



WASHINGTON COUNTY, ARKANSAS
County Courthouse

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

Thursday, December 19, 2019
6:00 p.m.
Washington County Quorum Court Room

A G E N D A

1. **CALL TO ORDER AND WELCOME** JUDGE JOSEPH WOOD
 2. **PRAYER AND PLEDGE**
 3. **ADOPTION OF AGENDA**
At the beginning of each meeting, the agenda shall be approved. Any JP may request an item be added or removed from the agenda subject to approval of the Quorum Court.
 4. **PRELIMINARY MOTIONS**
 5. **CITIZEN'S COMMENTS**
Fifteen-minute comment period with a three-minute limit for each individual to comment on items on the agenda or other items.
 6. **APPROVAL OF MINUTES** – Approval of the minutes from the Regular Quorum Court meeting of November 21, 2019. (6.1)
 7. **COUNTY JUDGE'S REPORT** (7.1) JUDGE JOSEPH WOOD
- UNFINISHED BUSINESS**
8. **AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD (Ozark Sanctuary Cemetery)** Item 19-I-119 (8.1 – 8.2) JP PATRICK DEAKINS
 9. **AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD OF ADJUSTMENTS (Wedington Mines)** This ordinance is on its third reading. Item 19-I-109 (9.1 – 9.2) JP LISA ECKE
 10. **AN ORDINANCE INCREASING THE SALARY OF THE DIRECTOR OF VETERANS AFFAIRS IN THE VETERANS AFFAIRS BUDGET FOR 2019** This ordinance is on its second reading. Item 19-I-103 (10.1) JP BUTCH POND
 11. **AN ORDINANCE INCREASING THE SALARY OF THE COUNTY ATTORNEY IN THE COUNTY ATTORNEY BUDGET FOR 2019** This ordinance is on its second reading. Item 19-I-105 (11.1) JP BUTCH POND

12. **AN ORDINANCE INCREASING THE SALARY OF THE GRANTS ADMINISTRATOR IN THE GRANTS DEPARTMENT BUDGET FOR 2019** This ordinance is on its second reading. Item 19-I-104 (12.1) JP BUTCH POND
13. **AN ORDINANCE INCREASING THE SALARY OF THE PURCHASING MANAGER IN THE GENERAL SERVICES BUDGET FOR 2019** This ordinance is on its second reading. Item 19-I-106 (13.1) JP BUTCH POND
14. **AN ORDINANCE CALLING A SPECIAL ELECTION IN WASHINGTON COUNTY, ARKANSAS ON THE QUESTION OF ISSUING BONDS UNDER AMENDMENT NO. 62 TO THE CONSTITUTION OF THE STATE OF ARKANSAS FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COST OF CAPITAL IMPROVEMENTS; LEVYING A NEW ONE-FOURTH OF ONE PERCENT (0.25%) SALES AND USE TAX FOR THE PURPOSE OF RETIRING SUCH BONDS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO** This ordinance is on its second reading. Item 19-I-120 (14.1) JP HARVEY BOWMAN
15. **AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$54,994 IN THE LAW ENFORCEMENT GRANT FUND; AND, APPROPRIATING THE AMOUNT OF \$54,994 FROM THE LAW ENFORCEMENT GRANT FUND TO THE SCAAP 2018 BUDGET FOR 2019** This ordinance is on its second reading. Item 19-I-116 (15.1) JP ANN HARBISON

NEW BUSINESS

16. **CONSENT AGENDA:**
 1. **AN ORDINANCE CALLING FOR AN ELECTION ON THE QUESTION OF LEVYING THE ANNUAL VOLUNTEER FIRE DEPARTMENT DUES OF THE SUNSET FIRE DEPARTMENT; AND, PRESCRIBING OTHER MATTERS PERTAINING THERETO** Item 19-I-133 (16.1) JP ANN HARBISON
 2. **LINE ITEM TRANSFER REQUEST – JUDGE ZIMMERMAN** (16.2) JP ANN HARBISON
 3. **LINE ITEM TRANSFER REQUEST – DEPARTMENT OF EMERGENCY MANAGEMENT** (16.3) JP ANN HARBISON
 4. **AN ORDINANCE APPROPRIATING THE TOTAL AMOUNT OF \$534,826.92 FROM UNAPPROPRIATED RESERVES IN THE ROAD BUDGET (2000) TO VARIOUS LINE ITEMS IN THE ROAD DEPARTMENT BUDGET (20000200) FOR 2019** Item 19-I-124 (16.4) JP ANN HARBISON
 5. **AN ORDINANCE REDUCING \$414,702 IN THE ASPHALT LINE ITEM IN THE ROAD DEPARTMENT BUDGET (20000200-2025) FOR 2020; AND, APPROPRIATING SAID \$414,702 TO THE OTHER PROFESSIONAL SERVICES LINE ITEM IN THE ADDITIONAL FUEL TAX ACT 416/2019 FUND (20030220-3009) FOR 2020** Item 19-I-125 (16.5) JP ANN HARBISON

6. **AN ORDINANCE TRANSFERRING \$10,000 WITHIN THE PROFESSIONAL SERVICES CATEGORY IN THE JDC BUDGET FOR 2019** Item 19-I-126 (16.6) JP ANN HARBISON
17. **AN EMERGENCY ORDINANCE SETTING HOLIDAY COMPENSATION FOR CERTAIN EMPLOYEES; AND, REPEALING ORDINANCE NO. 1993-36, ORDINANCE NO. 1994-03, ORDINANCE NO. 1995-38, AND ORDINANCE NO. 2012-71** Item 19-I-114 (17.1) JP BUTCH POND
18. **AN ORDINANCE ESTABLISHING THE COMPUTATION OF TIME USED FOR NON-EXEMPT EMPLOYEE LEAVE** Item 19-I-127 (18.1) JP BUTCH POND
19. **AN EMERGENCY ORDINANCE ADOPTING THE TAXABILITY OF CLOTHING/UNIFORMS POLICY FOR WASHINGTON COUNTY** Item 19-I-128 (19.1) JP BUTCH POND
20. **AN ORDINANCE PROVIDING FOR THE LEVY OF A ONE-FOURTH OF ONE PERCENT (0.25%) SALES AND USE TAX WITHIN WASHINGTON COUNTY, ARKANSAS FOR TWELVE (12) MONTHS; AND, PRESCRIBING OTHER MATTERS PERTAINING THERETO** Item 19-I-131 (20.1) JP HARVEY BOWMAN
21. **AN ORDINANCE CALLING A SPECIAL ELECTION IN WASHINGTON COUNTY, ARKANSAS ON THE QUESTION OF LEVYING A COUNTY-WIDE ONE-FOURTH OF ONE PERCENT (0.25%) SALES AND USE TAX FOR TWELVE (12) MONTHS; AND, PRESCRIBING OTHER MATTERS PERTAINING THERETO** Item 19-I-132 (21.1) JP HARVEY BOWMAN
22. **AN ORDINANCE TO ESTABLISH THE ADDITIONAL MOTOR FUEL TAX FUND (ACT 416 OF 2019); AND, TO DECLARE AN EMERGENCY** Item 19-I-123 (22.1) JP PATRICK DEAKINS
23. **AN ORDINANCE APPROPRIATING THE TOTAL AMOUNT OF \$46,701 FROM UNAPPROPRIATED RESERVES IN THE GENERAL FUND (1000) TO VARIOUS BUDGETS AND LINE ITEMS FOR 2020** Item 19-I-129 (23.1) JP ANN HARBISON
24. **COMMITTEE REPORTS:**
- COUNTY SERVICES (24.1)
 - FINANCE & BUDGET (24.2)
 - JAILS/LAW ENFORCEMENT/COURTS (24.3)
 - PERSONNEL (24.4)
25. **ADJOURNMENT**

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

Thursday, November 21, 2019

6:00 p.m.

Washington County Quorum Court Room

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

Maylon Rice led the prayer and JP Sue Madison led the pledge.

Members present were JP Lance Johnson, JP Susan Cunningham, JP Harvey Bowman, JP Judith Yanez, JP Patrick Deakins, 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. JP Lisa Ecke was absent.

A motion to add an ordinance ratifying a conditional use permit for Blackburn Community Covenant Church to the agenda was made by JP Harbison and seconded by JP Pond. A voice vote was called and all members present unanimously voted to approve the motion. A motion to add an ordinance to establish the additional motor fuel tax fund to the agenda was made by JP Deakins and seconded by JP Leming. A roll call vote was called the votes were tallied as follow:

JP Johnson: Yes

JP Cunningham: Yes

JP Bowman: Yes

JP Yanez: Yes

JP Deakins: Yes

JP Ecke: Absent

JP Duncan: Yes

JP Washington: Absent

JP E Madison: No

JP Jenkins: No

JP Highers: No

JP S Madison: No

JP Leming: Yes

JP Harbison: Yes

JP Pond: Yes

The motion failed.

A motion to adopt the agenda as amended was made by JP S Madison and seconded by JP Highers. A voice vote was called and all members present unanimously voted to approve the motion.

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

During citizen comments, Dwayne Sizemore spoke in opposition of the Ozark Sanctuary Cemetery CUP. Vickie Kelly spoke in favor of the Ozark Sanctuary Cemetery CUP. Dick Johnson, Sherry Main, Joshua McFadden spoke in opposition of the Wedington Mine Dirt Pit CUP. A motion to suspend the rules and add fifteen minutes for citizen comments was made by JP Jenkins and seconded by JP Highers. 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: Absent
JP Duncan: No
JP Washington: Absent
JP E Madison: Yes
JP Jenkins: Yes
JP Highers: Yes
JP S Madison: Yes
JP Leming: Yes
JP Harbison: Yes
JP Pond: Yes

The motion was approved. Marcella Terry spoke in favor of the Ozark Sanctuary Cemetery CUP. Coroner Roger Morris spoke about the Ozark Sanctuary Cemetery. Annette Cornelison and Eldon Bagwell spoke in opposition of the Ozark Sanctuary Cemetery CUP. Stephanie McCullough and Jim Hendricks spoke in opposition of the Wedington Mine Red Dirt Pit CUP.

A motion to approve the October 17th minutes with an amendment was made by JP S Madison and seconded by JP E Madison. A voice vote was called and all members present unanimously voted to approve the minutes as amended.

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 October.

A motion to postpone the ordinance ratifying a conditional use permit for the Ozark Sanctuary Cemetery until the December meeting was made by JP S Madison and seconded by JP Deakins. A voice vote was called and all members present unanimously voted to approve the motion.

Judge Joseph Wood introduced agenda item 8.1. 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 (Wedington Mine)". A motion to suspend the rules and advance the ordinance to third and final reading was made by JP Duncan 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: Yes
JP Deakins: Yes
JP Ecke: Absent
JP Duncan: Yes
JP Washington: Absent
JP E Madison: No
JP Jenkins: No
JP Highers: No
JP S Madison: Yes
JP Leming: Yes

JP Harbison: No

JP Pond: Yes

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

JP S Madison introduced agenda item 9.1. 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 (Wedington Mines)". A motion to suspend the rules and advance the ordinance to third reading and final reading was made by JP Jenkins and seconded by JP E Madison. A voice vote was called and all members present unanimously voted to approve the motion. County Attorney Brian Lester read the ordinance "AN ORDINANCE DENYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD OF ADJUSTMENTS". A motion to adopt the ordinance was made by JP S Madison and seconded by JP Highers. There were comments made by various members of the Court sharing their position regarding their vote on the Conditional Use Permit. During public comments, Tom Terminella, Jim Gallagher, Laurie Marshall, Mac Childs, and Susan Jones spoke. A roll call vote was called and the votes were tallied as follow:

JP Johnson: No

JP Cunningham: Yes

JP Bowman: No

JP Yanez: Yes

JP Deakins: No

JP Ecke: Absent

JP Duncan: No

JP Washington: Yes

JP E Madison: Yes

JP Jenkins: Yes

JP Highers: Yes

JP S Madison: Yes

JP Leming: Yes

JP Harbison: Yes

JP Pond: No

The motion was approved.

Ordinance 2019-77, AN ORDINANCE DENYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD OF ADJUSTMENTS (Wedington Mines), was adopted.

JP Pond introduced agenda item 10.1. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE INCREASING THE SALARY OF THE DIRECTOR OF VETERANS AFFAIRS IN THE VETERANS AFFAIRS BUDGET FOR 2019". A motion to adopt the ordinance was made by JP Pond and seconded by JP Leming. There were comments made by various members of the Court and Comptroller Shannon Worthen. A motion to table agenda items 10 – 16 until the vote on the budget was made by JP Harbison and seconded by JP S Madison. There were comments made by various members of the Court. JP S Madison withdrew her second and the motion failed due to lack of a second. There were no public comments. A roll call vote was called and the votes were tallied as follow:

JP Johnson: Yes

JP Cunningham: Yes

JP Bowman: Yes

JP Yanez: Yes

JP Deakins: Yes

JP Ecke: Absent
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: Yes
JP Pond: Yes

The motion failed to receive the super-majority vote required to pass with one reading. This ordinance will be on next month's agenda and will be on second reading.

JP Pond introduced agenda item 11.1 and read the ordinance by title only, "AN ORDINANCE INCREASING THE SALARY OF THE COUNTY ATTORNEY IN THE COUNTY ATTORNEY BUDGET FOR 2019". A motion to adopt the ordinance was made by JP Pond and seconded by JP Duncan. There was a comment made by JP Jenkins. During public comments, Brandy Weaver, Gladys Tiffany, Joe Maynard, Janelle Bradford Smiley, Sherry Main, and Lou Sharp spoke. A roll call vote was called and the votes were tallied as follow:

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

The motion failed to receive the super-majority vote required to pass with one reading. This ordinance will be on next month's agenda and will be on second reading.

JP Pond introduced agenda item 12.1 and read the ordinance by title only, "AN ORDINANCE INCREASING THE SALARY OF THE GRANTS ADMINISTRATOR IN THE GRANTS DEPARTMENT BUDGET FOR 2019". A motion to adopt the ordinance was made by JP Pond and seconded by JP Leming. There were no public comments. A roll call vote was called and the votes were tallied as follow:

JP Johnson: Yes
JP Cunningham: Yes
JP Bowman: Yes
JP Yanez: Yes
JP Deakins: Yes
JP Ecke: Absent
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: Yes
JP Pond: Yes

The motion failed to receive the super-majority vote required to pass with one reading. This ordinance will be on next month's agenda and will be on second reading.

JP Pond introduced agenda item 13.1 and read the ordinance by title only, "AN ORDINANCE INCREASING THE SALARY OF THE PURCHASING MANAGER IN THE GENERAL SERVICES BUDGET FOR 2019". A motion to adopt the ordinance was made by JP Pond and seconded by JP Deakins. During public comments, Gladys Tiffany and Brandy Weaver spoke. A roll call vote was called and the votes were tallied as follow:

JP Johnson: Yes
JP Cunningham: Yes
JP Bowman: Yes
JP Yanez: Yes
JP Deakins: Yes
JP Ecke: Absent
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: Yes
JP Pond: Yes

The motion failed to receive the super-majority vote required to pass with one reading. This ordinance will be on next month's agenda and will be on second reading.

JP Pond introduced agenda item 14.1 and read the ordinance by title only, "AN ORDINANCE CHANGING THE TITLE OF DEPUTY ASSESSOR II TO AMENDMENT 79 ADMINISTRATOR IN THE COUNTY ASSESSOR'S BUDGET FOR 2019". A motion to adopt the ordinance was made by JP Pond 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 ordinance.

Ordinance 2019-78, AN ORDINANCE CHANGING THE TITLE OF DEPUTY ASSESSOR II TO AMENDMENT 79 ADMINISTRATOR IN THE COUNTY ASSESSOR'S BUDGET FOR 2019, was adopted.

JP Pond introduced agenda item 15.1 and read the ordinance by title only, "AN ORDINANCE CHANGING THE TITLE OF DEPUTY ASSESSOR I TO DEPUTY ASSESSOR II IN THE COUNTY ASSESSOR'S BUDGET FOR 2019". A motion to adopt the ordinance was made by JP Pond and seconded by JP Leming. There were comments made by JP Duncan, JP Jenkins, and JP E Madison. There were no public comments. A roll call vote was called and all members present unanimously voted to adopt the ordinance.

Ordinance 2019-79, AN ORDINANCE CHANGING THE TITLE OF DEPUTY ASSESSOR I TO DEPUTY ASSESSOR II IN THE COUNTY ASSESSOR'S BUDGET FOR 2019, was adopted.

JP Pond introduced agenda item 16.1 and read the ordinance by title only, "AN ORDINANCE CHANGING THE TITLE OF PERSONNEL POSITIONS IN THE JAIL BUDGET FOR 2019; AND, APPROPRIATING THE AMOUNT OF \$1,734.96 TO SALARY LINE ITEMS IN THE JAIL BUDGET FOR 2019". A motion to adopt the ordinance was made by JP Pond and seconded by JP Leming. There were no public comments. A roll call vote was called and all members present unanimously voted to adopt the ordinance.

Ordinance 2019-80, AN ORDINANCE CHANGING THE TITLE OF PERSONNEL POSITIONS IN THE JAIL BUDGET FOR 2019; AND, APPROPRIATING THE AMOUNT OF \$1,734.96 TO SALARY LINE ITEMS IN THE JAIL BUDGET FOR 2019, was adopted.

JP Harbison introduced agenda item 17.1. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE RECOGNIZING THE AMOUNT OF \$67,500 IN THE RURAL COMMUNITY GRANT FOR 2019 AND APPROPRIATING SAID AMOUNT TO THE ROAD DEPARTMENT BUDGET FOR 2019". A motion to adopt the ordinance was made by JP Harbison and seconded by JP Leming. There were no public comments. A roll call vote was called and all members present unanimously voted to adopt the ordinance.

Ordinance 2019-81, AN ORDINANCE RECOGNIZING THE AMOUNT OF \$67,500 IN THE RURAL COMMUNITY GRANT FOR 2019 AND APPROPRIATING SAID AMOUNT TO THE ROAD DEPARTMENT BUDGET FOR 2019, was adopted.

JP Harbison introduced items on the consent agenda. County Attorney Brian Lester read each ordinance by title only, "AN ORDINANCE ANTICIPATING REVENUE TOTALING \$860,804.32 IN THE CRISIS STABILIZATION UNIT (CSU) GRANT FUND; AND, APPROPRIATING \$860,804.32 FROM THE CSU GRANT FUND TO VARIOUS BUDGETS FOR 2019". "AN ORDINANCE TRANSFERRING \$16,116.55 FROM THE SALARIES PART-TIME LINE ITEM TO THE FOOD LINE ITEM IN THE JDC BUDGET FOR 2019". A motion to adopt both ordinances was made by JP Harbison 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 ordinances.

Ordinance 2019-82, AN ORDINANCE ANTICIPATING REVENUE TOTALING \$860,804.32 IN THE CRISIS STABILIZATION UNIT (CSU) GRANT FUND; AND, APPROPRIATING \$860,804.32 FROM THE CSU GRANT FUND TO VARIOUS BUDGETS FOR 2019, was adopted.

Ordinance 2019-83, AN ORDINANCE TRANSFERRING \$16,116.55 FROM THE SALARIES PART-TIME LINE ITEM TO THE FOOD LINE ITEM IN THE JDC BUDGET FOR 2019, was adopted.

JP Harbison introduced agenda item 19.1. 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 (Blackburn Community Covenant Church)". A motion to adopt the ordinance was made by JP Harbison and seconded by JP Leming. There were comments made by JP Leming, JP E Madison, and JP Jenkins. There were no public comments. A roll call vote was called and all members present unanimously voted to adopt the ordinance.

Ordinance 2019-84, AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD (Blackburn Community Covenant Church), was adopted.

JP Bowman introduced agenda item 20.1. Sale of Cancer Support Home property per ACA 14-16-107. A motion to approve the sale was made by JP Bowman and seconded by JP Harbison. Washington Regional Medical Foundation Executive Director Tim Hudson and CEO Larry Shackelford spoke to the Court. There were comments made by various members of the Court, County Attorney Brian Lester, Judge Joseph Wood, and General Counsel for Washington Regional Tom Olmstead. During public comments, Sherry Main spoke. A roll call vote was called and all members present unanimously voted to approve the motion.

JP Bowman introduced agenda item 21.1. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE CALLING A SPECIAL ELECTION IN WASHINGTON COUNTY, ARKANSAS ON THE QUESTION OF ISSUING BONDS UNDER AMENDMENT NO. 62 TO THE CONSTITUTION OF THE STATE OF ARKANSAS FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COST OF CAPITAL IMPROVEMENTS; LEVYING A NEW ONE-FOURTH OF ONE PERCENT (0.25%) SALES AND USE TAX FOR THE PURPOSE OF RETIRING SUCH BONDS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO." A motion to adopt the ordinance was made by JP Bowman and seconded by JP Harbison. There were comments made by various members of the Court and County Attorney Brian Lester. A motion to suspend the rules and advance the ordinance to second reading was made by JP Harbison and seconded by JP Jenkins. 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: No

JP Ecke: Absent

JP Duncan: No

JP Washington: Yes

JP E Madison: No

JP Jenkins: Yes

JP Highers: Yes

JP S Madison: No

JP Leming: Yes

JP Harbison: Yes

JP Pond: Yes

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

JP Harbison introduced agenda item 22.1. Assessor Russell Hill requested line item transfers of \$262 from 3004-0105-2002 to 3004-0105-2001; \$266 from 3004-0105-2002 to 3004-0105-2009; \$290 from 3004-0105-2002 to 3004-0105-3031; \$500 from 3004-0105-3009 to 3004-0105-3101; \$1445.00 from 3004-0105-3094 to 3004-0105-3101; \$7129 from 3004-0105-4009 to 3004-0105-4004; \$2000 from 3004-0105-3040 to 3004-0105-4005; \$2700 from 3004-0105-3102 to 3004-0105-4005; \$2200 from 3004-0105-4009 to 3004-0105-4005. Assessor Russell Hill also requested a line item transfer of \$35,594 from 1000-0106-3009 to 1000-0106-3021. A motion to approve the line item transfers was made by JP Harbison and seconded by JP Pond. A roll call vote was called and all members present unanimously voted to approve the motion.

JP Harbison introduced agenda item 23.1. Judge Cristi Beaumont requested line item transfers of \$350 from 1000-0404-2001 to 1000-0404-2005; \$35 from 1000-0404-2001 to 1000-0404-2009; \$3800 from 1000-0404-3003 to 1000-0404-3007; \$100 from 1000-0404-2001 to 1000-0404-3024;

\$3200 from 1000-0404-3092 to 1000-0404-3102. A motion to approve the line item transfers was made by JP Harbison and seconded by JP Pond. A roll call vote was called and all members present unanimously voted to approve the motion.

JP Harbison introduced agenda item 24.1. The Planning Department requested line item transfers of \$250 from 1000-0110-2005 to 1000-0110-2001; \$350 from 1000-0110-3030 to 1000-0110-2001; \$75 from 1000-0110-3030 to 1000-0110-2009; \$400 from 1000-0110-3031 to 1000-0110-2023; \$800 from 1000-0110-3090 to 1000-0110-3021; \$900 from 1000-0110-3021 to 1000-0110-2007; \$100 from 1000-0110-3094 to 1000-0110-2007; \$2000 from 1000-0110-3101 to 1000-0110-2007. A motion to approve the line item transfers was made by JP Harbison and seconded by JP Pond. There was a comment made by JP E Madison. A roll call vote was called and the votes were tallied as follow:

JP Johnson: Yes

JP Cunningham: Yes

JP Bowman: Yes

JP Yanez: Yes

JP Deakins: Yes

JP Ecke: Absent

JP Duncan: Yes

JP Washington: No

JP E Madison: No

JP Jenkins: Yes

JP Highers: No

JP S Madison: No

JP Leming: Yes

JP Harbison: Yes

JP Pond: Yes

The motion was approved.

JP Harbison introduced agenda item 25.1. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$54,994 IN THE LAW ENFORCEMENT GRANT FUND; AND, APPROPRIATING THE AMOUNT OF \$54,994 FROM THE LAW ENFORCEMENT GRANT FUND TO THE SCAAP 2018 BUDGET FOR 2019". A motion to adopt the ordinance was made by JP Harbison and seconded by JP Leming. There were comments made by JP Jenkins and Chief Deputy Jay Cantrell. During public comments, Gladys Tiffany spoke. 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: Absent

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: Yes

JP Pond: Yes

The motion failed to receive the super-majority vote required to pass with one reading. This ordinance will be on next month's agenda and will be on second reading.

JP Harbison introduced agenda item 26.1. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE LEVYING THE COUNTY, MUNICIPAL AND SCHOOL DISTRICT TAXES FOR THE YEAR 2019". A motion to adopt the ordinance was made by JP Harbison 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 2019-85, AN ORDINANCE LEVYING THE COUNTY, MUNICIPAL AND SCHOOL DISTRICT TAXES FOR THE YEAR 2019, was adopted.

JP Harbison introduced agenda item 27.1. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE TO ESTABLISH THE WASHINGTON COUNTY ANNUAL BUDGET FOR THE CALENDAR YEAR 2020". A motion to amend the ordinance and change the 2% pay increase to 3% pay increase was made by JP Harbison and seconded by JP Jenkins. There were comments made by various members of the Court. A roll call vote was called and the vote was tallied as follow:

JP Johnson: No

JP Cunningham: No

JP Bowman: Yes

JP Yanez: Yes

JP Deakins: No

JP Ecke: Absent

JP Duncan: No

JP Washington: Yes

JP E Madison: Yes

JP Jenkins: Yes

JP Highers: Yes

JP S Madison: Yes

JP Leming: Yes

JP Harbison: Yes

JP Pond: Yes

The motion was approved. A motion to amend the language in the budget control for the Elected Officials pay increase to remove the wording "of the range" was made by JP S Madison and seconded by JP Jenkins. A voice vote was called and all members present unanimously voted to approve the motion. A motion to adopt the ordinance as amended was made by JP Harbison and seconded by JP Pond. There were comments made by various members of the Court and Circuit Clerk Kyle Sylvester. A motion to amend the budget and decrease \$100,000 from the Recorder's Cost Fund 3006-0128-4000 was made by JP E Madison and seconded by JP Jenkins. A voice vote was called and all members present unanimously voted to approve the motion. A roll call vote was called and the votes were tallied as follow to adopt the 2020 Budget as amended:

JP Johnson: No

JP Cunningham: No

JP Bowman: Yes

JP Yanez: No

JP Deakins: No

JP Ecke: Absent

JP Duncan: No
JP Washington: Yes
JP E Madison: No
JP Jenkins: Yes
JP Highers: Yes
JP S Madison: Yes
JP Leming: Yes
JP Harbison: Yes
JP Pond: Yes

The motion failed. A motion to reconsider the vote was made by JP E Madison and seconded by JP Pond. There was a comment made by JP S Madison. A motion to adjourn the meeting was made by JP Duncan. The motion failed due to lack of a second. A voice vote was called and all members present unanimously voted to approve the motion to reconsider the vote. A roll call vote was called and the votes were tallied as follow to adopt the 2020 Budget as amended:

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

The motion was approved.

Ordinance 2019-86, AN ORDINANCE TO ESTABLISH THE WASHINGTON COUNTY ANNUAL BUDGET FOR THE CALENDAR YEAR 2020, was adopted.

JP Bowman presented the November County Services Committee Report. During the November meeting there was discussion on the Radio Communication upgrade. There were presentations given on the Washington Regional Cancer Support Home and the Illinois Watershed Partnership. The Committee also heard an update on the Archives.

JP Harbison presented the November Finance & Budget Committee Report. During the November meetings there were reports given on the Treasurer, Employees' Insurance, and Comptroller. The Committee approved three line item transfer requests and four ordinances to be added to the Quorum Court Agenda. There were budget discussions on the Treasurer, Prosecuting Attorney, Public Defender, Coroner, Collector, Quorum Court, Budget Summaries, and Budget Controls. The Committee approved the 2020 budget to be added to the Quorum Court Agenda.

JP Johnson presented the November Jails/LE/Courts Committee Report. During the November meeting there were Statistic Reports given on the Juvenile Detention Center, Sheriff's Enforcement, Detention, and Pre-Trial vs Bed Count. The Committee also received the Ombudsman's Report and

Washington County Criminal Justice Workgroup Report. The Committee received information from JP Deakins on the lease agreement on the County buildings located at 100 and 114 North College Ave, Fayetteville. Sheriff Tim Helder spoke to the Committee about the overcrowding of the jail.

JP Pond gave an update on the November Personnel Committee Report. The Committee did not meeting due to lack of an agenda.

The meeting was adjourned at 9:25 p.m.

Respectfully submitted by,

Patty Burnett
Quorum Court Coordinator

Joseph K. Wood
County Judge



Jousy Mancia
Fixed Asset Manager

WASHINGTON COUNTY, ARKANSAS
Purchasing Department Disposal of County Property

November 2019

A.C.A. §14-16-106 provides for the disposal of surplus property owned by a county. If it is determined by the county judge and the county assessor that any personal property owned by a county is junk, scrap, discarded, or otherwise of no value to the county, then the property may be disposed of in any manner deemed appropriate by the county judge. There was no property disposed for the month of November, 2019.

Item 19-I-119
Regular Quorum Court (11/21/2019); Postponed until December meeting

ORDINANCE NO. 2019-

**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 **November 7, 2019**, for the **Ozark Sanctuary Cemetery**; 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 **Ozark
Sanctuary Cemetery** granted by the Planning and Zoning Board is hereby ratified.

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

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: **JP Patrick Deakins**

Ozark Sanctuary Cemetery CUP

The Planning Board/Zoning Board of Adjustments unanimously approved Ozark Sanctuary Cemetery Conditional Use Permit (with conditions) on November 7, 2019

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

County

Ozark Sanctuary Cemetery CUP

Conditional Use Permit Approval Request
 Location Address: 22055 US HWY 62 West
 Approximately 38.7 acres
 Proposed Land Use: Cemetery
 Projects: 2019-338
 Planner: Nathan Crouch, ncrouch@co.washington.ar.us

Mike and Jane-ellen Ross are requesting Conditional Use Permit approval for cemetery land use on parcel 001-13677-000, at the north end of Honeysuckle Rd (WC-1068). There is an existing cemetery at the north end of Honeysuckle Rd., on a property adjacent to this subject property. This proposed cemetery will be a "conservation earth burial cemetery" that will have the appearance of an upland meadow, with no upright monuments or headstones.

The property is under a conservation easement with the Northwest Arkansas Land Trust as a native plant and wildlife sanctuary. The cemetery area is proposed to be approximately 9.2 acres.

The Arkansas Department of Health requires site plan review and approval for cemetery use. The applicant is requesting Washington County Conditional Use Permit approval contingent upon receiving Health Department approval. If Washington County approves this CUP, the applicant will then submit site plans to the Health Department.

Due to the existing cemetery at the entrance to the subject property, this proposed cemetery could be considered an extension of the existing cemetery grounds with a high level of compatibility with the surrounding land use types.

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this Conditional Use Permit request. Fourteen (14) comments were received by mail or email, with two (2) of the fourteen (14) opposed to the CUP request, and the remaining twelve (12) expressing support.

Staff does not expect this project to be contentious and recommended approval of the proposed Ozark Sanctuary Cemetery Conditional Use Permit with conditions. The Planning Board/ Zoning Board of Adjustments approved (6 members voted "in favor", 0 members voted "against", 1 member was not present, 0 members abstained) the project with the following conditions:

Fire Marshal Conditions:

1. Should there ever be a building built on site you shall abide by all Arkansas Fire Prevention Codes and obtain approval from the Washington County Fire Marshal.

Health Department Conditions:

1. The Arkansas Department of Health doesn't have any requirements regarding sewer/septic.
2. The Health Department does require (Cemetery) site plan review by their Engineering Section.

3. If this CUP is approved and ratified, the applicant will then submit site plans and the required information to the Health Department for their review and approval.
4. Full compliance with the Arkansas Department of Health is required.

ADEQ Conditions:

1. Full compliance with the Arkansas Department of Environmental Quality is required.

Washington County Coroner Conditions:

1. This cemetery must be approved by the Arkansas Department of Health.

Ozarks Electric Conditions:

No utility services are being requested at this time, however Ozarks Electric provided the following requirements:

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

Roads/Ingress-Egress/Parking Conditions:

1. If the applicant proposes to access the proposed cemetery through the Joyce Cemetery parking area, an access easement across the Joyce Cemetery property must be secured and submitted to the Planning office for the record.
2. If the applicant proposed to park vehicles in the existing Joyce Cemetery parking area, permission to use the Joyce Cemetery's parking area must be secured and submitted to the Planning office for the record.
3. No parking is allowed along the county road right-of-way.

Drainage:

1. If the road does not closely follow the existing terrain as currently planned and would block flow, then potentially, a pipe would need to be sized and placed under the proposed road.

Signage/Lighting/Screening Conditions:

1. If a sign or lighting is desired in the future, a plan must be submitted to Washington County Planning Staff for review and approval prior to installation.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$35.04) within 30 days of the project hearing. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 10/29/19).
2. Pay engineering fees within 30 days of project hearing. Itemized invoice will be emailed to applicant once all invoices are received from the County Contracted Engineer. Any extension must be approved by the Planning Office.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. This CUP must be ratified by the Quorum Court.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.

7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project does not require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

Additional Planning Conditions:

1. Compliance with Arkansas Department of health is required.
2. Applicant must submit the required soil analysis to the Planning office as well as the Arkansas Department of Health Engineering Section in Little Rock for their review and receive their approval before this CUP is fully approved.

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.

Item 19-I-109
Regular Quorum Court (10/17/2019); First Reading
Regular Quorum Court (11/21/2019); Second Reading

ORDINANCE NO. 2019-

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

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD OF ADJUSTMENTS.

WHEREAS, the Planning and Zoning Board of Adjustments granted a Conditional Use Permit for **Wedington Mine** on **August 22, 2019**.

WHEREAS, an appeal of the decision of the Planning and Zoning Board has been made to the Quorum Court, as allowed by the Washington County Code; and,

WHEREAS, after reviewing the information provided by the Planning Department, the applicant, and members of the community, the Quorum Court desires to grant the Conditional Use Permit, pursuant to Washington County Code and the laws of the State of Arkansas.

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 **Wedington Mine** granted by the Planning and Zoning Board of Adjustments is hereby granted.

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: **JP Lisa Ecke**



WASHINGTON COUNTY PLANNING OFFICE

2615 Brink Dr.
Fayetteville, AR 72701
(479) 444-1724

Agenda Item

E

Meeting- August 22, 2019
Project Name: **Wedington Mine CUP**
Project Number- **2019-123**
Planner- Nathan Crouch
ncrouch@co.washington.ar.us

ZONING- CONDITIONAL USE PERMIT REQUEST

The determination as to whether a conditional use permit will be granted is subjective to a degree. The Zoning Board of Adjustments may act on issues discussed in the zoning ordinance and criteria checklist when making decisions in these matters.

REQUEST: Conditional Use Permit approval for Wedington Mine to transition existing agricultural/residential property to open pit red dirt/clay/gravel extraction operations on a parcel of land that is 60.83 acres in size.

CURRENT ZONING: Project lies within the County's Zoned area. Agricultural and Single-Family Residential uses at a density of 1 unit per acre are allowed by right. Any other uses may be approved through the Conditional Use Permitting process.

PLANNING AREA: This project is not located in a city planning area. It is solely within Washington County's jurisdiction.

FUTURE LAND USE: Residential (Compatible to Surrounding Densities)

QUORUM COURT DISTRICT: District 7, Sam Duncan

FIRE SERVICE AREA: Wedington Rural FD

SCHOOL DISTRICT: Farmington

INFRASTRUCTURE: Water- Washington Water Authority

Electric-Ozarks Electric

Natural Gas- N/A

Telephone- AT&T

Cable- N/A

BACKGROUND/ PROJECT SYNOPSIS:

History of the proposed Rich Red Dirt mine and the issues it had that lead to its denial

In July, 2014, Conditional Use Permit approval was requested by Mark Rick to allow a commercial open-cut red dirt mine at this location. After being tabled multiple times the CUP request was denied at the November, 2014 meeting due to the following factors:

- Safety concerns regarding the proposed location of the haul road intersection with Harmon Road.
- Issues of compatibility
- The likelihood that this project will be injurious to the use and enjoyment of some of the other property in the surrounding area for the purposes already permitted, and substantially diminish and impair some property values within the surrounding area.

The current proposal

Now, Wedington Mine has purchased a portion of the property and is requesting Conditional Use Permit approval to allow a commercial open-cut red dirt mine on approximately 60.83 acres. This CUP request is not proposing any permanent structures or utility service at this time.

Access will be to the west from Harmon Road, near the Wedington Woods Subdivision entrance, with a proposed dump truck volume of 30-50 round trips daily (See applicant's Traffic Statement). Portions of the interior roads have been constructed and the connection to Harmon Road in Washington County's right-of-way is permitted and complete.

The applicant has received General Permit approval from the Arkansas Department of Environmental Quality to mine up to 20 acres. The applicant has provided a letter of credit for the required bonding to actively mine up to 4 acres at a time. It is the applicant's intent to mine only up to 4 acres at a time, with reclamation of the mined area at a rate such that no more than 4 acres will be actively active at once.

TECHNICAL CONCERNS:

Utilities

No structures or utilities are proposed for this development at this time.

Water/Plumbing:

Washington Water Authority has an 18-inch water main running along the east side of Harmon Road, beneath (perpendicular to) the applicant's access drive. WWA has stated that "due to the crucial function of this water main supplying the Washington Water North zone and the heavy equipment traffic generated by this CUP, the existing water main running under the proposed access drive will need a designed steel encasement."

However, WWA has stated they are willing to consider other options for protecting the water main. They will need the applicant to submit the preferred option to them to review.

Electric:

Ozarks Electric provided general technical comments:

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.
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.

Additional comments:

4. Ozark Electric has existing lines in the area. There is a 30ft. utility easement along all overhead lines.

Gas/Cable/Phone:

No comments/concerns at this time.

Fire Code

The Washington County Fire Marshal had no comment/concerns at this time as there are no structures proposed.

Septic:

No new septic systems are proposed.

Roads/Sight Visibility/Ingress-Egress/Parking:

Some interior roads have been constructed, and the paved access road entrance connection to Harmon Road, on Washington County right-of-way, is permitted and complete. The remainder of the haul road and interior roads remain private at this time.

Harmon Road (WC-31) is a thoroughfare that conveys north-south traffic west of, and parallel to, I-49. This county road carries traffic of all types and sizes, including school busses, freight trucks, dump trucks and trash trucks of varying sizes and capacities, passenger vehicles and motorcycles, etc.

Traffic Study

The Road Department is conducting an ongoing traffic study along the length of Harmon Road as part of Washington County's Comprehensive 5-year Road Plan. The first section of the study was conducted to determine the daily traffic volume along the section of Harmon Road between the entrance to Wedington Woods Subdivision (Dogwood Rd.) and the bottom of the hill to the south. The 7-day traffic study yielded traffic count data for each hour of the day, average daily traffic volume, vehicle type, and vehicle speed. (See attached Traffic Study report)

Some interesting data from the Traffic Study are as follows:

- Average Daily Traffic- 1487 vehicles
- 75% of vehicles travelling south (approaching the bottom of the hill) are at 30-40 MPH
- 62% of vehicles travelling north (down the hill) are at 40-50 MPH
- Traffic volume spikes from 3 – 7 PM
- Average of 62 vehicles per hour
- 70% of traffic is on weekdays, 30% on weekends

Next the Road Department will begin conducting similar traffic studies on all of the county roads that connect to Harmon Road in order to get those traffic volumes and make informed decisions regarding upgrades to the roadway.

In approximately 1 year the Road Department will conduct the traffic study again to determine the change in traffic volume and characteristics. At that time, the Road Department will have the data needed to determine if upgrades are necessary along Harmon Road.

Sight Distance/Speed Limit

5 years ago when Rich Red Dirt was proposed, the sight distance was measured from a proposed (approximate) location, and evaluated based on a 45 MPH speed limit which has a sight distance requirement of 500 ft for left hand turns and 430 ft for right hand turns. However, the County Road Department evaluated the characteristics of Harmon Road with respect to speed, curves, and slopes in the curves, and determined the speed limit should be posted at 35 MPH along the section between Hwy 16 and Gun Club Road. The sight distance requirement for 35 MPH speed zone is 390 ft for left hand turns and 335 ft for right hand turns. Now that construction of the haul road is complete, the County Road Department calculated the sight distance in accordance with the requirements of AASHTO's "A Policy on Geometric Design of Highways and Streets", also known as "The Green Book". They determined the sight distance to be 440 ft to the left (south) and 836 ft to the right (north).

This sight distance meets the requirement. The measurement was taken prior to mowing/clearing the right-of-way. Once the Road Department clears the right-of-way the sight distance is expected to increase.

Drainage:

The Washington County Contracted Engineer made the following comments:

1. At the CUP stage, I do not have any comments on drainage. However, at the LSD stage, a drainage report will need to be provided analyzing pre-versus post flows discharging from the site.
2. Regarding traffic, 30 to 50 trucks daily is not going to be enough to warrant any signals. However, it should be taken into account the damage to Harmon Road over time that the trucks will cause. I will let the Road Dept. address that though.

Additional comments concerning the site plan and drainage report will be requested at the Preliminary High-Impact Large Scale Development stage.

Environmental Affairs Concerns:

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).

Stormwater runoff and erosion will be evaluated at the next stage of permitting, Preliminary High-Impact Large Scale Development.

Signage/Lighting/Screening Concerns:

If the applicant desires a business sign, it must be placed outside the county road right-of-way, no larger than 24 square feet, and must not be lit from within. Any proposed signage must be submitted to the Planning office for review and approval prior to installation.

All 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 (see attached diagram for examples).

COMPATIBILITY CONCERNS:

Surrounding Uses:

The surrounding land uses are predominantly single family residential and agricultural. However, there are a number of other dirt pits and a large quarry in the vicinity.

Staff feels that the applicant's request can be made compatible with the surrounding uses and residential densities with the conditions of approval listed below. (See attached Surrounding Uses map)

County's Land Use Plan (written document):

According to the County's Land Use Plan,

SECTION III. PHYSICAL DEVELOPMENT

A. LAND USE CONSIDERATIONS

4. INDUSTRIAL

The chief goals for industrial development are:

Planning Staff's response to each item is shown in bold text.

- a. Provision of sites which are located adjacent to major thoroughfares or other adequate transportation facilities;
The subject property is adjacent to and takes access from Harmon Road (WC-31).
- b. Allocate land in sufficient quantity, where infrastructure exists, or will exist, so that industrial growth can be accommodated to benefit both industry, and the county. This will ensure that industrial land is protected from encroachment by non-industrial uses; and,
Within the vicinity there exist one active limestone quarry, three active red dirt mines, and two inactive red dirt mines. The infrastructure is available, or will be made available if this proposed red dirt mine is approved.
The Washington County zoning map doesn't designate areas in the county as suitable or unsuitable for industrial uses. However, as there are several mineral extraction operations in the vicinity Planning Staff feels the location for this proposal is suitable.
- c. Provide for ample utilities and services to support industrial development.
This proposal is not requesting any utilities, but there are overhead powerlines and an 18-inch water main adjacent to the subject property. If utility service is requested in the future there should be no problem providing it.

These goals can be achieved through the following operations:

- a. Adopt development regulations and standards to provide for quality development;

At this (CUP) stage land-use compatibility is being evaluated. If approved, the applicant must also receive High-Impact Large Scale Development approval, which is where the site design, stormwater, and technical specifics will be evaluated.

- b. Identify suitable land for reservation of future industrial growth;
As there are several mining/quarrying operations in the vicinity Planning Staff feels this location is suitable.
- c. Provide adequate services, utilities and accessibility;
Provided.
- d. Insulate industrial sites from other activities by location or buffers; and,
Buffering will be evaluated at the next stage off permitting.
- e. Require provision of ample off-street parking and loading space.
Not required for this proposal as parking and loading will be conducted on-site.

Future Land Use Plan

The County's Future Land Use Plan identifies the subject property as "Residential (Compatible to Surrounding Densities)".

When the Future Land Use Plan was developed there were already multiple dirt mines and a large quarry in the vicinity of the proposed mine. They were grandfathered into compliance.

It is Planning Staff's opinion that locating new dirt mines near other existing dirt mines makes the most sense with respect to compatibility.

SITE VISIT:

A site visit was conducted by planning staff on August 13, 2019. No issues were noted at that time

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within one-half mile of the boundary of this property were notified by certified mail of this proposed project.

As of 8-16-19, 30 comments have been received by Planning Staff all opposed to the proposal. Additionally, on 8-16-19 a petition with 34 signatures was received, all opposed to the proposal. (See attached neighbor petition map)

Staff will update the Planning Board at the meeting if any additional comments are received.

Sec. 11-200 – Criteria for Allowance of Conditional Uses

Planning Staff's response to each item is shown in bold text.

- a) The Board shall hear and decide requests for a conditional use and may authorize such if it finds:

- (1) That a written application has been filed with the Planning Office and the appropriate fee has been paid.

Filed & Paid.

- (2) That the applicant has provided proof that each property owner as set out in section 11-204 has been notified by return receipt mail.

Notifications were mailed on 7-23-19, 30 days prior to the Planning Board meeting.

- (3) That adequate utilities, roads, drainage and other public services are available and adequate or will be made available and adequate if the use is granted.

If this CUP request is approved and ratified, the applicant will submit documentation for High-Impact Large Scale Development review. At that time the technical aspect of the proposal will be evaluated.

- (4) That the proposed use is compatible with the surrounding area.

This requested land use can be made compatible with the surrounding area with the proposed conditions of approval, and through the High-Impact Large Scale Development review process.

- (5) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

A number of neighbors argue this proposed use will be detrimental to and endanger their public health, safety, comfort and general welfare. However, no objective data has been submitted for review.

- (6) That the conditional use will not be injurious to the use and enjoyment of other property in the surrounding area for the purposes already permitted, nor substantially diminish and impair property values within the surrounding area.

Similar to #5 above, no objective data has been submitted for review. There are multiple mines and a large quarry in the vicinity, and Staff is unaware of any litigation that has arisen due to compatibility issues with those operations.

- (7) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding area for uses permitted in the zone.

If this Conditional Use is granted, future development along Harmon Road may actually source building materials from this development.

- b) If it is determined that there exist conditions that could be imposed by the Board that would significantly lessen the impact of the aforesaid, then the Board has the power to impose said conditions which shall be specifically set forth.

STAFF RECOMMENDATION: Staff recommends *approval* of the proposed Wedington Mine Conditional Use Permit with the following conditions:

Planning Conditions:

1. Applicant must satisfy the issue as to which acreage will be mined, within the overall 60.83 acre property.
2. Applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Washington Water Authority Conditions:

1. The 18-inch water main beneath the access road must be protected.
2. At Large Scale Development stage, the applicant must provide engineered plans showing how the water main will be protected.

Fire Conditions:

1. No structures are proposed, so the County Fire Marshal has no comments or concerns at this time.

Sewer/Septic/Decentralized Sewer Conditions:

1. No new septic systems are proposed, so the Health Department has no comments or concerns at this time.

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

1. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.

Drainage Conditions:

1. At the LSD stage, a drainage report will need to be provided analyzing pre- versus post flows discharging from the site.
2. Additional comments concerning the site plan and drainage report will be requested at the Preliminary Large Scale Development stage.

Environmental Conditions:

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

Utility Conditions:

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

Signage/Lighting/Screening Conditions:

1. Signage cannot be placed in the County Right-of-Way.
2. If a sign is desired, a sketch must be submitted to Planning Staff for review and approval. Any signage must be no larger than 24 sq ft, and must not be lit from within.
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.

Standard Conditions:

1. Pay engineering fees within 30 days of project approval. Applicant will be billed once invoices are received. 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. This CUP must be ratified by the Quorum Court.
4. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
5. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project requires additional review (High-Impact Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.

PRIOR PLANNING BOARD/ZONING BOARD OF ADJUSTMENTS ACTION:

_____ CUP Approved
_____ CUP Ratified
_____ Denied
_____ Tabled

Item 19-I-103
Personnel Committee (10/07/2019); Passed to Finance & Budget
Finance & Budget Committee (10/08/2019); Passed to QC with a DO PASS recommendation – Consent Agenda
Regular Quorum Court (10/17/2019); Postponed to November QC meeting
Regular Quorum Court (11/21/2019); First Reading

ORDINANCE NO. 2019-

APPROPRIATION ORDINANCE

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

**AN ORDINANCE INCREASING THE SALARY
OF THE DIRECTOR OF VETERANS AFFAIRS
IN THE VETERANS AFFAIRS BUDGET FOR
2019.**

WHEREAS, the Washington County Judge desires to increase the salary of the Director of Veterans Affairs for 2019.

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

ARTICLE 1. The salary of the Director of Veterans Affairs (Position 0800001) is hereby increased to \$48,735.

ARTICLE 2. There is hereby appropriated the total amount of \$887 from unappropriated reserves in the General Fund (1000) to the following salary line items in the Veterans Affairs Budget for 2019:

Salaries, Full-Time (0800001) (10000800-1001)	\$ 720
Social Security Matching (10000800-1006)	56
Noncontributory Retirement (10000800-1008)	111
TOTAL APPROPRIATION	\$ 887

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: **JP Butch Pond**

Item 19-I-105
Personnel Committee (10/07/2019); Passed to Finance & Budget
Finance & Budget Committee (10/08/2019); Passed to QC with a DO PASS recommendation – Consent Agenda
Regular Quorum Court (10/17/2019); Postponed to November QC meeting
Regular Quorum Court (11/21/2019); First Reading

ORDINANCE NO. 2019-

APPROPRIATION ORDINANCE

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

**AN ORDINANCE INCREASING THE SALARY
OF THE COUNTY ATTORNEY IN THE
COUNTY ATTORNEY BUDGET FOR 2019.**

WHEREAS, the Washington County Judge desires to
increase the salary of the County Attorney for 2019.

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

ARTICLE 1. The salary of County Attorney (Position
0122001) is hereby increased to \$110,000.

ARTICLE 2. There is hereby appropriated the total amount of
\$8,129 from unappropriated reserves in the General Fund (1000) to the following salary
line items in the County Attorney Budget for 2019:

Salaries, Full-Time (0122001) (10000122-1001)	\$ 6,610
Social Security Matching (10000122-1006)	506
Noncontributory Retirement (10000122-1008)	1,013
TOTAL APPROPRIATION	\$ 8,129

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: **JP Butch Pond**

Item 19-I-104
Personnel Committee (10/07/2019); Passed to Finance & Budget
Finance & Budget Committee (10/08/2019); Passed to QC with a DO PASS recommendation – Consent Agenda
Regular Quorum Court (10/17/2019); Postponed to November QC meeting
Regular Quorum Court (11/21/2019); First Reading

ORDINANCE NO. 2019-

APPROPRIATION ORDINANCE

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

**AN ORDINANCE INCREASING THE SALARY
OF THE GRANTS ADMINISTRATOR IN THE
GRANTS DEPARTMENT BUDGET FOR 2019.**

WHEREAS, the Washington County Judge desires to increase the salary of the Grants Administrator for 2019.

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

ARTICLE 1. The salary of the Grants Administrator (Position 0120001) is hereby increased to \$59,613.

ARTICLE 2. There is hereby appropriated the total amount of \$887 from unappropriated reserves in the General Fund (1000) to the following salary line items in the Grants Department Budget for 2019:

Salaries, Full-Time (0120001) (10000120-1001)	\$ 720
Social Security Matching (10000120-1006)	56
Noncontributory Retirement (10000120-1008)	111

TOTAL APPROPRIATION \$ 887

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: **JP Butch Pond**

Item 19-I-106
Personnel Committee (10/07/2019); Passed to Finance & Budget
Finance & Budget Committee (10/08/2019); Passed to QC with a DO PASS recommendation – Consent Agenda
Regular Quorum Court (10/17/2019); Postponed to November QC meeting
Regular Quorum Court (11/21/2019); First Reading

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ORDINANCE NO. 2019-

APPROPRIATION ORDINANCE

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

**AN ORDINANCE INCREASING THE SALARY
OF THE PURCHASING MANAGER IN THE
GENERAL SERVICES BUDGET FOR 2019.**

WHEREAS, the Washington County Judge desires to increase the salary of the Purchasing Manager for 2019.

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

ARTICLE 1. The salary of Purchasing Manager (Position 0118001) is hereby increased to \$48,905.

ARTICLE 2. There is hereby appropriated the total amount of \$1,265 from unappropriated reserves in the General Fund (1000) to the following salary line items in the General Services Budget for 2019:

Salaries, Full-Time (0118001) (10000118-1001)	\$ 1,028
Social Security Matching (10000118-1006)	79
Noncontributory Retirement (10000118-1008)	158
TOTAL APPROPRIATION	\$ 1,265

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: **JP Butch Pond**

Item 19-I-120
Regular Quorum Court (11/21/2019); First Reading

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ORDINANCE NO. 2019-

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

**AN ORDINANCE CALLING A SPECIAL
ELECTION IN WASHINGTON COUNTY,
ARKANSAS ON THE QUESTION OF ISSUING
BONDS UNDER AMENDMENT NO. 62 TO
THE CONSTITUTION OF THE STATE OF
ARKANSAS FOR THE PURPOSE OF
FINANCING ALL OR A PORTION OF THE
COST OF CAPITAL IMPROVEMENTS;
LEVYING A NEW ONE-FOURTH OF ONE
PERCENT (0.25%) SALES AND USE TAX
FOR THE PURPOSE OF RETIRING SUCH
BONDS; AND PRESCRIBING OTHER
MATTERS PERTAINING THERETO.**

WHEREAS, the Quorum Court of Washington County, Arkansas (the “County”) has determined that the County is greatly in need of public safety communication system facilities and apparatus, and any necessary land acquisition and utility and road improvements therefor (the “Improvements”); and

WHEREAS, the County can finance all or a portion of the costs of the Improvements by the issuance of capital improvement bonds (the “Bonds”) in one or more series under the authority of Amendment No. 62 to the Constitution of the State of Arkansas (“Amendment 62”) and Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated (the “Authorizing Legislation”) in the maximum aggregate principal amount of \$ _____; and

WHEREAS, the Authorizing Legislation provides for the levy of one or more county-wide sales and use taxes at the rate of 0.125%, 0.25%, 0.5%, 0.75% or 1% or any combination thereof, but not to exceed 1% in the aggregate; and

WHEREAS, the County does not currently have a sales and use tax levied under the authority of the Authorizing Legislation; and

42
43 **WHEREAS**, the County can pay the principal of and interest
44 on the Bonds from the proceeds of a new county-wide one-fourth of one percent (0.25%)
45 sales and use tax to be levied under the authority of the Authorizing Legislation solely for
46 that purpose; and
47

48 **WHEREAS**, the purpose of this Ordinance is to levy a sales
49 and use tax at the rate of one-fourth of one percent (0.25%) on the receipts from the sales
50 at retail within the County of all items which are subject to taxation under the Arkansas
51 Gross Receipts Act of 1941, as amended (A.C.A. §§26-52-101, et seq.), and the receipts
52 from storing, using, distributing or consuming within the County tangible personal property
53 under the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. §§26-53-101,
54 et seq.) (collectively, the “Sales and Use Tax”) and to submit to the electors of the County
55 the question of issuing the Bonds under Amendment 62 and the Authorizing Legislation
56 at a special election to be called for that purpose.
57

58 **NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM**
59 **COURT OF WASHINGTON COUNTY, ARKANSAS:**
60

61 **ARTICLE 1.** Under the authority of the Authorizing
62 Legislation, there is hereby levied the Sales and Use Tax. The Sales and Use Tax shall
63 be levied, and the net collections received after deduction of the administrative charges
64 of the State of Arkansas and required rebates shall be used solely for the purpose of
65 retiring or paying obligations with respect to the Bonds. The Sales and Use Tax shall be
66 levied and collected on the gross receipts, gross proceeds or sales price in the maximum
67 amount allowed from time to time under Arkansas law, subject to rebates and limitations
68 as from time to time required by Arkansas statutes for certain single transactions. The
69 levy of the Sales and Use Tax shall not take effect unless the issuance of the Bonds is
70 approved by the voters as provided herein.
71

72 **ARTICLE 2.** There is hereby called a special election to be
73 held on March 3, 2020, at which election there shall be submitted to the electors of the
74 County, the question of issuing the Bonds in one or more series under Amendment 62
75 and the Authorizing Legislation in the maximum aggregate principal amount set forth
76 above to be payable, in whole or in part, from the net collections of the Sales and Use
77 Tax.
78

79 **ARTICLE 3.** The question of issuing the Bonds shall be
80 placed on the ballot for the election in substantially the following form:
81

82 PUBLIC SAFETY COMMUNICATION IMPROVEMENT BONDS
83 AND 0.25% SALES AND USE TAX
84

85 An issue of bonds of Washington County in the maximum aggregate
86 principal amount of \$_____to finance all or a portion of the costs

87 of acquiring, constructing and equipping public safety communication
88 facilities and apparatus, and any necessary land acquisition and road and
89 utility improvements therefor, and, in order to pay the bonds, the levy and
90 pledge of a local sales and use tax at the rate of 0.25% within the County.
91 The bonds may be may be issued at one time or may be issued in series
92 from time to time. If the bonds are approved, there will be levied a 0.25%
93 sales and use tax, the net collections of which remaining after the State of
94 Arkansas deducts its administrative charges, will be used solely to retire the
95 bonds and obligations of the County with respect thereto.

96 FOR.....

97 AGAINST.....

100
101 **Article 4.** The election shall be held and conducted and the
102 vote canvassed and the results declared under the law and in the manner now provided
103 for county elections unless otherwise provided in the Authorizing Legislation and only
104 qualified voters of the County shall have the right to vote at the election.

105
106 **Article 5.** The results of the election shall be proclaimed by
107 the County Judge, and the Proclamation shall be published one time in a newspaper
108 having a general circulation in the County, which Proclamation shall advise that the
109 results as proclaimed shall be conclusive unless attacked in the courts within thirty days
110 after the date of publication.

111
112 **Article 6.** A copy of this Ordinance shall be (a) filed with the
113 Washington County Clerk at least 70 days prior to the election date and (b) given to the
114 Washington County Board of Election Commissioners so that the necessary election
115 officials and supplies may be provided. A certified copy of this Ordinance shall also be
116 provided to the Commissioner of Revenues of the State of Arkansas as soon as practical.

117
118 **Article 7.** The County Judge and County Clerk, for and on
119 behalf of the County, are hereby authorized and directed to do any and all things
120 necessary to call and hold the special election as herein provided and, if the issuance of
121 the Bonds is approved by the electors, to cause the Sales and Use Tax to be collected in
122 accordance with the Authorizing Legislation, and to perform all acts of whatever nature
123 necessary to carry out the authority conferred by this Ordinance.

124
125 **Article 8.** The provisions of this Ordinance are separable and
126 if an article, phrase or provision shall be declared invalid, such declaration shall not affect
127 the validity of the remainder of the Ordinance.

128
129 **Article 9.** All ordinances and parts thereof in conflict herewith
130 are hereby repealed to the extent of such conflict.

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JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: **JP Harvey Bowman**
Date of Passage:
Members Voting For:
Members Voting Against:
Members Abstaining:
Members Absent:

CERTIFICATE

The undersigned, County Clerk of Washington County, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. _____, passed at a regular session of the Quorum Court, held at the regular meeting place of the Quorum Court at _____ o'clock p.m., on the _____ day of _____, 2019, and that the Ordinance is of record in Ordinance Record Book No. _____, Page _____, now in my possession.

GIVEN under my hand and seal this _____ day of _____, 2019.

BECKY LEWALLEN, County Clerk

(SEAL)

Item 19-I-116
Finance & Budget Committee (11/12/2019); Passed to QC with a DO PASS recommendation
Regular Quorum Court (11/21/2019); First Reading

ORDINANCE NO. 2019-

APPROPRIATION ORDINANCE

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

**AN ORDINANCE RECOGNIZING
ADDITIONAL REVENUES OF \$54,994 IN THE
LAW ENFORCEMENT GRANT FUND; AND,
APPROPRIATING THE AMOUNT OF \$54,994
FROM THE LAW ENFORCEMENT GRANT
FUND TO THE SCAAP 2018 BUDGET FOR
2019.**

WHEREAS, under the State Criminal Alien Assistance Program (SCAAP), the Office of Justice Programs of the U.S. Department of Justice awards grant money to eligible local governments that incur certain types of costs due to the incarceration of illegal aliens; and,

WHEREAS, Washington County received a SCAAP 2018 Grant award in the amount of \$54,994.

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

ARTICLE 1. There is hereby recognized additional revenue of \$54,994 in the Other Federal Grants Revenue line item of the Law Enforcement Grant Fund (35147109) for 2019.

ARTICLE 2. There is hereby appropriated the amount of \$54,994 from the Law Enforcement Grant Fund to the Small Equipment line item in the SCAAP 2018 Budget (35140576-2002) for 2019.

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: **JP Ann Harbison**

Item 19-I-133

ORDINANCE NO. 2019-

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

AN ORDINANCE CALLING FOR AN ELECTION ON THE QUESTION OF LEVYING THE ANNUAL VOLUNTEER FIRE DEPARTMENT DUES OF THE SUNSET FIRE DEPARTMENT; AND, PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the Quorum Court of Washington County, Arkansas (the "County") has received a request from the Sunset Volunteer Fire Department (the "Department") to call an election to levy the annual dues of the fire department; and

WHEREAS, the request is signed by the fire chief and the chair and secretary of the board of directors of the Sunset Volunteer Fire Department, and has been filed with the County Clerk; and

WHEREAS, the Sunset Fire Department requests the annual dues collected not exceed fifty-five dollars (\$55.00) per residence and business having an occupiable structure within the fire district served by said fire department; and

WHEREAS, A.C.A. § 14-20-108 requires the Quorum Court, by ordinance, to call for an election on the issue of the levy of the volunteer fire department dues; and

WHEREAS, if the levy of volunteer fire department dues is approved by a majority of those voting on the issue, the volunteer fire department dues shall be listed annually on real property tax statements and collected by the county collector at the same time and in the same manner as real property taxes; and

WHEREAS, the county collector shall report delinquencies to the volunteer fire department for collection; and

WHEREAS, the volunteer fire department may collect volunteer fire department dues that have become delinquent and may enforce collection

42 by proceedings in ta court of proper jurisdiction.

43
44 **NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM**
45 **COURT OF WASHINGTON COUNTY, ARKANSAS:**

46
47 **ARTICLE 1.** There is hereby called an election to be held on
48 March 3, 2020, at which election there shall be submitted to the electors of the County
49 living in the unincorporated area in which the Sunset Fire Department provides fire
50 protection, the question of the levy of annual fire department dues on each residence and
51 business having an occupiable structure within such area.

52
53 **ARTICLE 2.** The question of the Sunset Fire Department
54 levying the annual fire department dues shall be placed on the ballot for the election in
55 substantially the following form:

56
57 The levy of annual dues in an amount not to exceed fifty-five dollars
58 (\$55.00) per year against each residence and each occupiable
59 business structure in the fire protection district served by the Sunset
60 Fire Department to be listed on real property tax statements and
61 collected by the Washington County Tax Collector in the same
62 manner as ad valorem taxes to be collected beginning with the 2019
63 property taxes due and payable in 2020.

64
65 FOR
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67 AGAINST

68
69 **ARTICLE 3.** The election shall be held and conducted and
70 the vote canvassed and the results declared under the law and in the manner now
71 provided for county elections and only qualified voters of the affected unincorporated area
72 of the County shall have the right to vote at the election.

73
74 **ARTICLE 4.** A copy of this Ordinance shall be given to the
75 Washington County Board of Election Commissioners so that the necessary election
76 officials and supplies may be provided.

77
78 **ARTICLE 5.** The County Clerk and the Election Commission,
79 for and on behalf of the County, are hereby authorized and directed to do any and all
80 things necessary to call and hold the election as herein provided.

81
82 **ARTICLE 6.** The costs of the election shall be borne by the
83 Department.

84
85 **ARTICLE 7.** The Department shall annually submit a
86 sufficient list to the Collector reflecting dues owed so that the Collector may property bill

87 such.

88

89 **ARTICLE 8.** The Department of Emergency Management,
90 the County Clerk, and the County Assessor shall assist in the preparation of a map and
91 other information needed to effectuate said election.

92

93 **ARTICLE 9.** The Collector shall remit said dues collected on
94 a monthly or quarterly basis to the Sunset Fire Department; furthermore, the Collector is
95 authorized to promulgate additional rules and regulations as the Collector deems
96 necessary to assist the Collector in the collection of said dues, including a reasonable fee
97 to be charged to the Sunset Fire Department, all subject to the approval of the Quorum
98 Court.

99

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102 _____
JOSEPH K. WOOD, County Judge

DATE

103

104

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106 _____
BECKY LEWALLEN, County Clerk

107

108 Introduced by: **JP Ann Harbison**

109 Date of Adoption:

110 Members Voting For:

111 Members Voting Against:

112 Members Abstaining:

113 Members Absent:

LINE ITEM TRANSFER REQUEST

DEPARTMENT NAME: Circuit Court III (Juvenile Court)

DEPARTMENT BUDGET: 10000403

My department has met/will meet the 10% line item transfer limitation as stated in the 2019 Budget Controls. I am requesting a transfer of monies as stated below:

TRANSFER TO – LINE ITEM	TRANSFER FROM – LINE ITEM	AMOUNT	DESCRIPTION/REASON
3009- Other Professional services	3070- Rent- Land and Building	\$6,100	See comment section
3009- Other Professional services	3102-Software support maintenance	\$1,500	See comment section
3009- Other Professional services	3032- Mileage	\$1,500	See comment section
3022- Cell Phones (service)	3007- Drug testing	\$600	See Comment section
3022- Cell phones (service)	3031- Common Carrier	\$400	See comment section
2002- small equipment	3101- Training and education	\$300	See comment section

COMMENTS:

In Line item 3070 we had budgeted \$18,000 to pay the monthly bill from the Jones Center for the lease of the building, utilities and internet for our Youth Reporting Center. The monthly bill of \$1,582.79 is being split into three different line items by the comptroller's office:

3070- Building lease	\$854.70
3009-Other professional Services	\$542.67
3023-Internet	\$185.42

We are asking that \$6,100 from line item 3070 be transferred to 3009, \$1,500 from line item 3102 to 3009 and \$1,500 from line item 3032 to 3009 to allow us to finish paying the invoices for 2019 for ankle monitor services, casework and diversion program instructor services.

We have two bill cycles left on our cell phone bill and we are short about \$1,000.00, we are asking to move \$600 from line item 3007 to 3022 and \$400 from line item 3031 to 3022.

Lastly we are asking to move \$300 from line item 3101 to line item 2002 to pay for an upgrade needed on a few cell phones for supervisors.

LINE ITEM TRANSFER REQUEST

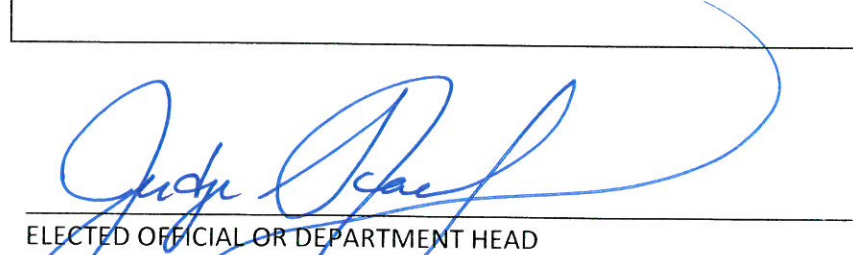
DEPARTMENT NAME: circuit court III (Juvenile Court)

DEPARTMENT BUDGET: 10000403

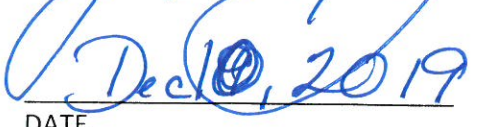
My department has met/will meet the 10% line item transfer limitation as stated in the 2019 Budget Controls. I am requesting a transfer of monies as stated below:

TRANSFER TO – LINE ITEM	TRANSFER FROM – LINE ITEM	AMOUNT	DESCRIPTION/REASON
2007-FUEL	3032-Mileage	\$300	We didn't budget enough for fuel.
3091-Court Appointed Attorneys	2006-Clothing/Uniforms	\$700	We didn't budget enough for court appointed attorneys.
3030- Travel	3032- Common carrier	\$100	We are at zero in that line item and had one travel to a conference on 12/2/19-12/6/19, this is his taxi fee and baggage fees.

COMMENTS: The above mentioned line items we didn't budget enough for the year.



ELECTED OFFICIAL OR DEPARTMENT HEAD



DATE

LINE ITEM TRANSFER REQUEST

DEPARTMENT NAME: Department of Emergency Management & 911 Operations

DEPARTMENT BUDGET: 1000.0500

My department has met/will meet the 10% line item transfer limitation as stated in the 2019 Budget Controls. I am requesting a transfer of monies as stated below:

TRANSFER TO – LINE ITEM	TRANSFER FROM – LINE ITEM	AMOUNT	DESCRIPTION/REASON
2001	3102	325	Expenses related to move (new facility)
2002	3009	4944	Expenses related to move (new facility)
2005	3102	275	Expenses related to move (new facility)
2007	3102	1212	Additional required meetings/training
2009	3062	1716	Expenses related to move (new facility)
3024	3102	84	Expenses related to move (new facility)
3053	3009	6364	Liability – USAR truck Purchased on grant
3090	3102	380	Additional membership costs
3094	3102	2466	Additional required meetings/training

COMMENTS: Cleaning up negative line items- Larger overages, such as fleet liability, were due to the purchase of a vehicle on a HSGP USAR grant. Other expenditures causing a negative line item are due to factors related to moving from our location at 105 N Mill to our current office earlier this year along with additional travel requirements.



 ELECTED OFFICIAL OR DEPARTMENT HEAD

 DATE 12.10.2019

Item 19-I-124
 Finance & Budget Committee (12/10/2019); Passed to QC with a DO PASS recommendation – Consent Agenda

ORDINANCE NO. 2019-

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 THE
 TOTAL AMOUNT OF \$534,826.92 FROM
 UNAPPROPRIATED RESERVES IN THE
 ROAD BUDGET (2000) TO VARIOUS LINE
 ITEMS IN THE ROAD DEPARTMENT
 BUDGET (20000200) FOR 2019.**

WHEREAS, the Dye Creek road and bridge sustained extensive damage during the June 2019 floods; and,

WHEREAS, the Road Department was required to repair the damage well enough to sustain traffic on said road and bridges; and,

WHEREAS, the FEMA funds for said repairs have not been received necessitating the use of County funds for the repairs.

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

ARTICLE 1. There is hereby appropriated the total amount of \$534,826 from unappropriated reserves in the Road Department Budget (2000) to the following line items in the Road Department Budget (20000200) for 2019:

Small Equipment	(20000200-2002)	\$ 6,000.00
Asphalt	(20000200-2025)	231,426.00
Culvert and Pipe	(20000200-2026)	60,000.00
Gravel, Dirt, and Sand	(20000200-2027)	60,000.00
Explosives/Blasting/Drilling	(20000200-2032)	70,000.00
Medical, Dental, and Hospital	(20000200-3006)	1,400.00
Mileage	(20000200-3032)	100.92
Utilities – Electricity	(20000200-3060)	8,000.00

42	Rent – Machinery and Equip. (20000200-3071)	34,000.00
43	Meals and Lodging (20000200-3094)	700.00
44	Misc. Refunds (20000200-3104)	18,000.00
45	Machinery and Equipment (20000200-4004)	34,000.00
46	Computer/Machinery Equip. (20000200-4009)	11,200.00
47		
48	TOTAL APPROPRIATION	\$ 534,826.92
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50		
51		
52		
53		

54 _____
 JOSEPH K. WOOD, County Judge

 DATE

58 _____
 BECKY LEWALLEN, County Clerk

61 Introduced by: **JP Ann Harbison**
 62 Date of Passage:
 63 Members Voting For:
 64 Members Voting Against:
 65 Members Abstaining:
 66 Members Absent:

Item19-I-125
Finance & Budget Committee (12/10/2019); Passed to QC with a DO PASS recommendation – Consent Agenda

1 **ORDINANCE NO. 2019-**

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3 **APPROPRIATION ORDINANCE**

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

9
10 **AN ORDINANCE REDUCING \$414,702 IN**
11 **THE ASPHALT LINE ITEM IN THE ROAD**
12 **DEPARTMENT BUDGET (20000200-2025)**
13 **FOR 2020; AND, APPROPRIATING SAID**
14 **\$414,702 TO THE OTHER PROFESSIONAL**
15 **SERVICES LINE ITEM IN THE ADDITIONAL**
16 **FUEL TAX ACT 416/2019 FUND (20030220-**
17 **3009) FOR 2020.**

18
19 **WHEREAS,** Legislative Audit requested that all counties
20 create a new fund to track revenues and expenditures of the wholesale tax on gasoline
21 and diesel as levied by Act 416 of 2019; and,

22
23 **WHEREAS,** the Quorum Court amends the 2020 Budget of
24 Washington County to reflect this change.

25
26 **NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM**
27 **COURT OF WASHINGTON COUNTY, ARKANSAS:**

28
29 **ARTICLE 1.** There is hereby reduced the total amount of
30 \$414,702 in the asphalt line item in the Road Department Budget (20000200-2025) for
31 2020, to be appropriated as stated herein.

32
33 **ARTICLE 2.** There is hereby appropriated the total amount of
34 \$414,702 in the Other Professional Services line item in the Additional Fuel Tax Act
35 416/2019 Fund Budget (20030220-3009) for 2020.

36 _____
37 JOSEPH K. WOOD, County Judge

_____ DATE

38 _____
39 BECKY LEWALLEN, County Clerk

40 Introduced by: **JP Ann Harbison**

41 t:

Item 19-I-126
Finance & Budget Committee (12/10/2019); Passed to QC with a DO PASS recommendation – Consent Agenda

ORDINANCE NO. 2019-

APPROPRIATION ORDINANCE

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

**AN ORDINANCE TRANSFERRING \$10,000
WITHIN THE PROFESSIONAL SERVICES
CATEGORY IN THE JDC BUDGET FOR 2019.**

WHEREAS, required trainings and staff meetings through the end of the year will require the use of more overtime money than has been budgeted for JDC staff; and

WHEREAS, there is money available to transfer in the Salary Full-Time line item to cover said overtime due to vacancies in three staff positions; and,

WHEREAS, the Budget Controls require an ordinance to transfer money out of the personal services category.

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

ARTICLE 1. There is hereby transferred the total amount of \$10,000 from the Salary Full-Time line item (10000444-1001) to the Overtime/Other Premium Compensation line item (10000444-1005) in the JDC Budget for 2019.

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: **JP Ann Harbison**

Item 19-I-114
Personnel Committee (12/09/2019); Passed to QC

ORDINANCE NO. 2019-

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

**AN EMERGENCY ORDINANCE SETTING
HOLIDAY COMPENSATION FOR CERTAIN
EMPLOYEES; AND, REPEALING
ORDINANCE NO. 1993-36, ORDINANCE NO.
1994-03, ORDINANCE NO. 1995-38, AND
ORDINANCE NO. 2012-71.**

WHEREAS, the Washington County Quorum Court, over the course of several years, passed various ordinances to address a special holiday pay system for essential County Employees; and

WHEREAS, the ordinances that were passed are confusing and ambiguous and are in need of reform; and

WHEREAS, these ordinances need to be repealed and a new, unambiguous and concise ordinance is needed.

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

ARTICLE 1. Employees working in areas that must be staffed at all times (such as communications, jail, law enforcement, juvenile detention, and the animal shelter) shall comprise a separate classification of employees that do not receive time off for holidays.

ARTICLE 2. Employees in this classification shall accrue additional annual leave in lieu of holiday hours at the same rate as other similarly situated employees, but the additional leave hours will be purchased from said employees by the County from the holiday incentive line item. Employees who report sick the day before or after the holiday, or on the actual holiday itself, must attach a physician's statement of need to their time card or forfeit the additional leave hours and resulting incentive pay.

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ARTICLE 3. Washington County Ordinance No. 1993-36, Ordinance No. 1994-03, Ordinance No. 1995-38, and Ordinance No. 2012-71 are hereby repealed in their entirety.

ARTICLE 4. Emergency Clause. It is hereby determined that it is in the public’s best interest for this ordinance to be effective immediately; and, the general health, safety, and welfare of the citizens are affected by such for the reasons as set out above; therefore, an emergency is declared to exist and this ordinance shall be and is effective from the date of its passage.

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: **JP Butch Pond**
Date of Passage:
Members Voting For:
Members Voting Against:
Members Abstaining:
Members Absent:

Item 19-I-127
Personnel Committee (12/09/2019); Passed to QC with amendment

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ORDINANCE NO. 2019-

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

**AN ORDINANCE ESTABLISHING THE
COMPUTATION OF TIME USED FOR NON-
EXEMPT EMPLOYEE LEAVE.**

WHEREAS, the Washington County handbook currently requires that holiday and leave time for non-exempt employees be calculated at eight (8) hours per day; and,

WHEREAS, not all non-exempt employees work a standard eight (8) hour daily shift; and,

WHEREAS, the Quorum Court needs to establish the way in which holiday and leave time shall be calculated for all non-exempt employees.

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

ARTICLE 1. Holiday and leave time shall be calculated based on the regular, non-overtime number of hours worked daily by a non-exempt employee.

ARTICLE 2. Any ordinance in conflict herewith is hereby amended to reflect the changes made by this ordinance.

JOSEPH K. WOOD, County Judge

DATE

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BECKY LEWALLEN, County Clerk

Introduced by: **JP Butch Pond**
Date of Passage:
Members Voting For:
Members Voting Against:
Members Abstaining:
Members Absent:

Item 19-I-128
Personnel Committee (12/09/2019); Passed to QC with County Attorney amending the ordinance

1 **ORDINANCE NO. 2019-**
2

3
4 **BE IT ENACTED BY THE QUORUM**
5 **COURT OF THE COUNTY OF**
6 **WASHINGTON, STATE OF ARKANSAS,**
7 **AN ORDINANCE TO BE ENTITLED:**
8

9
10 **AN EMERGENCY ORDINANCE ADOPTING**
11 **THE TAXABILITY OF CLOTHING/UNIFORMS**
12 **POLICY FOR WASHINGTON COUNTY.**
13

14 **WHEREAS,** Legislative Audit has requested that Washington
15 County adopt a policy regarding the taxability of clothing and uniforms purchased for
16 employees with county funds; and,
17

18 **WHEREAS,** the County Comptroller has prepared a policy in
19 conformance with state and federal law that should be adopted by the Quorum Court.
20

21 **NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM**
22 **COURT OF WASHINGTON COUNTY, ARKANSAS:**
23

24 **ARTICLE 1.** The Quorum Court hereby adopts the following
25 Taxability of Clothing/Uniforms Policy for Washington County, Arkansas:
26

27 **Overview**

28 The purpose of this policy is to provide guidance on the taxability of providing
29 clothing or uniforms to employees at County expense. The Internal Revenue
30 Services (IRS) deems clothing to be a working condition fringe benefit and
31 therefore, excludable from income, *if certain conditions are met*. This policy sets
32 forth what is considered non-taxable clothing, the limits that apply, and the
33 guidelines to follow based on the determining factors of the clothing.
34

35 **Responsibility**

36 Even though the Comptroller’s Office will strive to catch taxable purchases and
37 violations of IRS law and County Policy, the primary responsibility for following IRS
38 law and County policy and reporting taxable clothing lies with the Department. Only
39 the department is in a position to know which employees are receiving taxable
40 clothing associated with clothing purchase invoices. Any assessment to the
41 County for payroll taxes from a taxing authority resulting from a department failing

42 to turn in the proper form will be charged to that department's budget.

43
44 **General Guidelines**

45 The acquisition of clothes or uniforms is considered an ordinary and necessary
46 business expense, and therefore excludable from income, *if* the articles of
47 clothing are required as a condition of employment *and* the clothing is not a type
48 that is adaptable or suitable for general usage. Non-taxable clothing may include
49 protective clothing, such as safety glasses, hard-hats, gloves, steel toed boots,
50 and other clothing included in the US Office of Safety and Health Administration
51 (OSHA) guidelines. There is no dollar limit on the clothing purchased assuming
52 the aforementioned criteria are met to qualify the clothing as non-taxable.

53
54 **Not Adaptable for General Use** - Other articles of clothing that are required to be
55 worn as a condition of employment and are not adaptable for general use include, but
56 are not limited to:

- 57 • Law enforcement patrol, Jail guard, Detention Center guard, Court uniformed
58 officer
- 59 • Firefighter uniforms
- 60 • Health Care Uniforms

61
62 **Adaptable for General Use** - Items (unless part of law enforcement patrol, jail guard,
63 detention center guard, uniformed courtroom guard) that are considered adaptable for
64 general use, and therefore taxable, even if required to be worn by the department,
65 include:

- 66 • Collared shirts (even if it includes County/Sheriff logo),
- 67 • T-shirts or sweatshirts (even if it includes County/Sheriff logo),
- 68 • Jackets or blazers (even if it includes County/Sheriff Logo),
- 69 • Hats (even if it includes County/Sheriff Logo),
- 70 • Jeans, cargo pants, tactical pants, or other pants or shorts
- 71 • Shoes or boots that are not steel toe
- 72 • Belts

73
74 ***Please note – if the clothing is considered a job requirement but is also***
75 ***adaptable for general use, the purchase (or the value if provided through a***
76 ***uniform service; or the amount of the clothing allowance given) is***
77 ***considered taxable.***

78
79 **Uniform Service** – If the clothing is considered adaptable for general use, the
80 value of the uniform service is taxable to the employee.

81
82 **Clothing Allowance** – If a clothing allowance for non-taxable clothing is provided,
83 the accountable-plan rules apply to require that the allowance be accounted for
84 with receipts and any excess returned to the County. Clothing allowances for
85 taxable clothing are taxable to the employee.

87 **De Minimis Exception** - Articles of clothing provided on an annual basis that are
88 equal to or less than \$50 will be considered de minimis. As a result, the article(s)
89 of clothing will not be reportable or taxable. For example, if a department buys
90 four T-shirts, each costing \$10, for one employee at separate times during the
91 year, the sum of the purchases will not be taxable since the aggregate amount for
92 the year is less than \$50 (total T-shirt cost for the year is \$40).

93
94 **Procedures**

95 Each department's bill approver or other designated person will have responsibility
96 for reporting taxable purchases for the department via the Employee Clothing Tax
97 Form to the Comptroller's Office as an attachment with the approved clothing
98 invoice. The value of taxable clothing will be added to the taxable income of the
99 employee paycheck.

100
101 **Guidelines for Departments**

102
103 **All Departments – Safety Equipment** – Steel-toe boots, safety glasses, hard
104 hats, work gloves, and other clothing included in the US Office of Safety and Health
105 Administration (OSHA) guidelines are all non-taxable to the employee.

106
107 **Sheriff/Jail/JDC/Court - Patrol/Guard Officers** – Uniforms provided, head to toe
108 including jackets, are all non-taxable.

109
110 **Sheriff/Jail/JDC/Court - Administrators/Supervisors/Detectives/Undercover**
111 – All non-patrol/guard uniform clothing provided is taxable to the employee,
112 whether or not County/Sheriff logo is applied.

113
114 **All Other Departments** – Clothing provided or amount of clothing allowance
115 given, whether or not the County logo is applied, is taxable to the employee,
116 including the value of uniform-service provided clothing, unless it is safety
117 equipment (which is non-taxable).

118
119 **Inmate/Detainee/Court Diversion Program Clothing** – Non-taxable.

120
121 **Volunteer/Non-Employee Clothing** – Any clothing provided to volunteers at
122 County expense beyond safety equipment is considered taxable to the volunteer,
123 and a W-9 must be collected from the volunteer before issuing the clothing, and a
124 1099 shall be issued for the value of the clothing, if the amount accumulates above
125 \$600 for the year. No W-9 or Clothing Tax Form is required if the clothing given is
126 a one-time event whereby there is no chance the total for the year will be over
127 \$600.

128
129 **Article 2. Emergency Clause.** An emergency exists as this
130 policy needs to be in place beginning January 1, 2020. It is hereby determined that it is
131 in the public's best interest for this ordinance to be effective immediately; and the general

132 health, safety, and welfare of the citizens are affected by such for the reasons as set out
133 above; therefore, an emergency is declared to exist and this ordinance shall be and is
134 effective from the date of its passage.

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139 _____
JOSEPH K. WOOD, County Judge

DATE

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BECKY LEWALLEN, County Clerk

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Introduced by: **JP Butch Pond**
Date of Passage:
Members Voting For:
Members Voting Against:
Members Abstaining:
Members Absent:

Item 19-I-131

ORDINANCE NO. 2019-

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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:**
8

9
10 **AN ORDINANCE PROVIDING FOR THE LEVY**
11 **OF A ONE-FOURTH OF ONE PERCENT**
12 **(0.25%) SALES AND USE TAX WITHIN**
13 **WASHINGTON COUNTY, ARKANSAS FOR**
14 **TWELVE (12) MONTHS; AND, PRESCRIBING**
15 **OTHER MATTERS PERTAINING THERETO.**
16

17 **WHEREAS,** the Quorum Court of Washington County,
18 Arkansas (the "County") has determined that there is a great need for an additional source
19 of revenue to acquire, construct, improve, expand, equip and maintain public safety
20 communication system facilities and apparatus, including any necessary land acquisition,
21 utility and road improvements therefor; and
22

23 **WHEREAS,** Title 26, Chapter 74, Subchapter 2 of the
24 Arkansas Code of 1987 Annotated (the "Authorizing Legislation") provides for the levy of
25 county-wide sales and use taxes at the rate of 0.125%, 0.25%, 0.5%, 0.75% or 1%, or
26 any combination thereof; and
27

28 **WHEREAS,** the purpose of this Ordinance is to levy a new
29 county-wide sales and use tax at the rate of one-fourth of one percent (0.25%) for a period
30 of twelve (12) months, the net collections of which will be distributed only to the County
31 and used for the purposes described above.
32

33 **NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM**
34 **COURT OF WASHINGTON COUNTY, ARKANSAS:**
35

36 **ARTICLE 1.** Under the authority of the Authorizing
37 Legislation, there is hereby levied a one-fourth of one percent (0.25%) tax on the gross
38 receipts from the sale at retail within the County of all items which are subject to the
39 Arkansas Gross Receipts Act of 1941, as amended (A.C.A. §§26-52-101, et seq.), and
40 the imposition of an excise (or use) tax on the storage, use, distribution or other
41 consumption within the County of tangible personal property subject to the Arkansas

42 Compensating Tax Act of 1949, as amended (A.C.A. §§26-53-101, et seq.), at a rate of
43 one-fourth of one percent (0.25%) of the sale price of the property or, in the case of leases
44 or rentals, of the lease or rental price (collectively, the "Sales and Use Tax"). The Sales
45 and Use Tax shall be levied, and the net collections received after deduction of the
46 administrative charges of the State of Arkansas and required rebates (the "Net
47 Collections") shall be used for one or more of the following: to acquire, construct, improve,
48 expand, equip and maintain public safety communication system facilities and apparatus,
49 including any necessary land acquisition and utility and road improvements therefor. The
50 Sales and Use Tax shall be levied and collected on the gross receipts, gross proceeds or
51 sales price in the maximum amount allowed from time to time under Arkansas law, subject
52 to rebates and limitations as from time to time required by Arkansas statutes for certain
53 single transactions.

54
55 **ARTICLE 2.** The Net Collections shall be distributed only to
56 the County and not to the municipalities therein.

57
58 **ARTICLE 3.** The Sales and Use Tax shall be levied and
59 collected only for a period of twelve (12) months. The levy of the Sales and Use Tax
60 shall commence on July 1, 2020 and expire on June 30, 2021

61
62 **ARTICLE 4.** All ordinances and parts thereof in conflict
63 herewith are hereby repealed to the extent of such conflict.

64
65 **ARTICLE 5.** This Ordinance shall not take effect until an
66 election is held on the question of levying the Sales and Use Tax at which a majority of
67 the electors voting on the question shall have approved the levy of the Sales and Use
68 Tax.

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74 _____
75 JOSEPH K. WOOD, County Judge

76 _____
77 DATE

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79 _____
80 BECKY LEWALLEN, County Clerk

81 Introduced by: **JP Harvey Bowman**
82 Date of Passage:
83 Members Voting For:
84 Members Voting Against:
85 Members Abstaining:
86 Members Absent:

CERTIFICATE

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The undersigned, County Clerk of Washington County, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. __, passed at a regular meeting of the Quorum court, held at the regular meeting place of the Quorum Court at 6 o'clock p.m. on the __ day of __, 20__, and that the Ordinance is of record in Ordinance Record Book No. __, Page __, now in my possession.

Given under my hand and seal this _____ day of _____, 2019.

BECKY LEWALLEN, County Clerk

(SEAL)

ORDINANCE NO. 2019-

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

AN ORDINANCE CALLING A SPECIAL ELECTION IN WASHINGTON COUNTY, ARKANSAS ON THE QUESTION OF LEVYING A COUNTY-WIDE ONE-FOURTH OF ONE PERCENT (0.25%) SALES AND USE TAX FOR TWELVE (12) MONTHS; AND, PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the Quorum Court of Washington County, Arkansas (the "County") has passed on December 19, 2019, Ordinance No. ____ (the "Tax Ordinance") providing for the levy of a one-fourth of one percent (0.25%) sales and use tax within the County (the "Sales and Use Tax") for a period of twelve (12) months; and

WHEREAS, the purpose of this Ordinance is to call a special election on the question of the levy of the Sales and Use Tax.

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

ARTICLE 1. There is hereby called a special election to be held on March 3, 2020, at which election there shall be submitted to the electors of the County the question of the levy of the Sales and Use Tax.

ARTICLE 2. The question of levying the Sales and Use Tax shall be placed on the ballot for the election in substantially the following form:

0.25% SALES AND USE TAX

Adoption of a one-fourth of one percent (0.25%) local sales and use tax within Washington County for a period of twelve (12) months, the net collections of which remaining after deduction of the administrative charges of the State of Arkansas and required

42 rebates, will be distributed only to the County and used to acquire,
43 construct, improve, expand, equip, and maintain public safety
44 communication system facilities and apparatus, including any
45 necessary land acquisition and utility and road improvements
46 therefor.

47
48 FOR

49
50 AGAINST

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52 **ARTICLE 3.** The election shall be held and conducted and
53 the vote canvassed and the results declared under the law and in the manner now
54 provided for county elections and only qualified voters of the County shall have the right
55 to vote at the election.

56
57 **ARTICLE 4.** The results of the election shall be proclaimed
58 by the County Court, and such Proclamation shall be published one time in a newspaper
59 published in the County and having a general circulation therein, which Proclamation shall
60 advise that the results as proclaimed shall be conclusive unless attacked in the courts
61 within thirty days after the date of publication.

62
63 **ARTICLE 5.** A copy of this Ordinance shall be (a) filed with
64 the Washington County Clerk at least 70 days prior to the election date and (b) given to
65 the Washington County Board of Election Commissioners so that the necessary election
66 officials and supplies may be provided. A certified copy of this Ordinance and the Tax
67 Ordinance shall also be provided to the Commissioner of Revenues of the State of
68 Arkansas as soon as practical.

69
70 **ARTICLE 6.** The County Judge and County Clerk, for and on
71 behalf of the County, are hereby authorized and directed to do any and all things
72 necessary to call and hold the special election as herein provided and, if the levy of the
73 Sales and Use Tax is approved by the electors, to cause the Sales and Use Tax to be
74 collected, and to perform all acts of whatever nature necessary to carry out the authority
75 conferred by this Ordinance.

76
77 **ARTICLE 7.** All ordinances and parts thereof in conflict
78 herewith are hereby repealed to the extent of such conflict.

79
80 **ARTICLE 8.** The provisions of this Ordinance are separable
81 and if an article, phrase or provision shall be declared invalid, such declaration shall not
82 affect the validity of the remainder of the Ordinance.

83
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85 _____
86 JOSEPH K. WOOD, County Judge

DATE

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BECKY LEWALLEN, County Clerk

Introduced by: **JP Harvey Bowman**
Date of Adoption:
Members Voting For:
Members Voting Against:
Members Abstaining:
Members Absent:

CERTIFICATE

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The undersigned, County Clerk of Washington County, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. __, passed at a regular meeting of the Quorum court, held at the regular meeting place of the Quorum Court at 6 o'clock p.m. on the __ day of __, 20__, and that the Ordinance is of record in Ordinance Record Book No. __, Page __, now in my possession.

Given under my hand and seal this _____ day of _____, 2019.

BECKY LEWALLEN, County Clerk

(SEAL)

Item 19-I-123
Finance & Budget Committee (12/10/2019); Passed to QC with a DO PASS recommendation

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ORDINANCE NO. 2019-

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

**AN ORDINANCE TO ESTABLISH THE
ADDITIONAL MOTOR FUEL TAX FUND (ACT
416 OF 2019); AND, TO DECLARE AN
EMERGENCY.**

WHEREAS, the Quorum Court recognizes a need to establish
a fund to track the revenues and expenditures of the wholesale tax on gasoline and diesel
as levied by Act 416 of 2019; and

WHEREAS, the Quorum Court further recognizes and affirms
the need for such a fund to properly account for, control, and report expenditures of such
in compliance with Act 416 of 2019, Section 6 and codified as § 26-64-104.

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

ARTICLE 1. There is hereby created a fund to be known as
the Additional Motor Fuel Tax Fund (Act 416 of 2019) with a fund number of 2003 as
assigned by Arkansas Legislative Audit. The Revenue Code for the county highway
turnback receipted to this fund is 7002.

ARTICLE 2. The Additional Motor Fuel Tax Fund (Act 416 of
2019) is subject to all the normal county budgeting, appropriation, and expenditure
regulations of Title 14 and Title 27 of the Arkansas Code Annotated. The fund is subject
to annual reporting and disclosure requirements to be submitted to the Director of the
Department of Finance and Administration. The report shall detail the (a) amount of
highway revenue turnback revenues received; (b) expenditures made from the highway
revenue turnback revenues received; and (c) projects funded using the highway revenue
turnback.

ARTICLE 3. Emergency Clause. It is found by the Court
that since revenues from this source will be received in December it is fundamentally

42 necessary to establish the Additional Motor Fuel Tax Fund (Act 416 of 2019) immediately
43 in order to track the revenue and expenditures in accordance with the precepts of Act 416
44 of 2019. Therefore, an emergency is declared to exist and this ordinance shall be in full
45 force and effect from the date of passage and approval.

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51 JOSEPH K. WOOD, County Judge

DATE

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55

56 BECKY LEWALLEN, County Clerk

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Introduced by: **JP Patrick Deakins**
Date of Passage:
Members Voting For:
Members Voting Against:
Members Abstaining:
Members Absent:

Item 19-I-129
Finance & Budget Committee (12/10/2019); Amended – Passed to QC

ORDINANCE NO. 2019-

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 THE
TOTAL AMOUNT OF \$46,701 FROM
UNAPPROPRIATED RESERVES IN THE
GENERAL FUND (1000) TO VARIOUS
BUDGETS AND LINE ITEMS FOR 2020.**

WHEREAS, the Quorum Court considered salary increases
for employees of the County Judge that were not included in the 2020 budget; and,

WHEREAS, money needs to be appropriated to fund the
salary increases.

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

ARTICLE 1. There is hereby appropriated the total amount of
\$46,701 from unappropriated reserves in the General Fund (1000) to the following line
items in the following Budgets for 2020:

<u>General Services</u>		
Salary Full-Time	(10000118-1001)	\$ 4,446
Social Security Matching	(10000118-1006)	342
Noncontributory Retirement	(10000118-1008)	682
 <u>Grants Administrator</u>		
Salary Full-Time	(10000120-1001)	3,120
Social Security Matching	(10000120-1006)	239
Noncontributory Retirement	(10000120-1008)	478
 <u>County Attorney</u>		
Salary Full-Time	(10000122-1001)	28,660

42	Social Security Matching	(10000122-1006)	2,193
43	Noncontributory Retirement	(10000122-1008)	4,391
44			
45	<u>Veteran Services</u>		
46	Salary Full-Time	(10000800-1001)	1,748
47	Social Security Matching	(10000800-1006)	134
48	Noncontributory Retirement	(10000800-1008)	268
49			
50		TOTAL APPROPRIATION	\$ 46,701
51			
52			
53			
54			

55 _____
 JOSEPH K. WOOD, County Judge

_____ DATE

59 _____
 BECKY LEWALLEN, County Clerk

62 Introduced by: **JP Ann Harbison**

63 Date of Passage:

64 Members Voting For:

65 Members Voting Against:

66 Members Abstaining:

67 Members Absent:



WASHINGTON COUNTY, ARKANSAS

County Courthouse

COUNTY SERVICES COMMITTEE REPORT - DECEMBER

Harvey Bowman - Chairman

The County Services Committee met December 10th. The Committee approved three ordinances to be added to the Quorum Court agenda and postponed an ordinance amending various portions of the Planning and Development Chapter of the Washington County Code.



WASHINGTON COUNTY, ARKANSAS

County Courthouse

FINANCE & BUDGET COMMITTEE REPORT - DECEMBER

Ann Harbison - Chairman

The Finance & Budget Committee met on December 10th. There were reports given on the Treasurer, Employees' Insurance, and Comptroller. The Committee approved two line item transfer requests and five ordinances to be added to the Quorum Court Agenda.



WASHINGTON COUNTY, ARKANSAS

County Courthouse

JAILS/LAW ENFORCEMENT/COURTS COMMITTEE REPORT –
DECEMBER

Lance Johnson - Chairman

The Jails/Law Enforcement/Courts Committee met December 9th. There were Statistic Reports given on the Juvenile Detention Center, Sheriff's Enforcement, Detention, and Pre-Trial vs Bed Count. The Committee also received the Ombudsman's Report and Washington County Criminal Justice Workgroup Report. The Committee received information from JP Deakins about the lease agreement on the County buildings located at 100 and 114 North College Ave, Fayetteville.



WASHINGTON COUNTY, ARKANSAS

County Courthouse

PERSONNEL COMMITTEE REPORT - DECEMBER

Butch Pond - Chairman

The Personnel Committee met December 9th. The Committee approved three ordinances; an emergency ordinance setting the holiday compensation for certain employees, an ordinance establishing the computation of time used for employee leave, and an emergency ordinance adopting the taxability of clothing/uniforms policy for Washington County.