

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

Thursday, October 17, 2019
6:00 p.m.
Washington County Quorum Court Room

2019 NOV 25 PM 3:57
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

FILED

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

JP Highers led the prayer and pledge.

Members present were JP Lance Johnson, JP Susan Cunningham, JP Harvey Bowman, JP Judith Yanez, JP Patrick Deakins, JP Lisa Ecke, JP Sam Duncan, JP Shawndra Washington, JP Eva Madison, JP Andrea Jenkins, JP Suki Highers, JP Sue Madison, JP Willie Leming, JP Ann Harbison, and JP Butch Pond.

A motion to adopt the agenda with additions of adding two ordinances ratifying a conditional use permit and removing from the consent agenda, items 8.2, 8.3, 8.4, 8.5 was made by JP S Madison and seconded by JP Leming. A request to remove 8.6 and 8.7 from the consent agenda was made by JP Deakins. A request to remove 8.1 from the consent agenda was made by JP Duncan. A request to postpone 8.13 from the consent agenda until next month's meeting was made by County Attorney Brian Lester. A voice vote was called and all members present unanimously voted to adopt the agenda and amended.

A motion to suspend the rules and read all ordinances by title only was made by JP S Madison and seconded by JP Leming. A voice vote was called and all members present unanimously voted to approve the motion.

During citizen comments, Rick Christman, Lela Hampton, Lawrence Hampton, Serina Tustin, and Lloyd Miller spoke in opposition of the Wedington Mine Red Dirt Pit. Phil Jones read a letter from Pamela Dobbs opposing the Wedington Mine Red Dirt Pit. A motion to suspend the rules and allow three minutes for citizen comments was made by JP Leming and seconded by JP S Madison. A voice vote was called and all members present unanimously voted to approve the motion. Bill Roberson and Joe Robinson spoke in opposition of the Wedington Mine Red Dirt Pit. A motion to suspend the rules and allow one minute for two students to read their signs to the Quorum Court was made by JP Yanez and seconded by JP Jenkins. A voice vote was called and all members present unanimously voted to approve the motion. Noelle and Ethony Napier read their signs to the Court.

A motion to approve the September 19th minutes was made by JP Ecke and seconded by JP Leming. A voice vote was called and all members present unanimously voted to approve the minutes.

Judge Joseph Wood presented his Judge's Report. Judge Wood presented to the Court a Purchasing Department Report of the Disposal of County Property for September and the Library Systems 2019 Report. Judge Wood acknowledge County Clerk Becky Lewallen for being selected to the Governors Arkansas Census Complete County Task Force. Judge Wood also acknowledge the Environmental Team, especially Director Andrew Coleman and Taylor Gladwin for receiving the 2019 Telly Award. During their 40th Annual Award Ceremony Washington County was recognized and winner of the Bronze Award for the Recycling video around illegal dumpsites.

JP Leming introduced agenda item 7.1A. 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 (Munyon Road Wireless Communications Facility)". A motion to adopt the ordinance was made by JP Leming and seconded by JP Harbison. There were no public comments. A roll call vote was called and all members present unanimously voted to adopt the ordinance.

Ordinance 2019-68, AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD (Munyon Road Wireless Communications Facility), was adopted.

JP Leming introduced agenda item 7.1B. 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 (Tom's Tackle and Bait Shop)". A motion to adopt the ordinance was made by JP Leming and seconded by JP S Madison. There were no public comments. A roll call vote was called and all members present unanimously voted to adopt the ordinance.

Ordinance 2019-69, AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD (Tom's Tackle and Bait Shop), was adopted.

Judge Joseph Wood introduced the items on the Consent Agenda. County Attorney Brian Lester read each ordinance by title only, Item 8.8 "Line Item Transfer Request from the Road Department" (\$216,900 from 2000-0201-2027 to 2000-0201-3009; \$36,234 from 2000-0201-2021 to 2000-0201-3009; \$17,500 from 2000-0201-4004 to 2000-0201-4005); Item 8.9 "AN ORDINANCE APPROPRIATING MONEY IN THE CIRCUIT COURT VII BUDGET FOR 2019"; Item 8.10 "AN ORDINANCE ANTICIPATING ADDITIONAL REVENUES OF \$929,761 IN THE DEM GRANT FUND; AND APPROPRIATING THE AMOUNT OF \$929,761 FROM THE DEM GRANT FUND TO VARIOUS HOMELAND SECURITY BUDGETS FOR 2019"; Item 8.11 "AN ORDINANCE REDUCING THE TOTAL AMOUNT OF \$145,000 FROM THE RURAL COMMUNITY GRANTS FUND; AND, APPROPRIATING THE AMOUNT OF \$145,000 TO THE ASPHALT LINE ITEM IN THE ROAD DEPARTMENT BUDGET FOR 2019"; Item 8.12 "AN ORDINANCE ANTICIPATING REVENUES OF \$53,000 IN THE ARKANSAS HERITAGE PRESERVATION PROGRAM (AHPP) GRANT FUND (3518-0630); AND, APPROPRIATING \$53,000 TO VARIOUS LINE ITEMS IN THE AHPP BUDGET FOR 2019"; Item 8.14 "AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES OF \$88,371.49 FROM THE GENERAL FUND TO VARIOUS LINE ITEMS IN THE SHERIFF'S BUDGET FOR 2019". A motion to adopt all the ordinances and approve the line item transfer request was made by JP S Madison and seconded by JP Jenkins. There were no public comments. A roll call vote was called and all members present unanimously voted to adopt the ordinances and approved the line item transfer request.

Ordinance 2019-70, AN ORDINANCE APPROPRIATING MONEY IN THE CIRCUIT COURT VII BUDGET FOR 2019, was adopted.

Ordinance 2019-71, AN ORDINANCE ANTICIPATING ADDITIONAL REVENUES OF \$929,761 IN THE DEM GRANT FUND; AND APPROPRIATING THE AMOUNT OF \$929,761 FROM THE DEM GRANT FUND TO VARIOUS HOMELEAND SECURITY BUDGETS FOR 2019, was adopted.

Ordinance 2019-72, AN ORDINANCE REDUCING THE TOTAL AMOUNT OF \$145,000 FROM THE RURAL COMMUNITY GRANTS FUND; AND, APPROPRIATING THE AMOUNT OF \$145,000 TO THE ASPHALT LINE ITEM IN THE ROAD DEPARTMENT BUDGET FOR 2019, was adopted.

Ordinance 2019-73, AN ORDINANCE ANTICIPATING REVENUES OF \$53,000 IN THE ARKANSAS HERITAGE PRESERVATION PROGRAM (AHPP) GRANT FUND (3518-0630); AND, APPROPRIATING \$53,000 TO VARIOUS LINE ITEMS IN THE AHPP BUDGET FOR 2019, was adopted.

Ordinance 2019-74, AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES OF \$88,371.49 FROM THE GENERAL FUND TO VARIOUS LINE ITEMS IN THE SHERIFF'S BUDGET FOR 2019, was adopted.

Judge Joseph Wood introduced agenda item 9.1. County Planning Director Nathan Crouch presented the staff summary of the Conditional Use Permit for Wedington Mine Red Dirt Pit to the Quorum Court. There were comments made by various members of the Court and Assessor Russell Hill.

Applicant Tom Terminella spoke to the Quorum Court regarding the request for the Conditional Use Permit and answered questions from the Court.

Rick Christman and Dick Johnson spoke in opposition to the Conditional Use Permit. Ernie Peters, President and Principal Engineer of Peters & Associates Engineers spoke on the traffic safety.

Appellant Teri Davis-Beaupre spoke to the Quorum Court regarding her opposition to the Conditional Use Permit. A motion to suspend the rules and add two minutes to allow the appellant to finish her presentation was made by JP Jenkins and was properly seconded. A voice vote was called and majority of the members voted to approve the motion. JP Ecke opposed. Teri Davis-Beaupre finished her presentation. There was a comment made by JP Jenkins.

There were comments made by various members of the Court sharing their position regarding their vote on the Conditional Use Permit. A motion to ratify the ordinance was made by JP Ecke and seconded by JP Bowman. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD OF ADJUSTMENTS". A motion to suspend the rules and advance the ordinance to second reading was made by JP Ecke and seconded by JP Bowman. A roll call vote was called and the votes were tallied as follow:

JP Johnson: Yes
JP Cunningham: Yes
JP Bowman: Yes
JP Yanez: No
JP Deakins: Yes
JP Ecke: Yes
JP Duncan: Yes
JP Washington: No
JP E Madison: No
JP Jenkins: No
JP Highers: No
JP S Madison: No
JP Leming: Yes
JP Harbison: No
JP Pond: No

The motion failed. This ordinance will be on next month's agenda and will be on its second reading.

A motion to deny the ordinance was made by JP S Madison and seconded by JP Jenkins. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE DENYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD OF ADJUSTMENTS". A motion to suspend the rules and advance the ordinance to second reading was made by JP Pond and seconded by JP Jenkins. A roll call vote was called and the votes were tallied as follow:

JP Johnson: No
JP Cunningham: No
JP Bowman: No
JP Yanez: Yes
JP Deakins: No
JP Ecke: No
JP Duncan: No
JP Washington: Yes
JP E Madison: Yes
JP Jenkins: Yes
JP Highers: Yes
JP S Madison: Yes
JP Leming: No
JP Harbison: Yes
JP Pond: Yes

The motion failed. This ordinance will be on next month's agenda and will be on its second reading.

JP S Madison introduced agenda item 12.1. 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 (Johnson & Smith Residential)”. A motion to adopt the ordinance was made by JP S Madison and seconded by JP Harbison. There were no public comments. A roll call vote was called and all members present unanimously voted to adopt the ordinance.

Ordinance 2019-75, AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD (Johnson & Smith Residential), was adopted.

JP Leming introduced agenda item 13.1. 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 (Moua)”. A motion to adopt the ordinance was made by JP Leming and seconded by JP Pond. There were no public comments. A roll call vote was called and all members present unanimously voted to adopt the ordinance.

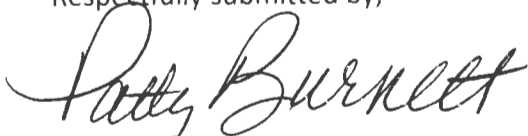
Ordinance 2019-76, AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD (Moua), was adopted.

A motion to postpone agenda items 8.1 – 8.7 until next month’s Quorum Court meeting was made by JP Pond and seconded by JP E Madison. There were comments made by various members of the Court. A motion to adjourn was made by JP Ecke. A roll call vote was called and the votes were tallied as follow:

- JP Johnson: No
- JP Cunningham: Yes
- JP Bowman: Yes
- JP Yanez: Yes
- JP Deakins: No
- JP Ecke: No
- JP Duncan: No
- JP Washington: Yes
- JP E Madison: Yes
- JP Jenkins: Yes
- JP Highers: Yes
- JP S Madison: Yes
- JP Leming: No
- JP Harbison: Yes
- JP Pond: Yes

The motion was approved and the meeting was adjourned at 9:40 pm.

Respectfully submitted by,



Patty Burnett
Quorum Court Coordinator

2019 OCT 21 PM 3:25
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR
FILED

ORDINANCE NO. 2019-68

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 26, 2019**, for the **Munyon Road Wireless
Communications 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 the **Munyon
Road Wireless Communications Facility** 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.

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JOSEPH K. WOOD, County Judge

10.21.2019

DATE



BECKY LEWALLEN, County Clerk

Introduced by: **JP Willie Leming**
Date of Adoption: **October 17, 2019**
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke,
Duncan, E. Madison, Jenkins, Highers, S. Madison,
Leming, Harbison, Pond**
Members Voting Against:
Members Abstaining:
Members Absent: **Washington**

Munyon Road Wireless Communications Facility CUP

The Planning Board/Zoning Board of Adjustments approved the Munyon Road Wireless Communications Facility CUP, with conditions, request on September 26, 2019 (5 members voted "in favor", 0 members voted "against", 2 members were absent).

Branch Communications, LLC is seeking Conditional Use Permit approval to construct and operate a wireless communications facility.

The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre.

The project parcel is not in a planning area.

The project parcel (001-05460-004) is owned by the Hale Family Trust and is approximately 105 acres (more or less) in size.

The lease area for the wireless communications facility is approximately 0.129 acres (more or less). It will be 75x75 feet accessible via W Munyon WC 433.

The proposed wireless communications facility will include a 190' self-supported tower with base station equipment within the 75x75 leased area. The facility will be located at 16717 W Munyon WC 433, Cane Hill, AR 72717.

There is a proposed cell tower within a 1 mile distance owned by Smith Communications, LLC. The applicant states that it cannot collocate on this proposed tower because the tower is approximately ¼ mile outside of its client's (AT&T) search ring. The applicant also states that the Smith Communications tower is between a close spectrum border to the west and a ridge to the east which restricts RF coverage.

The applicant is not installing any type of building that will utilize septic/sewer.

A total of five (5) notices were mailed to surrounding property owners within 300 feet of the applicant's project parcel. There were no comments received either opposing or supporting the project.

This project was not contentious. There was public discussion, all in favor of the project.

The Planning Board/Zoning Board of Adjustments approved the Munyon Road Wireless Communications Facility CUP, with conditions, request on September 26, 2019 (5 members voted "in favor", 0 members voted "against", 2 members were absent).

Utilities Conditions:

Lincoln Water Authority:

1. Any water concerns the applicant has should be directed to the Lincoln Water Authority.

Ozarks Electric:

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
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. Please contact Ozarks Electric if you have any questions. Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com

Prairie Grove Telephone:

1. Please contact Prairie Grove Telephone should future telephone issues arise.

Fire Conditions:

The Washington County Fire Marshal:

1. Knox Padlock Keyed to Morrow Fire Department. IFC 506.1
2. 75,000 lbs compaction statement needed from engineer. IFC D102.1, 104.7.2
3. Clearly label shutoff for all electrical and the generator shut off for responding fire personal.
4. Turning radius must be 38'.
5. Road width must be 20'.

Health Department Conditions:

1. Please contact the Arkansas Department of Health should the applicant wish to have septic.

Roads:

The Washington County Road Department:

1. Any work in the County Right of Way will require a permit. Please contact the Road Department.
2. There is to be no parking in the Washington County roadway or right of way at any time.

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:

1. All proper signs must be visible on the fence.

Lighting:

1. All outdoor lighting must be shielded from neighboring properties, and any lighting must be indirect and not cause disturbance to drivers or neighbors. Additionally all security lighting must be shielded appropriately (see attached diagram).

Screening:

1. Please utilize an opaque screening method or plant vegetation.

Addressing Conditions:

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

Planning Conditions:

1. Any further expansion or other use not described here must come before the Planning Office and/or the Planning Board.

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 (fees will be calculated once the info is available from the post office). This total will be calculated for this project once all invoices are received.
2. Pay engineering any fees. This total will be calculated for this project once all invoices are received.
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.

2019 OCT 21 PM 3:25
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR
FILED

ORDINANCE NO. 2019-69

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 26, 2019**, for **Tom's Tackle and Bait Shop**; 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.

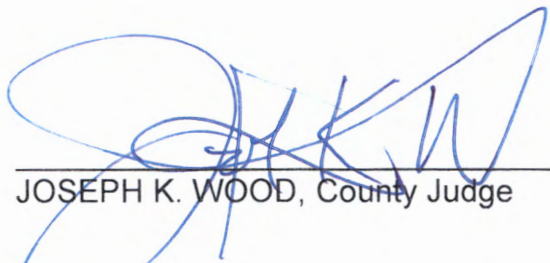
NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM
COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. That the Conditional Use Permit for **Tom's
Tackle and Bait Shop** 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.

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JOSEPH K. WOOD, County Judge

60. 21. 2019

DATE



BECKY LEWALLEN, County Clerk

Introduced by: **JP Willie Leming**
Date of Adoption: **October 17, 2019**
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke,
Duncan, E. Madison, Jenkins, Highers, S. Madison,
Leming, Harbison, Pond**
Members Voting Against:
Members Abstaining:
Members Absent: **Washington**

Tom's Tackle and Bait Shop CUP

The Planning Board/Zoning Board of Adjustments approved the Tom's Tackle and Bait Shop CUP, with conditions, request on September 26, 2019 (5 members voted "in favor", 0 members voted "against", 2 members were absent).

The applicants, Tom Waller and Matt Hutcherson, are seeking Conditional Use Permit approval to operate a tackle and bait shop.

The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre.

The project parcel is in the Prairie Grove planning area.

The project parcels (001-08817-008 and 001-08817-011) are approximately 2.00 acres (more or less) in size and are both owned by Mr. Waller.

The project location is on the west side of Bobb Kidd Lake Road WC 636. Bobb Kidd Lake is directly to the west side of the project parcels.

The applicants propose to utilize a 12x32 portable building on the north side of the north driveway as a small shop in which to sell bait, tackle, and light refreshments (coffee, sodas, and water).

Landscaping will be installed around the building. The building itself is being painted to match the main residence. The applicant has stated that they will consider privacy fencing if required by the Planning Board.

The proposed project area is less than 1 acre in size, therefore a Large Scale Development request will not be needed.

A total of (8) notices were mailed to surrounding property owners within 300 feet of the applicant's project parcel. Four notices were received all in opposition of the project with concerns ranging from fear of increase in theft and litter due to an increase in population visiting the lake to wondering what would become of the shop itself if the business failed.

This project was not overall contentious. There was no public discussion.

The Planning Board/Zoning Board of Adjustments approved the Tom's Tackle and Bait Shop CUP, with conditions, request on September 26, 2019 (5 members voted "in favor", 0 members voted "against", 2 members were absent).

Utilities Conditions:

Prairie Grove Water:

1. Any water concerns the applicant has should be directed to the Prairie Grove Water Authority.

SWEPCO:

1. Any concerns with electricity should be directed to SWEPCO.

Prairie Grove Telephone:

1. Please contact Prairie Grove Telephone should future telephone issues arise.

Fire Conditions:

The Washington County Fire Marshal:

1. Turning radii must be 38" at the entrance.
2. Install Fire Lane/No Parking Signs.
3. 501.3 – Please submit interior plans for the shop for review.
4. B103.3 – Fire flow can be achieved by tanker support.
5. 106.2.2 – Inspection by the Fire Marshal will be required prior to the opening of the business.

Health Department Conditions:

1. Please contact the Arkansas Department of Health should the applicant wish to have septic or water installed for the shop building.

Roads:

The Washington County Road Department:

1. Any work in the County Right of Way will require a permit. Please contact the Road Department.
2. There is to be no parking in the Washington County roadway or right of way at any time.

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:

1. No signage is allowed within Washington County's road right-of-way (ROW).
2. The sign is limited to 24 square feet in signage with an approximate height of no more than 8 feet. The sign must not be lit from within, but can utilize "up" lighting.

Lighting:

1. All outdoor lighting must be shielded from neighboring properties, and any lighting must be indirect and not cause disturbance to drivers or neighbors. Additionally all security lighting must be shielded appropriately (see attached diagram).

Screening:

1. The applicant will install landscaping plants.
2. A privacy fence may be required by the Planning Board.

Addressing Conditions:

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

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 (fees will be calculated once the info is available from the post office). This total will be calculated for this project once all invoices are received.
2. Pay engineering any fees. This total will be calculated for this project once all invoices are received.

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.

ORDINANCE NO. 2019-70

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

2019 OCT 21 PM 3:25

FILED

APPROPRIATION ORDINANCE

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

AN ORDINANCE APPROPRIATING MONEY
IN THE CIRCUIT COURT VII BUDGET FOR
2019.

WHEREAS, the Circuit Court VII needs to transfer money
from two personal services line items to the food line item in its budget to pay for the
anticipated costs to feed jurors; and

WHEREAS, an ordinance is required for said transfer.

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

ARTICLE 1. There is hereby reduced the total amount of
\$808 from the following line items in the Circuit Court VII Budget and appropriated the
total amount of \$808 to the Food line item (10000407-2005) in the Circuit Court VII Budget
for 2019:

Salaries, Part-Time	(10000407-1002)	\$ 750
Social Security Matching	(10000407-1006)	58

TOTAL APPROPRIATION \$ 808



JOSEPH K. WOOD, County Judge

10-21-2019

DATE



BECKY LEWALLEN, County Clerk

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Introduced by: **JP Ann Harbison**
Date of Passage: **October 17, 2019**
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke,
Duncan, E. Madison, Jenkins, Highers, S. Madison,
Leming, Harbison, Pond**
Members Voting Against:
Members Abstaining:
Members Absent: **Washington**

ORDINANCE NO. 2019-71

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 \$929,761 IN
THE DEM GRANT FUND; AND
APPROPRIATING THE AMOUNT OF
\$929,761 FROM THE DEM GRANT FUND TO
VARIOUS HOMELAND SECURITY BUDGETS
FOR 2019.**

WHEREAS, Washington County received notice of a grant
award totaling \$929,761 from the Arkansas Department of Emergency Management.

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

ARTICLE 1. There is hereby anticipated additional revenue
in the amount of \$929,761 in the Homeland Security Grants Revenue line item of the
DEM Grant Fund (3511-7105) for 2019.

ARTICLE 2. There is hereby appropriated the amount of
\$929,761 from the DEM Grant Fund to the following line items in the following budgets
for 2019:

USAR 2019

Small Equipment	(35110574-2002)	\$ 134,000.00
Parts and Repairs	(35110574-2023)	10,000.00
Training and Education	(35110574-3101)	110,000.00
Vehicles	(35110574-4005)	12,000.00

WMD 2019

Small Equipment	(35110575-2002)	59,200.00
Vehicles	(35110575-4005)	238,501.00

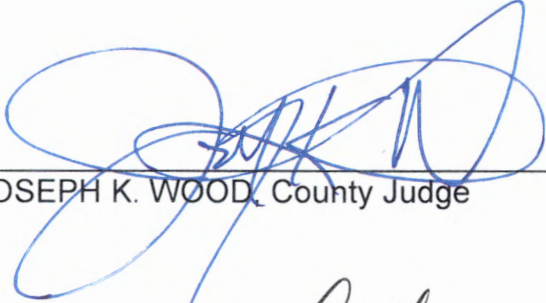
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

2019 OCT 21 PM 3:25

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<u>SWAT 2019</u>		
Small Equipment	(35110573-2002)	215,060.00
Training and Education	(35110573-3101)	51,000.00
Vehicles	(35110573-4005)	100,000.00
TOTAL APPROPRIATION		\$ 929,761.00



JOSEPH K. WOOD, County Judge

10.21.2019
DATE



BECKY LEWALLEN, County Clerk

Introduced by: **JP Ann Harbison**
Date of Passage: **October 17, 2019**
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke, Duncan, E. Madison, Jenkins, Highers, S. Madison, Leming, Harbison, Pond**
Members Voting Against:
Members Abstaining:
Members Absent: **Washington**

ORDINANCE NO. 2019-72

APPROPRIATION ORDINANCE

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

AN ORDINANCE REDUCING THE TOTAL
AMOUNT OF \$145,000 FROM THE RURAL
COMMUNITY GRANTS FUND; AND,
APPROPRIATING THE AMOUNT OF
\$145,000 TO THE ASPHALT LINE ITEM IN
THE ROAD DEPARTMENT BUDGET FOR
2019.

WHEREAS, Washington County received an Unpaved Road
Grant for Sugar Mountain Road and Musteen/Blue Hole Road; and

WHEREAS, there remains a balance of \$70,000 in unspent
funds for the Sugar Mount Road Project, a balance of \$75,000 in unspent funds for the
Musteen/Blue Hole Road Project; and

WHEREAS, the Road Department has completed the Sugar
Mountain Road Project and the Musteen/Blue Hole Road; and,

WHEREAS, the Quorum Court desires to appropriate said
unspent money from various funds in the Rural Community Grants Fund to the Asphalt
line item in the Roads Department Budget for 2019.

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

ARTICLE 1. There is hereby reduced the following amounts
from the following line items in the Rural Community Grants Fund (3503) Budget for 2019:

Sugar Mountain Road Grant	(35030624)	\$ 70,000
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2019 OCT 21 PM 3:25
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

FILED

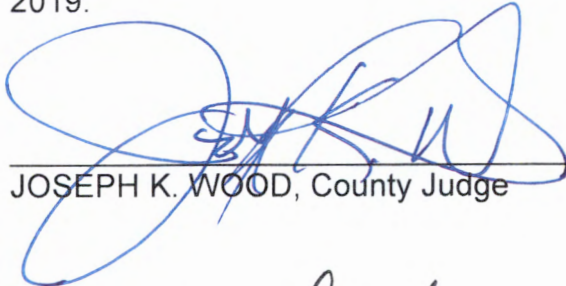
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Musteen/Blue Hole Road Grant (35030626) 75,000

TOTAL REDUCTION \$ 145,000

ARTICLE 2. There is hereby appropriated the said amount of \$145,000 to the Asphalt line item in the Road Department Budget (20000200-2025) for 2019.



JOSEPH K. WOOD, County Judge

10-21-2019

DATE



BECKY LEWALLEN, County Clerk

Introduced by: **JP Ann Harbison**
Date of Passage: **October 17, 2019**
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke, Duncan, E. Madison, Jenkins, Highers, S. Madison, Leming, Harbison, Pond**
Members Voting Against:
Members Abstaining:
Members Absent: **Washington**

ORDINANCE NO. 2019-73

APPROPRIATION ORDINANCE:

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

FILED
2019 OCT 21 PM 3:25
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

**AN ORDINANCE ANTICIPATING REVENUES
OF \$53,000 IN THE ARKANSAS HERITAGE
PRESERVATION PROGRAM (AHPP) GRANT
FUND (3518-0630); AND, APPROPRIATING
\$53,000 TO VARIOUS LINE ITEMS IN THE
AHPP BUDGET FOR 2019.**

WHEREAS, Washington County has received confirmation
of a \$53,000 grant from the Arkansas Heritage Preservation Program for various
restoration projects at the Historic Washington County Courthouse.

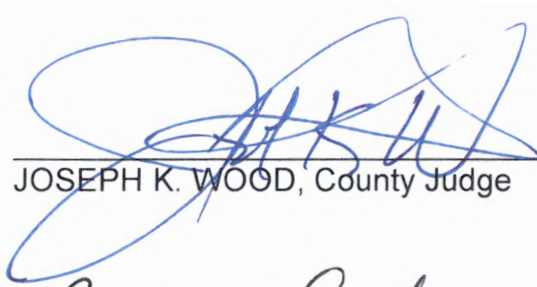
**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM
COURT OF WASHINGTON COUNTY, ARKANSAS:**

ARTICLE 1. There is hereby anticipated revenue of \$53,000
in the AHPP Grant Fund (3518-0630) for 2019.

ARTICLE 2. There is hereby appropriated the amount of
\$53,000 from the AHPP Grant Fund to the following line items in the AHPP Grant Fund
for 2019:

General Supplies	(35180630-2001)	\$ 500
Building Materials and Supplies	(35180630-2020)	10,000
Other Professional Services	(35180630-3009)	37,000
Rent-Machinery & Equipment	(35180630-3071)	5,500
TOTAL APPROPRIATION:		\$ 53,000

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JOSEPH K. WOOD, County Judge

10.21.2019
DATE



BECKY LEWALLEN, County Clerk

Introduced by: **JP Ann Harbison**
Date of Passage: **October 17, 2019**
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke,
Duncan, E. Madison, Jenkins, Highers, S. Madison,
Leming, Harbison, Pond**
Members Voting Against:
Members Abstaining:
Members Absent: **Washington**

ORDINANCE NO. 2019-74

APPROPRIATION ORDINANCE

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

FILED
2019 OCT 21 PM 3:25
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

**AN ORDINANCE APPROPRIATING
ADDITIONAL REVENUES OF \$88,371.49
FROM THE GENERAL FUND TO VARIOUS
LINE ITEMS IN THE SHERIFF'S BUDGET
FOR 2019.**

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 \$83,163.83 for special event services provided by the Washington County Sheriff's Office; and

WHEREAS, Washington County is anticipating additional revenue in the amount of \$5,207.66 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 is hereby appropriated the total amount of \$88,371.49 from the General Fund (1000) to the following line items for 2019:

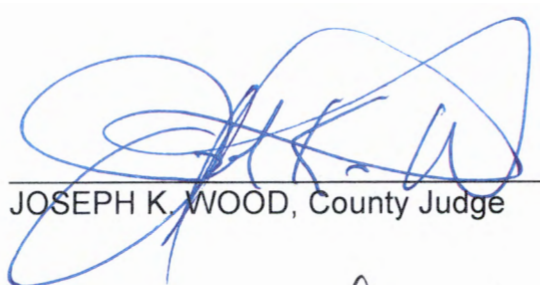
<u>General Fund/Sheriff:</u>		
Salaries, Part-Time	(10000400-1002)	\$226.48
Overtime	(10000400-1005)	\$43,795.65
Social Security	(10000400-1006)	\$3,367.67
Noncontributory Retirement	(10000400-1008)	\$6,744.19
Workers Compensation	(10000400-1010)	\$1,479.12

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Jail Operations Fund/Jail:

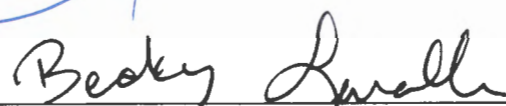
Salaries, Part-Time	(10000400-1002)	\$0.00
Overtime	(30170418-1005)	\$25,930.76
Social Security	(30170418-1006)	\$1,983.68
Noncontributory Retirement	(30170418-1008)	\$3,972.66
Workers Compensation	(30170418-1010)	\$871.28

TOTAL APPROPRIATION: \$88,371.49



JOSEPH K. WOOD, County Judge

10.21.2019
DATE



BECKY LEWALLEN, County Clerk

Introduced by: **JP Ann Harbison**
Date of Passage: **October 17, 2019**
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke,
Duncan, E. Madison, Jenkins, Highers, S. Madison,
Leming, Harbison, Pond**
Members Voting Against:
Members Abstaining:
Members Absent: **Washington**

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

2019 OCT 21 PM 3:25

FILED

ORDINANCE NO. 2019-75

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 26, 2019, for the Johnson & Smith Residential; and,

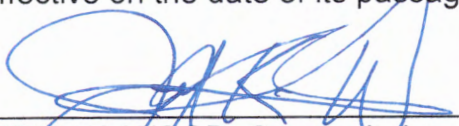
WHEREAS, immediate ratification is necessary by the Quorum Court to prevent undue delay and expense to the applicant; and,

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 the Johnson & Smith 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. 26. 2019

DATE



BECKY LEWALLEN, County Clerk

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Introduced by: **JP Sue Madison**
Date of Adoption: **October 17, 2019**
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke,
Duncan, Washington, Jenkins, Highers, S. Madison,
Leming, Harbison, Pond**
Members Voting Against:
Members Abstaining:
Members Absent: **E. Madison**

Johnson & Smith Residential CUP

The Washington County Planning Board approved the Johnson & Smith Residential Conditional Use Permit (with conditions) on September 26, 2019.

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

Fayetteville Planning Area

b. Johnson & Smith CUP

Conditional Use Permit Request

Location: Section 25, Township 16, Range 30

Owners: Claudia Smith & Alan Johnson

Applicant: Atlas Surveying

Location Address: 2718 S Dead Horse Mountain Rd WC 55

Approximately: +/- 1.82 acres / 1 parcel Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.03296914, Longitude: -94.11738285

Project #: 2019-205 Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

Alan Johnson and Claudia Smith are requesting to split a 2.16 acre parcel into two tracts at 0.69 and 1.47 acres.

The parent parcel lies within Fayetteville's Planning Area, and as such Minor Subdivision approval will not be required subsequent to this CUP, if approved.

There is one existing home on each proposed parcel. The home on proposed Tract B has the appropriate amount of frontage, but takes access from S. Dead Horse Mountain Road via shared driveway.

Conditional Use Permit approval is required due to proposed Tract A acreage is less than 1 acre, in an area of the county zoned to allow agricultural and/or single family residential lots at 1 unit per acre, by right. Any other uses may be approved through the CUP review and approval process.

There are existing septic systems installed at each residence.

The surrounding uses are mostly large agricultural lots, some small and large residential and multiple subdivisions within the neighbor notification radius.

Staff feels the applicant's request will be compatible with the surrounding uses. There should not be an increase in noise, minimal increase in traffic, and generally will not disturb the surrounding properties.

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 does not expect this project to be contentious and recommended approval of the proposed Johnson & Smith Residential Conditional Use Permit with conditions.

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

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

1. Please limit access to Dead Horse Mountain Road to a single, shared curb cut. This is consistent with adopted plans and ordinances of the City of Fayetteville, promotes a safe street condition, and allows for future development of Dead Horse Mountain Road to its currently-intended arterial classification.

2. If an additional driveway is desired in the future, driveway permitting may be required by the Washington County Road Department.

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).

Ozarks Electric Conditions:

1. Any damage or relocation of existing facilities will be at the owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
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. Please contact Ozarks Electric if you have any questions.

Standard Conditions:

1. Pay neighbor notification mailing fees within 30 days of project approval. Fees will be calculated once all invoices are received. Any extension must be approved by the Planning Office.
2. Pay engineering fees within 30 days of project approval. Fees will be calculated once all invoices are received. Any extension must be approved by the Planning Office.
3. 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.
4. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
5. Lots that are over one-half acre in size will need to be addressed after the home location is known.
6. This CUP must be ratified by the Quorum Court.
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.

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

ORDINANCE NO. 2019-76

FILED
2019 OCT 21 PM 3:25
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

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4 BE IT ENACTED BY THE QUORUM
5 COURT OF THE COUNTY OF
6 WASHINGTON, STATE OF ARKANSAS,
7 AN ORDINANCE TO BE ENTITLED:
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10 AN EMERGENCY ORDINANCE RATIFYING A
11 CONDITIONAL USE PERMIT GRANTED BY
12 THE PLANNING AND ZONING BOARD.
13

14 WHEREAS, the Planning and Zoning Board granted a
15 Conditional Use Permit on September 26, 2019, for the Moua; and,
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17 WHEREAS, immediate ratification is necessary by the
18 Quorum Court to prevent undue delay and expense to the applicant; and,
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20 WHEREAS, ratification will not affect any appeal rights any
21 person may have.
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23 NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM
24 COURT OF WASHINGTON COUNTY, ARKANSAS:
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26 ARTICLE 1. That the Conditional Use Permit for the Moua
27 granted by the Planning and Zoning Board is hereby ratified.
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29 ARTICLE 2. Emergency Clause. It is hereby determined that
30 it is in the best interest of the applicant and the public for this ordinance to be effective
31 immediately; therefore, an emergency is declared to exist and this ordinance shall be and
32 is effective on the date of its passage.
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37 JOSEPH K. WOOD, County Judge
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DATE

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BECKY LEWALLEN, County Clerk

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Introduced by: **JP Willie Leming**
Date of Adoption: **October 17, 2019**
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke,
Duncan, Washinton, E. Madison, Jenkins, Highers, S.
Madison, Leming, Harbison, Pond**
Members Voting Against:
Members Abstaining:
Members Absent:

Moua CUP

The Planning Board approved the Moua Conditional Use Permit (with conditions) on September 26, 2019.

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

County

d. Moua CUP

Conditional Use Permit Request

Location: Section 06, Township 16, Range 33

Applicant: Thomas Moua

Location Address: 24283 N HWY 244

Approximately: +/- 40.36 acres / 1 parcel Proposed Land Use: Public and Private Open Space

Coordinates: Latitude: 36.09406450, Longitude: -94.53235781

Project #: 2019-203 Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

The Hmong Association, Inc, a local non-profit association, is requesting Conditional Use Permit approval for the use of a private road, gazebo, and restroom on a 40 acre tract of land they use for cultural and community events, such as the annual Hmong New year as well as community events such as sports tournaments. *see attached letter from the applicant.

In the past the Hmong Association has used this property a couple times per year for these events, and Washington County has issued Temporary CUPs. However, at this time, as Washington County no longer issues Temporary CUPs, and that the Hmong Association is proposing the construction of permanent structures, the General Conditional Use Permit is now required.

As the cultural and community events aren't considered a permanent change to the land use this CUP review isn't considering the events. Planning Staff is only reviewing the access road, gazebo, and restrooms for compliance with Washington County ordinances.

The applicants have provided a signed septic permit, authorizing the construction of the system.

The surrounding uses are mostly large agricultural lots, some small and large residential and residential/agricultural parcels.

Staff feels the applicant's request will be compatible with the surrounding uses.

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 does not expect this project to be contentious and recommended approval of the proposed Moua Conditional Use Permit with conditions.

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

Fire Conditions:

1. "Fire Lane – No Parking" signs are required to be placed along the private road, in accordance with Arkansas Fire Code.
2. The private access road shall be constructed such that it will support 75,000 lbs in all weather conditions.
3. The private access road shall be constructed to a width approved by the Fire Marshal, in accordance with Arkansas Fire Code. The Fire Marshal has stated the road shall be constructed to 12 ft wide.

4. If a gate on the private access road is desired it must be placed so it will provide limited access for fire department only.

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 use of the restroom.
2. No parking is allowed on any portion of the septic system including the alternate area. (No overflow parking either).

Drainage Conditions:

1. Side slope of the private road will be 2% maximum.
2. Ditches shall have maximum slopes of 3:1.
3. Provide scour protection downstream of pipe (culvert) discharge.
4. Minimum size of 24-inches is required for the culverts.

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:

- Ozarks Electric
1. Any damage or relocation of existing facilities will be at owner's expense.
 2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
 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.

Standard Conditions:

1. Pay neighbor notification mailing fees within 30 days of project approval. Mailing fees will be calculated once all invoices have been received. Any extension must be approved by the Planning Office.
2. Pay engineering fees within 30 days of project approval. Engineering fees will be calculated once all invoices have been received. 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.
 - 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.

Additional Conditions:

1. The septic system must be setback from the neighbor's water well by at least 100 ft as per Arkansas Department of Health requirements.
2. The applicants shall communicate with the Washington County Sheriff's Dept the dates when the events are planned.

3. The applicants shall coordinate with the Washington County Sheriff's Dept to evaluate if there is a need to hire deputies for traffic control.
4. The events should generally adhere to the applicant's stated hours of 8am – 5pm, but shall not extend beyond daylight hours.

* 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.*