

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

Thursday, July 19, 2018
6:00 p.m.

Washington County Quorum Court Room

2018 AUG 20 AM 10:46
FILED
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON, OR

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

JP Fred Rausch led the prayer and pledge.

Members present were JP Daniel Balls, 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 Harvey Bowman was absent.

Following an amendment to the agenda (JP Pond added an emergency CUP ordinance), a motion to approve the agenda was made by JP Ecke and seconded by JP Pond. A voice vote was called and all members present voted to adopt the agenda.

A motion to suspend the rules and read all ordinances and resolutions by title only was made by JP S Madison and seconded by JP Maxwell. A voice vote was called and the motion passed with majority vote. JP Lundstrum and JP Ecke opposed. JP Ecke requested agenda item 13.1 be read in its entirety.

During the citizen's comment time, Terri Lane, Bill Groom, Colene Gaston, Nicole Hardiman, Paxton Roberts, and Jamie Lockhart spoke in support of the Open Space Plan. Zoe Armstrong and Tor Skogen thanked the Court and Judge Wood for their support for the 4H.

Following a correction to the minutes, a motion was made by JP S Madison to approve the June 21st minutes and seconded by JP Pond. A voice vote was called and all members present voted to approve the minutes.

County Judge Joseph Wood presented his Judge's Report. He presented to the Court the Comptroller's Report for June and introduced the new Comptroller, Shannon Worthen. He also presented his Midyear Department Report. He gave an update on the NWA Crisis Stabilization Unit and spoke about the Economic Development for the area. There were comments made by JP E Madison, Chief Carl Gales, and Judge Joseph Wood.

JP Pond introduced the added emergency ordinance and read the ordinance by title only, "AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD (PAYTON FAMILY RESIDENTIAL)". A motion to adopt the ordinance was made by JP Pond and seconded by JP Harbison. There was no public comment. A roll call vote was called and all members present voted to adopt the ordinance.

Ordinance 2018-30, AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD (PAYTON FAMILY RESIDENTIAL), was adopted.

Judge Joseph Wood introduced agenda item 8.1. Staff Planner, Sita Nanthavong presented the staff summary and staff recommendations of the Conditional Use Permit for Old Wire Service and Recreational Facilities to the Quorum Court. There were comments made by various members of the Court and County Attorney Lester. A point of order request was made by JP S Madison for clarification on agenda item and if the public will be allowed to speak on the ordinance.

The Applicant's Attorney, JR Carroll spoke to the Quorum Court regarding the request for a CUP and answered questions from the Quorum Court.

Elizabeth Atungulu, Tim Foster, Christina Gall, Tim Ware, and Jody McAlister spoke in opposition to the CUP. Staff Planner, Sita Nanthavong answered questions from various members of the Court.

JP Pond introduced agenda item 9.1. A motion to ratify the ordinance was made by JP Pond even though he might not support the CUP. There were comments made by various members of the Court and County Attorney Lester. JP Ussery made a friendly amendment to amend the ordinance to deny the CUP and was seconded by JP E Madison. JP Pond accepted the friendly amendment. A voice vote was made and majority of the members voted to approve the amendment. County Attorney Lester read the ordinance by title only, "AN ORDINANCE DENYING A CONDITIONAL USE PERMIT DENIED BY THE PLANNING AND ZONING BOARD (OLD WIRE SERVICE AND RECREATIONAL FACILITIES)". There were comments made by various members of the Court and County Attorney Lester. JP Kieklak called for the orders of the day, to move on to agenda item 10.1. A point of order request was made by JP E Madison to allow her to make a motion. A voice vote was made and majority of the members voted to allow JP E Madison to make a motion. JP E Madison made a motion to suspend the rules and allow the public to speak for ten minutes. The motion was seconded by JP S Madison. A voice vote was made and majority of the members voted to allow the public to speak. During public comment, Todd Crane spoke on the CUP. Tim Foster, Jody McAlister, and Lindsay Foster spoke in favor of denying the CUP. This ordinance will be placed on next month's agenda.

JP Rausch introduced agenda item 10.1 and read the resolution by title only, "A RESOLUTION OF THE QUORUM COURT OF WASHINGTON COUNTY CERTIFYING LOCAL COUNTY GOVERNMENT ENDORSEMENT OF MULTI-CRAFT CONTRACTORS, INC., TO PARTICIPATE IN THE CONSOLIDATED INCENTIVE (TAX BACK) ACT OF 2003". A motion to adopt the resolution was made by JP Rausch and was seconded by JP Pond. There was no public comment. A roll call vote was called and all members present voted to adopt the resolution.

Resolution 2018-08, A RESOLUTION OF THE QUORUM COURT OF WASHINGTON COUNTY CERTIFYING LOCAL COUNTY GOVERNMENT ENDORSEMENT OF MULTI-CRAFT CONTRACTORS, INC., TO PARTICIPATE IN THE CONSOLIDATED INCENTIVE (TAX BACK) ACT OF 2003, was adopted.

JP Ussery introduced agenda item 11.1. County Attorney Lester read the resolution by title only, "A RESOLUTION OF THE QUORUM COURT OF WASHINGTON COUNTY CERTIFYING LOCAL COUNTY GOVERNMENT ENDORSEMENT OF TRUTRAK FLIGHT SYSTEMS, INC., TO PARTICIPATE IN THE CONSOLIDATED INCENTIVE (TAX BACK) ACT OF 2003". A motion to adopt the resolution was made by JP Ussery and seconded by JP Pond. There was no public comment. A roll call vote was called and all members present voted to adopt the resolution.

Resolution 2018-09, A RESOLUTION OF THE QUORUM COURT OF WASHINGTON COUNTY CERTIFYING LOCAL COUNTY GOVERNMENT ENDORSEMENT OF TRUTRAK FLIGHT SYSTEMS, INC., TO PARTICIPATE IN THE CONSOLIDATED INCENTIVE (TAX BACK) ACT OF 2003, was adopted.

JP Ussery introduced agenda item 12.1. County Attorney Lester read the ordinance by title only, "AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES OF \$64,457.34 FROM THE GENERAL FUND TO VARIOUS LINE ITEMS IN THE SHERIFF'S BUDGET FOR 2018". A motion to adopt the ordinance was made by JP Ussery and seconded by JP Harbison. There was no public comment. A roll call vote was called and all members present voted to adopt the ordinance.

Ordinance 2018-31, AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES OF \$64,457.34 FROM THE GENERAL FUND TO VARIOUS LINE ITEMS IN THE SHERIFF'S BUDGET FOR 2018, was adopted.

JP Ecke introduced agenda item 13.1. A motion to read the ordinance in its entirety was made by JP S Madison and seconded by JP Dennis. A voice vote was made and all members present voted to approve the reading. County Attorney Lester read the ordinance in its entirety, "AN ORDINANCE REPEALING ARTICLE 3, SECTION 3 OF WASHINGTON COUNTY ORDINANCE NO. 1999-03 (CODIFIED AS WASHINGTON COUNTY CODE 2-192 (C)(3))". JP Ecke asked Assessor Russell Hill to explain to the Court why the ordinance was drafted and approved back in 1999. JP Ecke also read emails from other elected officials about repealing the ordinance. A motion to suspend the rules and move the ordinance to second

reading was made by JP Ecke and seconded by JP Lundstrum. There were comments made by various members of the Court and County Attorney Lester. A roll call vote was called and the votes were tallied as follow:

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

The motion to suspend the rules did not pass for second reading. This ordinance will be placed on next month's agenda.

JP Harbison introduced agenda item 14.1. JP Harbison made a motion to have the County Attorney draw up an ordinance for Open Space to be placed on a ballot for the people to vote on and to add the ordinance to the August agenda. The motion was seconded by JP Balls. A voice vote was made and then a roll call was requested. There were comments made by JP Dennis and JP E Madison. JP Pond explained that the motion did not need a vote to be put on next month's agenda, as a sponsor JP Harbison can add the ordinance to next month's agenda. There was a comment made by JP Harbison. A point of order request was made by JP Dennis to get clarification if they were going to allow discussion. After clarification, the motion was found unnecessary. There were comments made by various members of the Court. During public comment, Ammen Jordan, Terri Lane, Clell Ford, and Elizabeth Bowen spoke in favor of the Open Space Plan.

JP Dennis passed on giving a County Service committee report.

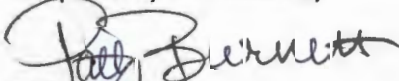
JP Ecke gave an update on Personnel – The handbook was reviewed and there was discussion on the repeal of the ordinance that was discussed at tonight's meeting.

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

JP Ussery gave an update on Finance & Budget – There was no meeting due to lack of an agenda.

A motion to adjourn was made by JP Ecke and seconded by JP Deavens. The meeting was adjourned at 9:30 pm.

Respectfully submitted by



Patty Burnett

Quorum Court Coordinator

FILED

2018 JUL 24 AM 8:53

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

ORDINANCE NO. 2018-30

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 July 12, 2018 for the Payton Family; and,

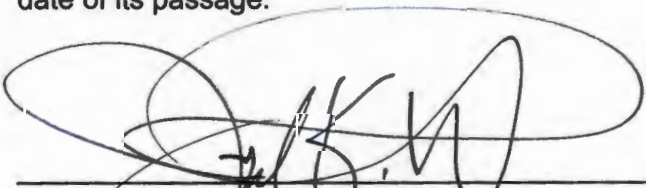
WHEREAS, immediate ratification is necessary by the Quorum
Court to prevent undue delay and expense to the applicant; and,

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:

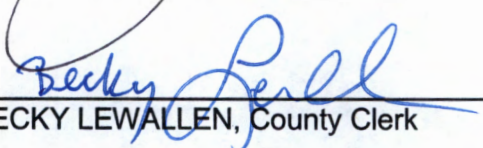
ARTICLE 1. That the Conditional Use Permit for the Payton
Family granted by the Planning and Zoning Board is hereby ratified.

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, Courty Judge

07-23-2018
DATE



BECKY LEWALLEN, County Clerk

Sponsor: Butch Pond
Date of Passage: July 19, 2018
Votes For: 14 Votes Against: 0
Abstention: 0 Absent: 1

Payton Family Residential CUP – Ratification Letter

The Planning Board/Zoning Board of Adjustments unanimously approved Payton Family Residential Conditional Use Permit (with conditions) on July 12, 2018.

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

Fayetteville Planning Area

b. Payton Family Residential CUP

Residential Conditional Use Permit Request

Location Address: 831 S Baldwin Ave

Approximately +/- 1.01 acres/ 1 lot

Proposed Land Use: Single Family Residential

Project #: 2018-171

Planner: Sita Nanthavong

Email: snanthavong@co.washington.ar.us

The Payton family is seeking Residential Conditional Use Permit approval to add a second residential structure on a parcel that is approximately 1.02 acres.

There is an existing residence, 831 Baldwin Ave, which their son will reside in. Thomas and Christina Payton are currently in the process of converting an existing structure (workshop) into a residence. They will reside in this converted residence.

The applicant's property (001-10749-000) is in an area that is zoned Agriculture and Single Family Residential with tract or parcel size being no less than 1 acre (Sec. 11-194).

The requested density is 1 unit/0.51 acres and does not fit into the standard county zoning and must be approved by the Planning Board and ratified by the Quorum Court.

The applicant's property is in the Fayetteville Planning Area.

Staff does not expect that this item will be contentious or have public discussion. Staff is recommending approval of this Request

Staff does not expect this project to be contentious, and is recommending approval of the project, with conditions.

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this Conditional Use Permit request. Two neighbor comments were received, both were in approval of the project.

This project was not contentious, and staff recommended approval of the proposed Doris Dorman Trust Residential Conditional Use Permit, with conditions.

The Planning Board/ Zoning Board of Adjustments approved (4 members voted “in favor”, 0 members voted “against”, 3 members were not present, 0 members abstained) the project with the following conditions:

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

1. 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.

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:

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 within 30 days of project approval. Any extension must be approved by the Planning Office.
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. Lots that are over one-half acre in size will need to be addressed after the home location is known.
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.
 - 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.

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.

FILED

2018 JUL 24 AM 8:54

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

RESOLUTION NO. 2018-08

**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
MULTI-CRAFT CONTRACTORS, INC., TO
PARTICIPATE IN THE CONSOLIDATED
INCENTIVE (TAX BACK) ACT OF 2003.**

WHEREAS, Multi-Craft Contractors, Inc., has applied for the Consolidated Incentive (Tax Back) Program, requesting benefits accruing from for expansion to its business and equipment in Washington County, Arkansas; and

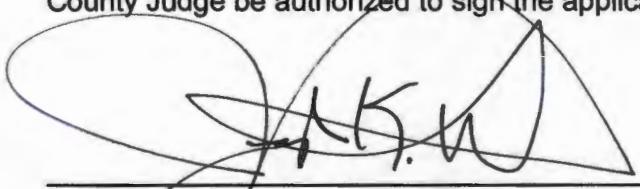
WHEREAS, local government must endorse a business applicant's participation in the Consolidated Incentive Act of 2003 for the business to benefit from the refunds/tax credits, as provided in A.C.A. § 15-4-270(d) of Act 182 of 2003; and,

WHEREAS, Multi-Craft Contractors, Inc., 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. Multi-Craft Contractors, Inc., 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 Multi-Craft Contractors, Inc., and that the County Judge be authorized to sign the application.



JOSEPH K. WOOD, County Judge

07-23-2018
DATE



BECKY LEWALLEN, County Clerk

Sponsor: Fred Rausch
Date of Passage: July 19, 2018
Votes For: 12 Votes Against: 0
Abstention: 0 Absent: 3

RESOLUTION NO. 2018-09

2018 JUL 24 AM 8:54
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO AR

FILED

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
TRUTRAK FLIGHT SYSTEMS, INC., TO
PARTICIPATE IN THE CONSOLIDATED
INCENTIVE (TAX BACK) ACT OF 2003.

WHEREAS, TruTrak Flight Systems, Inc., has applied for the
Consolidated Incentive (Tax Back) Program, requesting benefits accruing from for expansion to
its business and equipment in Washington County, Arkansas; and

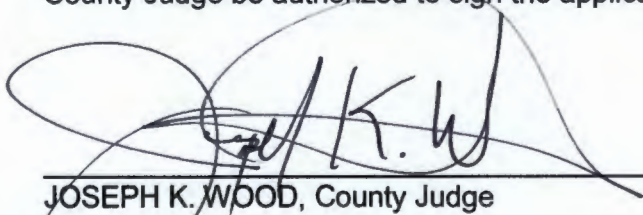
WHEREAS, local government must endorse a business
applicant's participation in the Consolidated Incentive Act of 2003 for the business to benefit
from the refunds/tax credits, as provided in A.C.A. § 15-4-270(d) of Act 182 of 2003; and,

WHEREAS, TruTrak Flight Systems, Inc., 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. TruTrak Flight Systems, Inc., 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.

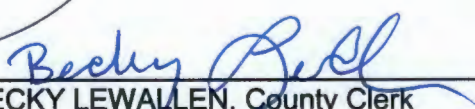
ARTICLE 2. The Department of Finance and Administration be
authorized to refund local sales and use taxes to TruTrak Flight Systems, Inc., and that the
County Judge be authorized to sign the application.



JOSEPH K. WOOD, County Judge

07-23-2018

DATE



BECKY LEWALLEN, County Clerk

Sponsor: Bill Ussery
Date of Passage: July 19, 2018
Votes For: 13 Votes Against: 0
Abstention: 0 Absent: 2

FILED

2018 JUL 24 AM 8:53

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

ORDINANCE NO. 2018-31

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
ADDITIONAL REVENUES OF \$64,457.34
FROM THE GENERAL FUND TO
VARIOUS LINE ITEMS IN THE
SHERIFF'S BUDGET FOR 2018.**

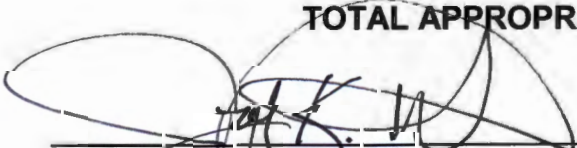
WHEREAS, the Washington County Sheriff's Office routinely provides law enforcement services for special events throughout the County for which it receives payment; and,

WHEREAS, Washington County has received additional revenues in the amount of \$64,457.34 for special event services provided by the Washington County Sheriff's Office.

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

ARTICLE 1. There are hereby appropriated the total amount of \$64,457.34 from the General Fund to the following line items in the following budgets for 2018:

<u>General Fund/Sheriff:</u>		
Salaries, Part-Time (10000400-1002)	\$ 1,227.38	
Overtime (10000400-1005)	15,860.49	
Social Security (10000400-1006)	1,307.23	
Noncontributory Retirement (10000400-1008)	2,520.49	
Workers Compensation (10000400-1010)	<u>574.15</u>	
		21,489.74
<u>Jail Operations Fund/Jail:</u>		
Overtime (30170418-1005)	34,166.33	
Social Security (30170418-1006)	2,613.76	
Noncontributory Retirement (30170418-1008)	5,039.51	
Workers Compensation (30170418-1010)	<u>1,148.00</u>	
		42,967.60
TOTAL APPROPRIATION:		\$ <u>64,457.34</u>



JOSEPH K. WOOD, County Judge

07-23-2018

DATE



BECKY LEWALLEN, County Clerk

Sponsor: Bill Ussery
Date of Passage: July 19, 2018
Votes For: 13 Votes Against: 0
Abstention: 0 Absent: 2