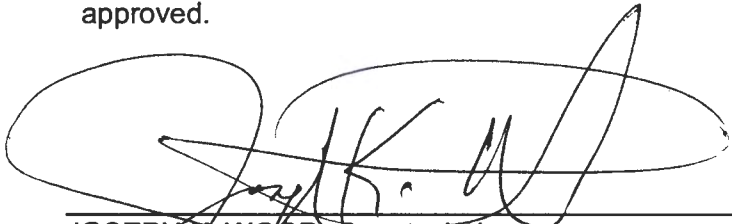
WHEREAS, pursuant to the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA"), Mercy Health provided for the publication of notice of an open public hearing to permit the public to comment on the proposed use of the sale proceeds of the Bonds; and

WHEREAS, the notice was published no later than October 5, 2017, in the *Northwest Arkansas Edition of the Arkansas Democrat-Gazette*, a newspaper of general circulation in the County, which publication date is more than 14 days prior to today's date; and

WHEREAS, on today's date, the Washington County Quorum Court held an open public hearing permitting the public to comment on the proposed use of the sale proceeds of the Bonds;

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

ARTICLE 1. The use by Mercy Health of the sale proceeds of the Bonds in the County as described in the notice of public hearing is hereby approved.



JOSEPH K. WOOD, County Judge

10-23-2017
DATE



BECKY LEWALLEN, County Clerk

Sponsor: Harvey Bowman
Date of Passage: October 19, 2017
Votes For: 15 Votes Against: 0
Abstention: _____ Absent: _____

ORDINANCE NO. 2017-60

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

2017 OCT 23 AM 10:32

FILED

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 September 7, 2017 for Boote Residential; and,

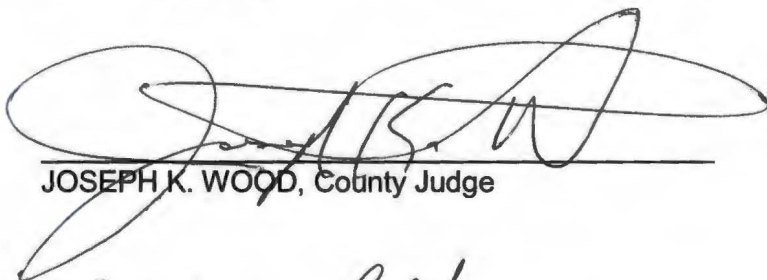
WHEREAS, immediate ratification is necessary by the Quorum
Court to prevent undue delay and expense to the applicant; and,

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 Boote
Residential granted by the Planning and Zoning Board is hereby ratified.

ARTICLE 2. Emergency Clause: It is hereby determined that it is
the public's best interest for this ordinance to be effective immediately; and the general health,
safety and welfare of the citizens are affected by such for the reasons as set out above;
therefore, an emergency is declared to exist and this ordinance shall be and is effective from the
date of its passage.



JOSEPH K. WOOD, County Judge

10-25-2017
DATE



BECKY LEWALLEN, County Clerk

Sponsor: Butch Pond
Date of Passage: October 19, 2017
Votes For: 15 Votes Against: 0
Abstention: 0 Absent: 0

Boote Residential CUP

The Planning Board/Zoning Board of Adjustments approved Boote Residential CUP, with conditions, request on September 7, 2017 (6 members voted "in favor", 0 members voted "against", 1 member was absent).

Kevin Boote is requesting Residential Conditional Use Permit approval to allow a parcel of land that is approximately 0.99 acres in size to be split into 2 residential lots consisting of 0.49 acres and 0.46 acres.

The project location is zoned for Agricultural and Single Family Residential 1 unit per 1 acre.

A Designated Representative (D.R.) performed soil work on this property and found the soil to be adequate.

Tract 1:

The existing home utilizes a septic system; this system was inspected by a D.R. and was found to be functioning properly at the time of inspection.

Tract 2:

The existing barn utilizes a septic system. Soil analysis concluded that the soil is suitable for a standard type individual sewage disposal system.

The County Planning Board/ Zoning Board of Adjustments voted unanimously to approve the CUP with the below conditions:

STAFF RECOMMENDATION:

Staff recommends approval of Boote Residential Conditional Use Permit with the following conditions:

Septic Conditions:

1. The lateral lines for the proposed Tract 1, Tract 2, and the house to the south all encroach upon each other. Septic easements will be required before final approval is given.

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

1. Any work 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. The Road Department may be reached at (479) 444-1610.

Environmental Conditions:

1. No stormwater permit is required by Washington County at this time; however, applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality. www.adeq.state.ar.us

Utility Conditions:

General Conditions:

1. Any damage or relocation of existing facilities will be at the owner's expense.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$67.83) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 08/31/2017).
2. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
3. This CUP must be ratified by the Quorum Court.
4. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - This project does not require additional Planning Board review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

FILED

2017 OCT 23 AM 10:32

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

ORDINANCE NO. 2017-61

**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 September 7, 2017 for Frazier Residential; and,

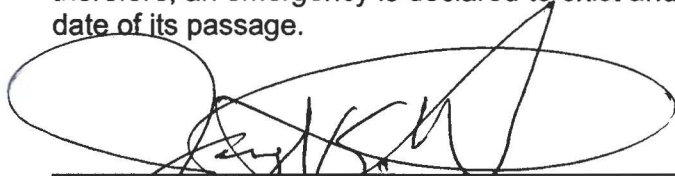
WHEREAS, immediate ratification is necessary by the Quorum Court to prevent undue delay and expense to the applicant; and,

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 Frazier Residential granted by the Planning and Zoning Board is hereby ratified.

ARTICLE 2. Emergency Clause: It is hereby determined that it is the public's best interest for this ordinance to be effective immediately; and the general health, safety and welfare of the citizens are affected by such for the reasons as set out above; therefore, an emergency is declared to exist and this ordinance shall be and is effective from the date of its passage.



JOSEPH K. WOOD, County Judge

10-23-2017
DATE



BECKY LEWALLEN, County Clerk

Sponsor: Alicia Deavens
Date of Passage: October 19, 2017
Votes For: 15 Votes Against: 0
Abstention: 0 Absent: 0

Frazier Residential CUP

The Planning Board/Zoning Board of Adjustments unanimously approved Frazier Conditional Use Permit (with conditions) on October 5, 2017.

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

Frazier Residential CUP is requesting Conditional Use Permit approval to allow a property line adjustment which will result in one parcel being less than 1 acre in size in an area that is zoned Agricultural and Single Family Residential 1 unit/acre.

The project may be accessed by North Double Springs Road to the west and West Wheeler Road to the north. Both parcels are in the City of Fayetteville Planning Area.

The applicant is seeking to adjust two parcels, 001-17550-000 (currently 0.94 acres) and 001-17557-000 (currently 1.02 acres). After the property line adjustment, 001-17550-000 will contain 1.05 acres and 001-17557-000 will contain 0.91 acres.

Current Parcel Information:

- 001-17550-000, 0.94 acres, no residence, concrete slab
- 001-17557-000, 1.02 acres, work shop

Adjusted:

- 001-17550-000, 1.05 acres, no residence, concrete slab
- 001-17557-000, 0.91 acres, work shop

A Designated Representative (D.R.) performed soil work on this property and found the soils to be adequate for the proposed uses of each lot.

There were no objections or comments at the meeting.

The County Planning Board/ Zoning Board of Adjustments voted unanimously to approve the CUP with the below conditions:

Water/Plumbing/Fire Conditions:

1. Fayetteville services this area. Existing water mains are available.

Sewer/Septic/Decentralized Sewer Conditions:

1. The septic system(s) must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to occupation of the residence(s).
2. No parking is allowed on any portion of the septic system including the alternate area. (No overflow parking either).

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

1. Any work 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. The Road Department may be reached at (479) 444-1610.

Environmental Conditions:

1. At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Utility Conditions:

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

Standard Conditions:

1. Pay neighbor notification mailing fees (\$50.52) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 09/21/2017).
2. Pay engineering fees, if applicable, within 30 days of project approval. Any extension must be approved by the Planning Office.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. This CUP must be ratified by the Quorum Court.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project does not require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

FILED

2017 OCT 23 AM 10:32

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

ORDINANCE NO. 2017-62

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 September 7, 2017 for Butterfield Wireless Telecommunications Facility; and,

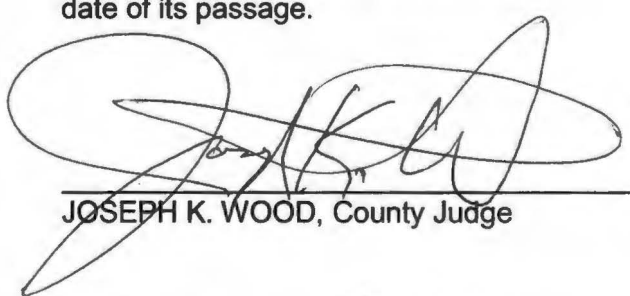
WHEREAS, immediate ratification is necessary by the Quorum
Court to prevent undue delay and expense to the applicant; and,

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 Butterfield
Wireless Telecommunications Facility granted by the Planning and Zoning Board is hereby
ratified.

ARTICLE 2. Emergency Clause: It is hereby determined that it is
the public's best interest for this ordinance to be effective immediately; and the general health,
safety and welfare of the citizens are affected by such for the reasons as set out above;
therefore, an emergency is declared to exist and this ordinance shall be and is effective from the
date of its passage.



JOSEPH K. WOOD, County Judge

10-23-2017
DATE



BECKY LEWALLEN, County Clerk

Sponsor: Bill Ussery
Date of Passage: October 19, 2017
Votes For: 15 Votes Against: 0
Abstention: 0 Absent: 0

Butterfield Wireless Telecommunications Facility CUP

The Planning Board/Zoning Board of Adjustments approved Butterfield Wireless Telecommunications Facility CUP, with conditions, request on September 7, 2017 (6 members voted "in favor", 0 members voted "against", 1 member was absent).

One neighbor spoke in opposition to the CUP proposal at the Planning Board meeting, but no appeal has been filed.

The property owner is the John H. Thompson Revocable Living Trust. Mr. James Cardinal has been the contact person on this project. The surveyor is Blew and Associates.

The property is located in the Northeast portion of Washington County. It is outside of the City of Springdale City limits and is in the Springdale City Planning Area. The property can be accessed from Highway 412 East and North Boulder Drive WC 2052.

Butterfield Wireless Telecommunications Facility is requesting Conditional Use Permit approval to construct a wireless telecommunications facility that will include a 150 foot tall telecommunications tower with accompanying ground equipment to be contained within a 50x50 foot chain link security fence. The tower will be constructed on 001-14488-001 and accessed through an easement on 001-14788-000 from Boulder WC 2052.

The proposed facility will be an unmanned location with the only reoccurring traffic being cars and light trucks one to two times a month. Due to added carriers at the site, the potential reoccurring traffic could be three to six times a month. The facility would have no impact on traffic and maintains that a Traffic Study would not be needed.

The construction of the proposed tower would not appreciably change the grade or slope of the existing terrain nor would it cause the diversion or any other appreciable change to the storm water runoff either to or from the proposed site.

The applicant states that there are two existing tower sites that are within a one mile radius of this project. The applicant states that neither of these towers are suitable to help offload the area to the SW of the proposed facilities site; one is too close and the other is overloaded. The applicant's explanation letter states that the facility will be unmanned and the only reoccurring traffic will be light trucks for equipment maintenance technicians.

If all criteria are met, this tower will only have to process as a Conditional Use Permit (CUP) and then as an Administrative Tower. Full Tower Review by the Planning Board will not be required if all Administrative Tower requirements can be met.

Staff has been out to the site and observed that it seems to be situated in a way that will not impede or minimize any aesthetic impact for nearby neighbors. There is a solar power plant south of the proposed site.

See the site plan which shows residential home proximities to the proposed tower's location.

There have been no outstanding issues with this project.

The closest residence is approximately 396 feet from the base of the proposed tower's location. The next closes residence is approximately 576 feet from the base of the proposed tower's location.

No neighbors contacted staff concerning this project. One neighbor did speak at the Planning Board meeting. He was concerned about the health effects of being so close to a tower. He was planning on building his residence on an adjacent property. The property would, however, be

outside of the 225 feet building setback as required by the CUP. He suggested that the location of the tower be moved further west.

The FCC Act of 1996 prohibits us from making decisions about possible health-related concerns in regard to radio frequency emissions.

The Planning Board/Zoning Board of Adjustments approved Butterfield Wireless Telecommunications Facility CUP request on September 7, 2017 (6 members voted "in favor", 0 members voted "against", 1 member was absent) with the following conditions:

General Conditions:

1. The project shall generally adhere to the plans submitted.
2. Any applicable permits must be obtained through City of Springdale Planning/Engineering.

Fire and Water Conditions:

1. There must be enough vertical clearance along the access and utility easement for fire apparatus.
2. The gate to be installed along the easement shall be 26 feet in width to accommodate emergency vehicles.
3. The access drive must be 26 feet wide and be able to support 75,000 lbs in all weather conditions.
4. A 20 foot wide gate will be required on the tower compound fencing in order to accommodate emergency vehicles.

Roads/Ingress-Egress Conditions:

1. Any work done in the County road right of way requires a permit from the road department.

Environmental Conditions:

1. No stormwater permit is required by Washington County at this time; however, applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality. www.adeq.state.ar.us

Signage/Lighting/Screening Conditions:

1. All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors.
2. All security lighting must be shielded appropriately.
3. The compound area should be screened by using privacy fencing a minimum of 6' in height.

Addressing Conditions:

1. The applicant must apply for a 911 address 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. Pay neighbor notification mailing fees of \$37.80 within 30 days of project approval. An invoice was emailed on 08/31/2017. Any extension must be approved by the Planning Office.
2. Pay Engineering Fees (if there are any) within 30 days of project approval. Any extension must be approved by the Planning Office.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. This CUP must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
7. This project requires additional review (Regular Communications Tower Review), and therefore, the applicant must submit for Regular Communication Tower Review within 12 months of this CUP project's ratification.

FILED

2017 OCT 23 AM 10:28

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

RESOLUTION NO. 2017-12

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

**A RESOLUTION URGING THE ARKANSAS
ADMINISTRATIVE OFFICE OF THE COURTS TO
IMPLEMENT E-FILING IN WASHINGTON COUNTY
WITHOUT DELAY**

WHEREAS, the Administrative Office of the Courts has begun implementation of their electronic filing system for use by the Circuit Courts; and,

WHEREAS, Pulaski County and Benton County have both been added to the electronic filing system; and,

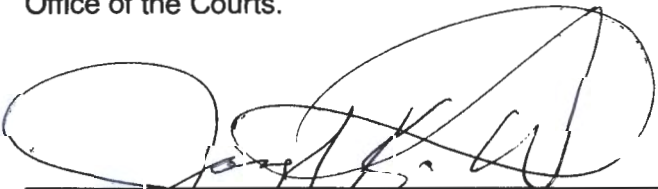
WHEREAS, Washington County was scheduled to be added to the electronic filing system in 2018 but has been informed that they will be delayed beyond that time, despite being the third largest county in Arkansas; and,

WHEREAS, a delay in the implantation of the electronic filing system in Washington County is a financial burden on our County and our citizens, and County government should not have to wait for this planned implementation any longer.

Now, therefore, be it resolved by the quorum court of Washington county, Arkansas:

ARTICLE 1. The Arkansas Legislature and the Administrative Office of the Courts should make the implementation of the electronic filing system in Washington County a priority and implement the program as planned for 2018.

ARTICLE 2. A copy of this resolution shall be submitted to all legislators representing any part of Washington County and the Director of the Administrative Office of the Courts.



JOSEPH K. WOOD, County Judge

10-23-2017

DATE



BECKY LEWALLEN, County Clerk

Sponsor: Eva Madison
Date of Passage: October 19, 2017
Votes For: 15 Votes Against: 0
Abstention: _____ Absent: _____

FILED

2017 OCT 23 AM 10:29

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

ORDINANCE NO. 2017-55

APPROPRIATION ORDINANCE:


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

**AN ORDINANCE ANTICIPATING ADDITIONAL
REVENUES OF \$450,224 IN THE DEM GRANT
FUND; AND APPROPRIATING THE AMOUNT OF
\$450,224 FROM THE DEM GRANT FUND TO
VARIOUS HOMELAND SECURITY BUDGETS FOR
2017.**

ARTICLE 1. There is hereby anticipated additional revenue of \$450,224 in the Homeland Security Grants Revenue Line Item of the DEM Grant Fund (3511-7105) for 2017.

ARTICLE 2. There is hereby appropriated the amount of \$450,224 from the DEM Grant Fund to Line Items in the following budgets for 2017:

<u>USAR 2017</u>			
Small Equipment	(351100563-2002)	\$	4,000
Parts and Repairs	(351100563-2023)		7,000
Training and Education	(351100563-3101)		30,000
Machinery & Equipment	(351100563-4004)		24,000
Vehicles	(351100563-4005)		<u>200,000</u>
			\$ 265,000
 <u>SWAT 2017</u>			
Small Equipment	(351100564-2002)	\$	67,551
Parts and Repairs	(351100564-2023)		5,000
Training and Education	(351100564-3101)		37,000
Machinery & Equipment	(351100564-4004)		<u>75,673</u>
			\$ 185,224
 TOTAL APPROPRIATION:			 <u>\$ 450,224</u>



JOSEPH K. WOOD, County Judge

10-23-2017

DATE



BECKY LEWALLEN, County Clerk

Sponsor: Eva Madison
Date of Passage: October 19, 2017
Votes For: 15 Votes Against: 0
Abstention: _____ Absent: _____

ORDINANCE NO. 2017-56

BECKY LEWALLEY
CO. & PROBATE CLERK
WASHINGTON CO. AR

2017 OCT 23 AM 10:29

FILED

APPROPRIATION ORDINANCE:

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

AN ORDINANCE RECOGNIZING ADDITIONAL
REVENUES OF \$21,342 AND
APPROPRIATING ADDITIONAL REVENUES
OF \$85,467 IN VARIOUS FUNDS AND
REDUCING \$22,600 IN VARIOUS LINE ITEMS
FOR 2017.

ARTICLE 1. There are hereby recognized additional revenues
in the following revenue line items for 2017:

<u>Drug Enforcement-State:</u>			
State Drug Seizures	(3404-7408)	\$ 11,777	
Interest Income	(3404-7501)	<u>40</u>	\$ 11,817
<u>Drug Enforcement-Federal:</u>			
Federal Drug Seizures	(3405-7409)	\$ 9,473	
Interest Income	(3405-7501)	<u>52</u>	9,525
TOTAL REVENUES:			<u>\$ 21,342</u>

ARTICLE 2. There are hereby appropriated the total amount
of \$85,467 from the various County Funds to line items in the following budgets for 2017:

<u>General Fund/Assessor:</u>			
Part-Time Salaries	(10000105-1002)	\$ 3,000	
Salaries, Full-Time	0105041	<u>12,300</u>	\$ 12,600
<u>General Fund/Sheriff:</u>			
Salaries, Part-Time	(10000400-1002)	\$ 770	
Overtime	(10000400-1005)	14,871	
Social Security Matching	(10000400-1006)	1,197	
Noncontributory Retirement	(10000400-1008)	2,307	
Workers Compensation	(10000400-1010)	<u>526</u>	19,671

<u>General Fund/JDC:</u>			
Overtime (10000444-1005)			10,000
 <u>Jail Operations Fund/Jail:</u>			
Salaries, Part-Time (30170418-1002)	\$	191	
Overtime (30170418-1005)		17,186	
Social Security Matching (30170418-1006)		1,330	
Noncontributory Retirement (30170418-1008)		2,563	
Workers Compensation (30170418-1010)		<u>584</u>	
			21,854
 <u>Drug Enforcement-State Fund/Drug Enforcement State:</u>			
Small Equipment (34040400-2002)			11,817
 <u>Drug Enforcement-Federal Fund/Drug Enforcement Federal:</u>			
Small Equipment (34050400-2002)			9,525
 TOTAL APPROPRIATION:			<u>\$ 85,467</u>

ARTICLE 3. There are hereby reduced line items in the total amount of \$22,600 from various budgets in the General Fund for 2017:

<u>General Fund/Assessor:</u>			
Salary Full-Time (1000105-1001)	\$	3,000	
Salary Full-Time 0105020		<u>12,300</u>	
			\$12,600
 <u>General Fund/Juvenile Detention Center:</u>			
Salary Full-Time (10000444-1001)			10,000
 TOTAL REDUCTION:			<u>\$ 22,600</u>



Joseph K. Wood, County Judge

10-23-2017

Date



BECKY LEWALLEN, County Clerk

Sponsor: Eva Madison
Date of Passage: October 19, 2017
Votes For: 15 Votes Against: 0
Abstention: _____ Absent: _____

FILED

2017 OCT 23 AM 10:29

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

ORDINANCE NO. 2017-57

APPROPRIATION ORDINANCE:


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

**AN ORDINANCE TRANSFERRING \$800,000
FROM THE ROAD FUND TO THE FEMA
FUND; AND APPROPRIATING THE AMOUNT
OF \$800,000 FROM THE FEMA FUND TO THE
FEMA 2017 BUDGET FOR 2017.**

ARTICLE 1. There is hereby appropriated the amount of \$800,000 from the Road Fund to the Transfers Out Line Item of the Road Budget (20000200-9999) for 2017.

ARTICLE 2. There is hereby recognized additional revenue of \$800,000 in the Transfer by Court Order Revenue Line Item in the FEMA Fund (3400-8855) for 2017.


ARTICLE 3. There is hereby appropriated the amount of \$800,000 from the FEMA Fund to the Special Projects Line Item in the FEMA 2017 Flood Budget (34000203-3103) for 2017.



Joseph K. Wood, County Judge

10-23-2017

Date



BECKY LEWALLEN, County Clerk

Sponsor: Eva Madison
Date of Passage: October 19, 2017
Votes For: 15 Votes Against: 0
Abstention: _____ Absent: _____

FILED

2017 OCT 23 AM 10: 31

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

ORDINANCE NO. 2017-58

APPROPRIATION ORDINANCE:

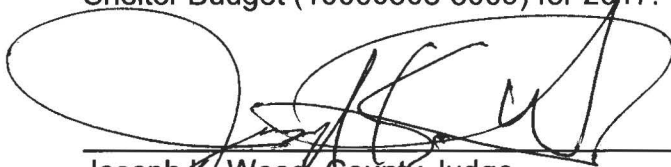
BE IT ORDAINED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE REDUCING PERSONAL
SERVICES LINE ITEMS IN THE ANIMAL
SHELTER BUDGET BY \$17,332; AND
APPROPRIATING THE AMOUNT OF \$17,332
FROM THE GENERAL FUND TO THE ANIMAL
SHELTER BUDGET FOR 2017.

ARTICLE 1. The following Personal Services Line Items in the
Animal Shelter Budget are hereby reduced by a total sum of \$17,332:

Salaries, Full-Time, 0308009	(10000308-1001)	\$ 16,823
Social Security Matching	(10000308-1006)	174
Non-Contributory Retirement	(10000308-1008)	<u>335</u>
TOTAL REDUCTION:		<u>\$ 17,332</u>

ARTICLE 2. There is hereby appropriated the amount of
\$17,332 from the General Fund to the Other Professional Services Line Item in the Animal
Shelter Budget (10000308-3009) for 2017.



Joseph K. Wood, County Judge

10-23-2017

Date



BECKY LEWALLEN, County Clerk

Sponsor: Eva Madison
Date of Passage: October 19, 2017
Votes For: 15 Votes Against: 0
Abstention: _____ Absent: _____

FILED

2017 OCT 23 AM 10:32

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

ORDINANCE NO. 2017-59

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

**AN EMERGENCY ORDINANCE AUTHORIZING
THE COUNTY TO CONTINUE TO DO
BUSINESS WITH DON SHIPLEY D/B/A
MOONLIGHT INDUSTRIES.**

WHEREAS, A.C.A 14-14-1202 requires that the Quorum Court find that it is in the best interest of the County and that unusual circumstances exist before a family member of a County employee can do business with the County; and,

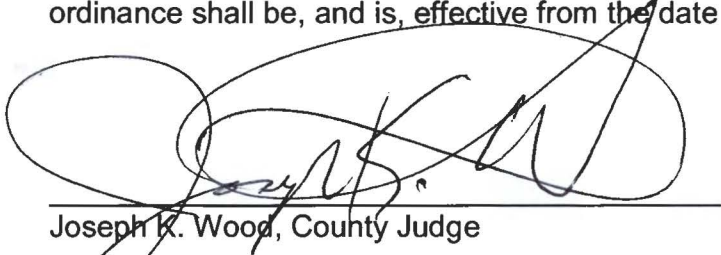
WHEREAS, for many years the County has been doing business with Don Shipley d/b/a Moonlight Industries; and,

WHEREAS, Don Shipley is the husband of Sherry Shipley in the Collector's Office.

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

ARTICLE 1. The Quorum Court hereby finds that it is in the best interest of the County and that unusual circumstances exist, such that the County is authorized to continue to do business with the utilize the services of Don Shipley d/b/a Moonlight Industries.

ARTICLE 2. Emergency Clause: It is hereby determined that it is in the best interest of the citizens of the County for this ordinance to be effective immediately; and the general health, safety and welfare of the citizens are affected by such for the reasons as set out above; therefore, an emergency is declared to exist and this ordinance shall be, and is, effective from the date of its passage.



Joseph K. Wood, County Judge

10-23-2017

Date



BECKY LEWALLEN, County Clerk

Sponsor: Eva Madison
Date of Passage: October 19, 2017
Votes For: 14 Votes Against: 1
Abstention: Absent: