

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

Thursday, October 18, 2018
6:00 p.m.

Washington County Quorum Court Room

2018 NOV 20 PM 3:24
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

FILED

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

JP Harvey Bowman 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 Colleen Briney, 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.

A motion to adopt the agenda was made by JP S Madison and seconded by JP Dennis. A voice vote was called and all members unanimously voted to adopt the agenda.

A motion to suspend the rules and read all ordinances by title only was made by JP S Madison and seconded by JP Dennis. A voice vote was called and the motion passed with majority vote. JP Lundstrum opposed.

During the citizen's comment time, Angela Belford, an advocate for people experiencing homelessness spoke on the need for public transportation.

A motion to approve the September 20th minutes was made by JP S Madison and seconded by JP Harbison. A voice vote was called and all members unanimously voted to approve the minutes.

County Judge Joseph Wood presented his Judge's Report. He gave an update on the Crisis Stabilization Unit.

JP Pond introduced agenda item 8.1. County Attorney Brian Lester read the ordinance by title only, "AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD (HERITAGE FELLOWSHIP CHURCH)". Arthur Thurman spoke to the Court regarding the request for a CUP. A motion to adopt the ordinance was made by JP Pond and seconded by JP Maxwell. There was no public comment. A roll call vote was called and all members unanimously voted to adopt the ordinance.

Ordinance 2018-42, AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD (HERITAGE FELLOWSHIP CHURCH), was adopted.

JP Ecke introduced agenda item 9.1. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE CREATING A CERTIFICATE INCENTIVE PROGRAM FOR THE WASHINGTON COUNTY ASSESSOR'S OFFICE AND AUTHORIZING PAYMENTS PURSUANT TO THAT PROGRAM". A motion to adopt the ordinance was made by JP Ecke and seconded by JP Dennis. There were comments made by JP Pond, JP Harbison, and County Assessor Russell Hill. There was no public comment. A roll call vote was called and the votes were tallied as follow:

JP Balls- Yes
JP Bowman - Yes
JP Deavens - Yes
JP Dennis - Yes
JP Ecke - Yes

JP Harbison - Yes
JP Briney - 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

The ordinance was on its first reading; therefore, the vote was unnecessary.

A motion to suspend the rules and move the ordinance to a second reading was made by JP Ecke and seconded by JP Pond. A voice vote was called and all members unanimously voted to approve the motion. County Attorney Brian Lester read the ordinance by title only for a second reading, "AN ORDINANCE CREATING A CERTIFICATE INCENTIVE PROGRAM FOR THE WASHINGTON COUNTY ASSESSOR'S OFFICE AND AUTHORIZING PAYMENTS PURSUANT TO THAT PROGRAM". A motion to suspend the rules and move the ordinance to a third and final reading was made by JP Pond and seconded by JP Deavens. A voice vote was called and all members unanimously voted to approve the motion. County Attorney Brian Lester read the ordinance by title only for a third and final reading, "AN ORDINANCE CREATING A CERTIFICATE INCENTIVE PROGRAM FOR THE WASHINGTON COUNTY ASSESSOR'S OFFICE AND AUTHORIZING PAYMENTS PURSUANT TO THAT PROGRAM". A point of order request was made by JP E Madison because the Court did a voice vote and the vote requires a super majority to suspend the rules and advance the ordinance. Therefore, the minutes will reflect that the votes were approved unanimously to advance the ordinance on both readings. A motion to adopt the ordinance was made by JP Ecke and seconded by JP Pond. There was no public comment. A roll call vote was called and the votes were tallied as follow:

JP Balls-Yes
JP Bowman - Yes
JP Deavens - Yes
JP Dennis - Yes
JP Ecke - Yes
JP Harbison - Yes
JP Briney - 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 2018-43, AN ORDINANCE CREATING A CERTIFICATE INCENTIVE PROGRAM FOR THE WASHINGTON COUNTY ASSESSOR'S OFFICE AND AUTHORIZING PAYMENTS PURSUANT TO THAT PROGRAM, was adopted.

JP Ecke introduced agenda item 10.1. A point of order request was made by JP E Madison because there should be an ordinance to adopt the Washington County Employee Handbook. There were comments made by JP E Madison, JP Ecke, and County Attorney Brian Lester. A motion to table agenda item 10.1 and have an ordinance drawn up to adopt the Washington County Handbook was made by JP Maxwell and seconded by JP S Madison. A voice vote was called and all members unanimously voted to approve the motion. The ordinance will be placed on next month's agenda.

JP Ussery introduced agenda item 11.1. Judge Martin requested a line-item transfer of \$4428.36 from 1000-0401-3092 to 1000-0401-2009. This will replace three computers. A motion to approve the line-item transfer was made by JP Ussery and seconded by JP Harbison. A voice vote was called and all members unanimously voted to approve the motion.

JP Ussery introduced agenda item 12.1. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE ANTICIPATING REVENUES TOTALING \$20,000 IN STATE GRANTS; AND, APPROPRIATING \$20,000 FROM THE JUVENILE COURT GRANT FUND TO THE DHS-JDAI BUDGET FOR 2018". A motion to adopt the ordinance was made by JP Ussery and seconded by JP Ecke. There was no public comment. A roll call vote was called and all members unanimously voted to adopt the ordinance.

Ordinance 2018-44, AN ORDINANCE ANTICIPATING REVENUES TOTALING \$20,000 IN STATE GRANTS; AND, APPROPRIATING \$20,000 FROM THE JUVENILE COURT GRANT FUND TO THE DHS-JDAI BUDGET FOR 2018, was adopted.

JP Ussery introduced agenda item 13.1. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE ANTICIPATING REVENUES TOTALING \$381,554 IN HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA) GRANT FUND; AND, APPROPRIATING \$381,554 FROM THE HIDTA GRANT FUND TO THE HIDTA 2018 G18GC0004A BUDGET FOR 2018". A motion to adopt the ordinance was made by JP Ussery and seconded by JP Pond. There was no public comment. A roll call vote was called and all members unanimously voted to adopt the ordinance.

Ordinance 2018-45, AN ORDINANCE ANTICIPATING REVENUES TOTALING \$381,554 IN HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA) GRANT FUND; AND, APPROPRIATING \$381,554 FROM THE HIDTA GRANT FUND TO THE HIDTA 2018 G18GC0004A BUDGET FOR 2018, was adopted.

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

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

JP Ecke gave an update on Personnel – JP Ecke thanked JP Pond for sitting in on the JESAP meeting while she was unable to attend. Finalized the Employee Handbook and talked about the Incentive Program for the Assessor's Office. She complimented the Assessor for taking care of his employees.

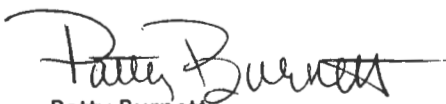
JP Maxwell gave an update on Jail/LE/Courts – There was discussion on how to address the jail problem. Architect Jim Langford presented a presentation. There was discussion on the recommendation on the jail's needs.

JP Ussery gave an update on Finance & Budget – Prosecuting Attorney Matt Durrett and Judge Stacey Zimmerman presented their budget recommendations. There was discussion on the needed computers. There will be a budget meeting next week.

During "Other Business" JP Dennis spoke about constituents that cannot get rural water. Judge Joseph Wood welcomed Tom Sissom, our new court reporter for Northwest Arkansas Democrat Gazette. He also welcomed Colleen Briney who was recently appointed by the Governor to replace JP Kieklak.

A motion to adjourn the meeting was made by JP E Madison and seconded by JP S Madison. The meeting was adjourned at 6:35 pm.

Respectfully submitted by


Patty Burnett

Quorum Court Coordinator

FILED

2018 OCT 22 AM 10: 23

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

ORDINANCE NO. 2018-42

**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 27, 2018 for the Heritage Fellowship Church; 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 Heritage Fellowship Church 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

10-22-2018
DATE

BECKY LEWALLEN, County Clerk

Sponsor: Joe Patterson
Date of Passage: October 18, 2018
Votes For: 15 Votes Against: 0
Abstention: 0 Absent: 0

Heritage Fellowship Church CUP

The Planning Board/Zoning Board of Adjustments approved Heritage Fellowship Church Conditional Use Permit (with conditions) on September 27, 2018.

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

County

a. Heritage Fellowship Church CUP

Conditional Use Permit and Preliminary Large Scale Development Requests

Location: Section 06, Township 17, Range 28

Owners: Heritage Fellowship

Engineer: Crafton Tull

Location Address: E HWY 412 & Blue Springs Village WC 386

Approximately: +/- 12.13 acres / 1 lot Proposed Land Use: Church

Coordinates: Latitude: 35.86641538, Longitude: -94.43669547

Project #: 2018-258 Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

Arthur Thurman, applicant and representative of the Heritage Fellowship Baptist Church, requests CUP approval to allow the use of a church on a property in an area of the county zoned to allow Agricultural and/or Single Family Residential uses, at a maximum density of 1 residential unit/acre, by right. Any other uses may be allowed through this Conditional Use Permit review/approval process.

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this Conditional Use Permit request. No comments were received by mail or voiced at the Planning Board meeting.

Staff recommended approval of the Heritage Fellowship Church Conditional Use Permit request with conditions.

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

Fire Conditions:

1. Note that any penetrations through the smoke barrier need to be properly sealed. On the smoke wall in any concealed attic space there shall be in permanent lettering “SMOKE BARRIER WALL” visible so any person wont penetrate the wall when working in the future without proper sealant.
2. Must have max occupancy posted in building.
3. Must have sidewalks to public way and landings at every door if not on parking lot
4. Sprinkler plans and Alarm plans must be submitted and approved prior to install.
5. Note that no bolt locks/cylinder locks are allowed
6. Page A601 under door hardware says doors must open with the use of a key, tool, special knowledge or effort. Needs to be changed to without instead of with.
7. Fire Lane No Parking Signs need to be posed every 100’ along driveway.
8. Fire Marshal must approve of the plans before construction may begin.
9. Construction may not begin until the County Fire Marshal has reviewed and approved the plans. The Fire Marshal will notify the Planning Department, who will then issue a “Commence Construction” letter to the applicant.
10. Washington County Fire Marshal will complete the final inspection of the site at the “Final LSD” phase of permitting.

Septic Conditions:

1. Septic system area must not be disturbed.
2. No parking is allowed on any portion of the septic system including the alternate area. (No overflow parking either).
3. The septic system must be approved by the Health Department, installed, and inspected by the Health Department prior to the building being occupied.
4. Lay out septic system as designed.

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

1. A paved apron is required where the driveway connects to the county road. The dimensions of the paved apron will be determined by the Road Dept Superintendent.
2. Any work to be completed in the County ROW must be permitted prior to beginning construction. Please call (479) 444-1610 for permit.

Environmental Conditions:

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

Signage/Lighting/Screening Conditions:

1. Planning Staff must review and approve any proposed signage prior to placing in on the property.
2. Signage cannot be placed in the County Road right-of-way.
3. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.

Utility Conditions:

Ozarks Electric:

General Comments:

1. Any relocation of existing facilities or extension of line that has to be built specifically to feed this project will be at full cost to the developer.
2. All property corners and easements must be clearly marked before construction will begin.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. All conduits placed at road crossings by developer must have 48 inch of cover at final grade and marked with post to identify end of conduits. (3 – 4 inch schedule 40 conduits to be used for electric only at all road crossings, conduits must extend past the edge of any obstructions so that they are accessible during construction.) There must be minimum separation of 12 inches between conduits for electric and conduits for other utilities. This is NESC code 354. All conduits for road crossings and specific widths of U.E. must be shown on final plat before Ozarks Electric will sign the final plat.
5. Transformer must have a minimum of 30 feet clearance from any structure. Any variation of this requirement must have written approval from an Ozarks representative.
6. Developer will need to contact Ozarks Electric and provide them with electrical load information before any cost to developer can be determined.
7. Developer to provide all trench and PVC conduits including PVC sweeps in accordance with Ozarks specifications. No metal conduit or metal sweeps are to be used.
8. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat as well as a hard copy.
9. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.

10. Developer or contractor must apply for temporary construction service and permanent service before any design and cost is determined by Ozarks.
11. Please contact Ozarks Electric when construction begins on this project and again when construction is within three months of completion.
Call Wes Mahaffey At (479)263-2167 wmahaffey@ozarksecc.com

Planning Conditions:

General:

1. If a dumpster is desired, opaque screening for the dumpster enclosure (gate must also be opaque) is required.
2. Pay Mailing Fees (fees have not yet been calculated) within 30 days of approval.
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 LSD is subject to all conditions of CUP (2018-258).
5. All Preliminary LSD conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

Additional:

1. Fire code must be adequately addressed and approved by the Fire Marshal before construction may begin.
2. At Final LSD: Submit a statement, signed/stamped by Engineer, stating access from ADA parking spaces to the building is in compliance with ADA regulations, prior to building occupation.
 - At Final LSD: Submit a statement, signed/stamped by Engineer, stating the gravel in the fire lane is compacted to support 75,000 lbs in all weather conditions.

* 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 OCT 22 AM 10: 24

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

ORDINANCE NO. 2018-43

ORDINANCE:

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

**AN ORDINANCE CREATING A CERTIFICATE INCENTIVE
PROGRAM FOR THE WASHINGTON COUNTY ASSESSOR'S
OFFICE AND AUTHORIZING PAYMENTS PURSUANT TO THAT
PROGRAM.**

WHEREAS, the Assessor and the Quorum Court recognize having a professional assessing service is critically important to the citizens of Washington County; and,

WHEREAS, the Assessor and the Quorum Court understand that formal education, training and the certifications that result from that education and training maintain the professionalism of each individual assessment office staff member; and

WHEREAS, it is the desire of the Quorum Court to incentivize Washington County Assessor staff to obtain and maintain these professional certifications.

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

ARTICLE 1. In the event that sufficient revenues exist in the judgment of the Washington County Assessor in his or her budget, the Washington County Treasurer is authorized to make additional salary payments from such funds to those employees who have attained assessment certifications above the basic certificate level, as defined by the Arkansas Assessment Coordination Department (AACD) and/or the International Association of Assessing Officers (IAAO). These qualifying incentive payments are for those certifications or designations already specified in a particular job description.

ARTICLE 2. It is the intent of this ordinance that such payments shall be optional, at the discretion of the Assessor and dependent on sufficient revenues.

(a)(1) Assessor staff who is employed for a least one (1) year with the Washington County Assessor's office and holding the following certificates on July 1 of each year shall be eligible for all or a portion of additional salary payments scheduled as follows:

- (A) Level 4 – Senior Appraiser (\$300) annually; and,
- (B) Level 5 – Designated Appraiser (\$300) annually; and
- (C) Any IAAO professional designation (\$300) annually.

(2) Payment of the funds shall be made during the eligible employee's first pay period in the month of December depending of the availability of revenues and shall be restricted to the following classifications:

- (A) Chief Deputy Assessor
- (B) Branch Manager
- (C) GIS Coordinator
- (D) Deputy Assessor II
- (E) GIS Technician

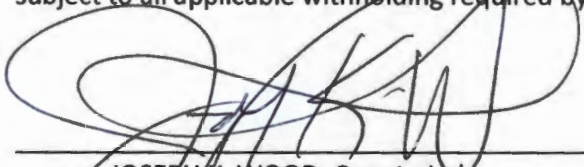
ORDINANCE NO. 2018-43

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- (F) Research Analyst
- (G) Real Estate Supervisor
- (H) Data Collector
- (I) Personal Property Supervisor
- (J) Business/Personal Property Manager
- (K) Business/Personal Property Deputy
- (L) Deputy Assessor I
- (M) Appraiser (or Appraiser IV)
- (N) Senior Appraiser
- (O) Chief Deputy Assessor, Real Estate
- (P) Chief Deputy, Personal Property
- (Q) Administrative Assistant

(b) The maximum allowable annual aggregate payment pursuant to this ordinance to any one employee shall be Twelve Hundred Dollars (\$1200).

(c) Payments made under this section shall be considered part of the employee's regular income and subject to all applicable withholding required by law.



JOSEPH K. WOOD, County Judge

10-22-2018

DATE



BECKY LEWALLEN, County Clerk

Sponsor: Lisa Ecke
Date of Passage: October 18, 2018
Votes For: 14 Votes Against: 1
Abstentions: 0 Absent: 0

FILED

2018 OCT 22 AM 10:24

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

ORDINANCE NO. 2018-44

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 REVENUES
TOTALING \$20,000 IN STATE GRANTS; AND,
APPROPRIATING \$20,000 FROM THE JUVENILE
COURT GRANT FUND TO THE DHS-JDAI
BUDGET FOR 2018.**


WHEREAS, Washington County has been notified that it will receive a \$20,000 grant to fund the travel of one Juvenile Court staff member to attend the JDAI Coordinators Conference in Birmingham, Alabama, and to provide supplies, clothing for participants, and pay instructors to teach various topics to the youth participating in the Alternative to Detention programs of Washington County.

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

ARTICLE 1. There are hereby anticipated additional revenues totaling \$20,000 in the State Grants Revenue Line Item (35177010) of the Juvenile Court Grant Fund for 2018; and

ARTICLE 2. There is hereby appropriated the total amount of \$20,000 from the Juvenile Court Grant Fund to the following line items in the DHS-JDAI Budget (35170459) for 2018:

General Supplies	(35170459-2001)	\$ 600.00
Clothing/Uniforms	(35170459-2006)	1,000.00
Other Professional Services	(35170459-3009)	17,400.00
Travel	(35170459-3030)	<u>1,000.00</u>
TOTAL APPROPRIATION		\$20,000.00



JOSEPH K. WOOD, County Judge

10-22-2018
DATE



BECKY LEWALLEN, County Clerk

Sponsor: Bill Ussery
Date of Passage: October 18, 2018
Votes For: 15 Votes Against: 0
Abstention: 0 Absent: 0

FILED

2018 OCT 22 AM 10:24

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

ORDINANCE NO. 2018-45

APPROPRIATION ORDINANCE

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

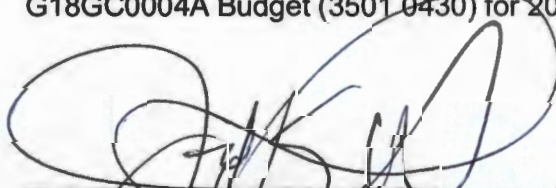
**AN ORDINANCE ANTICIPATING REVENUES
TOTALING \$381,554 IN HIGH INTENSITY DRUG
TRAFFICKING AREAS (HIDTA) GRANT FUND;
AND, APPROPRIATING \$381,554 FROM THE
HIDTA GRANT FUND TO THE HIDTA 2018
G18GC0004A BUDGET FOR 2018.**

WHEREAS, Washington County has been notified that it will receive a \$381,554 federal grant to fund participation by various law enforcement agencies in the High Intensity Drug Trafficking Areas program to reduce drug trafficking and production in the United States.

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

ARTICLE 1. There are hereby anticipated additional revenues totaling \$381,554 in the Other Federal Grants Revenue Line Item of the HIDTA Grant Fund (3501-0430) for 2018; and

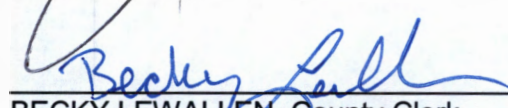
ARTICLE 2. There is hereby appropriated the total amount of \$381,554 from the HIDTA Grant Fund to the Special Projects line items in the HIDTA Grant G18GC0004A Budget (3501-0430) for 2018.



JOSEPH K. MCCORD, County Judge

10-22-2018

DATE



BECKY LEWALLEN, County Clerk

Sponsor: Bill Ussery
Date of Passage: October 18, 2018
Votes For: 15 Votes Against: 0
Abstention: 0 Absent: 0