

MINUTES OF THE  
REGULAR MEETING OF THE  
WASHINGTON COUNTY QUORUM COURT

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

BECKY LEWALLEN  
CO. & PROBATE CLERK  
WASHINGTON CO. AR

2020 JAN 21 AM 8:55

FILED

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

Kyle Curry led the prayer and JP Willie Leming led the pledge.

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

A motion to amend the agenda and postpone agenda item 8.1 until the March meeting was made by JP Deakins and seconded by JP Leming. A voice vote was called and all members present unanimously voted to approve the motion. A motion to amend the agenda and postpone indefinitely agenda item 9.1 was made by JP E Madison and seconded by JP Highers. A voice vote was called and all members present unanimously voted to approve the motion. A motion to amend the agenda and add ordinance item 19-I-136 was made by JP Highers and seconded by JP Leming. A voice vote was called and all members present unanimously voted to approve the motion. A motion to amend the agenda and remove agenda item 16.1 from the consent agenda was made by JP Harbison and seconded by JP S Madison. A voice vote was called and all members present unanimously voted to approve the motion. A motion to amend the agenda and add ordinance item 19-I-134 was made by JP Duncan and seconded by JP Leming. A voice vote was called and majority of the members present voted to approve the motion. JP S Madison abstained. A motion to amend the agenda and add resolution item 19-I-137 was made by JP Bowman and seconded by JP Ecke. A voice vote was called and majority of the members present voted to approve the motion. JP Leming opposed. A motion to amend the agenda and add resolution item 19-I-138 was made by JP Johnson and seconded by JP E. Madison. A voice vote was called and all members present unanimously voted to approve the motion. JP Ecke discussed the placement of citizen's comments on the agenda and there was a recommendation to send the discussion to a committee for further discussion. A motion to adopt the agenda as amended was made by JP Leming and seconded by JP E Madison. A voice vote was called and all members present unanimously voted to adopt the agenda as amended.

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

During citizen's comments, Jim Gallagher spoke about the placement of citizen's comments on the agenda, Sherry Main spoke about the Wedington Mines Conditional Use Permit and presented documents to the Court, and Vickie Kelley spoke about the Ozark Sanctuary Cemetery Conditional Use Permit.

A motion to approve the November 21<sup>st</sup> minutes 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 minutes.

Judge Joseph Wood presented his Judge's Report. Judge Wood presented to the Court a Purchasing Department Report of the Disposal of County Property for November.

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 suspend the rules and advance the ordinance

to a third and final reading was made by JP Pond and seconded by JP Ecke. 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: Yes  
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 was approved. 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 Ecke. There were comments made by various members of the Court, County Attorney Brian Lester, and County Judge Joseph Wood. During public comments, Beth Coger 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: Yes  
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 was approved.

**Ordinance 2019-87, AN ORDINANCE INCREASING THE SALARY OF THE DIRECTOR OF VETERANS AFFAIRS IN THE VETERANS AFFAIRS BUDGET FOR 2019, was adopted.**

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 suspend the rules and advance the ordinance to a third and final reading was made by JP Pond and seconded by JP Duncan. 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: Yes  
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: No  
JP Pond: Yes

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

JP Pond introduced agenda item 12.1. County Attorney Brian Lester 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 suspend the rules and advance the ordinance to a third and final reading was made by JP Pond and seconded by JP Duncan. 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: Yes  
JP Duncan: Yes  
JP Washington: Absent  
JP E Madison: No  
JP Jenkins: No  
JP Highers: No  
JP S Madison: No  
JP Leming: No  
JP Harbison: Yes  
JP Pond: Yes

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

JP Pond introduced agenda item 13.1. County Attorney Brian Lester 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 suspend the rules and advance the ordinance to a third and final reading was made by JP Pond and seconded by JP Duncan. 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: Yes  
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 was approved. County Attorney Brian Lester 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 Duncan. There were comments made by JP Highers and JP Pond. During public comments, Janelle Smiley and Lou Reed 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: Yes  
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 was approved.

**Ordinance 2019-88, AN ORDINANCE INCREASING THE SALARY OF THE PURCHASING MANAGER IN THE GENERAL SERVICES BUDGET FOR 2019, was adopted.**

JP Bowman introduced agenda item 14.1. 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 advance the ordinance to a third and final reading was made by JP Leming and seconded by JP Jenkins. A voice vote was called and majority of the members present voted to approve the motion. JP S Madison opposed. 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 Ecke. There were comments made by various members of the Court. There were no public comments. A roll call vote was called and the votes were tallied as follow:

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

JP Harbison introduced agenda item 15.1. 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 suspend the rules and advance the ordinance to a third and final reading was made by JP Pond and seconded by JP Ecke. A roll call vote was called and the votes were tallied as follow:

JP Johnson: Yes

JP Cunningham: Yes

JP Bowman: Yes

JP Yanez: No

JP Deakins: Yes

JP Ecke: Yes

JP Duncan: Yes

JP Washington: 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. This ordinance will be on next month's agenda and will be on its third and final reading.

JP Harbison introduced items on the consent agenda. County Attorney Brian Lester read each item by title only, Item 16.2 "A LINE ITEM TRANSFER REQUEST FROM JUDGE STACEY ZIMMERMAN"; Item 16.3 "A LINE ITEM TRANSFER REQUEST FROM THE DEPARTMENT OF EMERGENCY MANAGEMENT"; Item 16.4 "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 16.5 "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 16.6 "AN ORDINANCE TRANSFERRING \$10,000 WITHIN THE PROFESSIONAL SERVICES CATEGORY IN THE JDC BUDGET FOR 2019". A motion to suspend the rules and amend the consent agenda and move agenda item 16.5 to agenda item 22B was made by JP Harbison and seconded by JP S Madison. A voice vote was called and all members present unanimously voted to approve the motion. A motion to approve both line item transfer requests and to adopt the ordinances on the consent agenda was made by JP Harbison and seconded by JP S Madison. There were no public comments. A roll call vote was called and all members present unanimously voted to approve the motion.

**Ordinance 2019-89, 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, was adopted.**

**Ordinance 2019-90, "AN ORDINANCE TRANSFERRING \$10,000 WITHIN THE PROFESSIONAL SERVICES CATEGORY IN THE JDC BUDGET FOR 2019", was adopted.**

JP Pond introduced agenda item 17.1. County Attorney Brian Lester read the ordinance by title only, "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". A motion to adopt the ordinance was made by JP Pond and seconded by JP S Madison. There were no public comments. A roll call vote was called and all members present unanimously voted to adopt the ordinance.

**Ordinance 2019-91, 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, was adopted.**

JP Pond introduced agenda item 18.1. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE ESTABLISHING THE COMPUTATION OF TIME USED FOR NON-EXEMPT EMPLOYEE

LEAVE". A request to amend the ordinance was made by JP E Madison. There were comments made by County Attorney Brian Lester and JP Ecke. JP Pond accepted the amendment as a friendly amendment. A voice vote was called and all members unanimously voted to approve the motion to amend the ordinance. County Attorney Brian Lester read the entire ordinance as amended. A motion to suspend the rules and advance the amended ordinance to second reading was made by JP Pond and seconded by JP Leming. A voice vote was called and all members unanimously voted to approve the motion. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE ESTABLISHING THE COMPUTATION OF TIME USED FOR EMPLOYEE LEAVE". A motion to suspend the rules and advance the ordinance to a third and final reading was made by JP Pond and seconded by JP Highers. A voice vote was called and all members unanimously voted to approve the motion. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE ESTABLISHING THE COMPUTATION OF TIME USED FOR EMPLOYEE LEAVE". A motion to adopt the ordinance was made by JP Pond and seconded by JP E Madison. There were no public comments. A roll call vote was called and all members unanimously voted to adopt the ordinance.

**Ordinance 2019-92, AN ORDINANCE ESTABLISHING THE COMPUTATION OF TIME USED FOR EMPLOYEE LEAVE, was adopted.**

A motion to elect JP Washington to preside over the meeting in Judge Joseph Wood's departure was made by JP E Madison and seconded by JP Pond. A voice vote was called and all members unanimously voted to approve the motion.

JP Pond introduced agenda item 19.1. County Attorney Brian Lester read the ordinance by title only, "AN EMERGENCY ORDINANCE ADOPTING THE TAXABILITY OF CLOTHING/UNIFORMS POLICY FOR WASHINGTON COUNTY". A motion to adopt the ordinance was made by JP Pond and seconded by JP Harbison. There were comments made by JP E Madison and County Attorney Brian Lester. There were no public comments. A roll call vote was called and all members present unanimously voted to adopt the ordinance.

**Ordinance 2019-93, AN EMERGENCY ORDINANCE ADOPTING THE TAXABILITY OF CLOTHING/UNIFORMS POLICY FOR WASHINGTON COUNTY, was adopted.**

JP Bowman introduced agenda item 20.1. County Attorney Brian Lester read the ordinance by title only, "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". A motion to suspend the rules and advance the ordinance to second reading was made by JP Bowman and seconded by JP Jenkins. A voice vote was called and all members present unanimously voted to approve the motion. County Attorney Brian Lester read the ordinance by title only, "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". A motion to suspend the rules and advance the ordinance to a third and final reading was made by JP Bowman and seconded by JP Jenkins. A voice vote was called and all member unanimously voted to approve the motion. County Attorney Brian Lester read the ordinance by title only, "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". A motion to adopt the ordinance was made by JP Bowman and seconded by JP Jenkins. There were comments made by various members of the Court. During public comments, Sarah Moore, Diana Gallagher, William Terrill, John Luther, Jim Gallagher, Lou Reed Sharp, Rick Shepherd, and Laurie Marshall 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: No

JP Ecke: Yes

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 2019-94, 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, was adopted.**

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 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". A motion to suspend the rules and advance the ordinance to second reading was made by JP Bowman and seconded by JP Ecke. A voice vote was called and all members unanimously voted to approve the motion. County Attorney Brian Lester read the ordinance by title only, "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". A motion to suspend the rules and advance the ordinance to a third and final reading was made by JP Bowman and seconded by JP Highers. A voice vote was called and all member unanimously voted to approve the motion. County Attorney Brian Lester read the ordinance by title only, "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". A motion to adopt the ordinance was made by JP Bowman and seconded by JP Pond. There were comments made by JP S Madison, JP Pond, and County Attorney Brian Lester. A call for the question was made by JP Jenkins and seconded by JP E Madison. A voice vote was called and all members unanimously voted to approve the call for the question. During public comments, David Ruff 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: No  
JP Ecke: Yes  
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 2019-95, 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, was adopted.**

JP Deakins introduced agenda item 22.1. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE TO ESTABLISH THE ADDITIONAL MOTOR FUEL TAX FUND (ACT 416 OF 2019); AND, TO DECLARE AN EMERGENCY". A motion to adopt the ordinance was made by JP Deakins and seconded by JP Leming. There were no public comments. A roll call vote was called and all members unanimously voted to adopt the ordinance.

**Ordinance 2019-96, AN ORDINANCE TO ESTABLISH THE ADDITIONAL MOTOR FUEL TAX FUND (ACT 416 OF 2019); AND, TO DECLARE AN EMERGENCY, was adopted.**

JP Harbison introduced agenda item 22.B. County Attorney Brian Lester read the ordinance by title only, "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". A motion to adopt the ordinance was made by JP Harbison and seconded by JP Duncan. There were no public comments. A roll call vote was called and all members unanimously voted to adopt the ordinance.

**Ordinance 2019-97, 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, was adopted.**

JP Harbison introduced agenda item 23.1. County Attorney Brian Lester read the ordinance by title only, "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". A motion to sever the ordinance was made by JP Highers and seconded by JP E Madison. A point of order request was made by JP Johnson to explain the proper motion would be to divide the question into four parts. An amendment to the motion to divide the question into four parts was made by JP Highers and seconded by JP E Madison. A roll call vote was called and the votes were tallied as follow:

JP Johnson: No

JP Cunningham: Yes

JP Bowman: Yes

JP Yanez: Yes

JP Deakins: No

JP Ecke: No

JP Duncan: No

JP Washington: Yes

JP E Madison: Yes

JP Jenkins: Yes

JP Highers: Yes

JP S Madison: Yes

JP Leming: Yes

JP Harbison: Yes

JP Pond: Yes

The motion was approved. JP Harbison read the appropriating amount for General Services to the Court. A motion to adopt the ordinance for the General Service's increase in salary was made by JP Harbison and seconded by JP Duncan. During public comments, Laurie Marshall 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: Yes

JP Duncan: Yes



JP Washington: Yes

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 was approved.

**Ordinance 2019-98, AN ORDINANCE APPROPRIATING THE TOTAL AMOUNT OF \$5,470 FROM UNAPPROPRIATED RESERVES IN THE GENERAL FUND (1000) TO VARIOUS PERSONAL SERVICES LINE ITEMS IN THE GENERAL SERVICES BUDGET (0118) FOR 2020, was adopted.**

JP Harbison read the appropriating amount for Grants Administrator to the Court. A motion to adopt the ordinance for the Grants Administrator's increase in salary was made by JP Harbison and seconded by JP Pond. There were comments made by various members of the Court. A call for the question was made by JP Leming and seconded by JP E Madison. A voice vote was called and all members unanimously voted to approve the call for the question. 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: Yes

JP Duncan: Yes

JP Washington: Yes

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 was approved.

**Ordinance 2019-99, AN ORDINANCE APPROPRIATING THE TOTAL AMOUNT OF \$3,837 FROM UNAPPROPRIATED RESERVES IN THE GENERAL FUND (1000) TO VARIOUS PERSONAL SERVICES LINE ITEMS IN THE GRANTS ADMINISTRATION BUDGET (0120) FOR 2020, was adopted.**

JP Harbison read the appropriating amount for County Attorney to the Court. A motion to adopt the ordinance for the County Attorney's increase in salary was made by JP Duncan and seconded by JP Yanez. There were comments made by various members of the Court. A call for the question was made by JP Johnson and seconded by JP Duncan. A voice vote was called and all members unanimously voted to approve the call for the question. During public comments, Johnelle Smiley and Laurie Marshall spoke. A friendly amendment to the motion, to offer the amount of \$10,000 to put the County Attorney at the maximum and consider incremental increase in future years was made by JP Washington and seconded by JP Pond. There were comments made by JP Jenkins and JP Duncan. A roll call vote was called to amend the motion and the votes were tallied as follow:

JP Johnson: No

JP Cunningham: No

JP Bowman: No

JP Yanez: No

JP Deakins: Yes

JP Ecke: No

JP Duncan: Yes

JP Washington: Yes

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. A roll call vote was called to adopt the ordinance and the votes were tallied as follow:

JP Johnson: Yes

JP Cunningham: No

JP Bowman: No

JP Yanez: Yes

JP Deakins: Yes

JP Ecke: No

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: No

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

JP Harbison read the appropriating amount for Veteran Services to the Court. A motion to adopt the ordinance for the Veteran Service's increase of salary was made by JP Harbison and seconded by JP Ecke. There were comments made by JP Jenkins, JP S Madison, and JP Bowman. 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: Yes

JP Duncan: Yes

JP Washington: Yes

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 was approved.

**Ordinance 2019-100, AN ORDINANCE APPROPRIATING THE TOTAL AMOUNT OF \$2,150 FROM UNAPPROPRIATED RESERVES IN THE GENERAL FUND (1000) TO VARIOUS PERSONAL SERVICES LINE ITEMS IN THE VETERAN SERVICES BUDGET (0800) FOR 2020, was adopted.**

JP Leming introduced agenda item 24.1. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD" (Shane and Sarah Helmer). A motion to suspend the rules and advance the ordinance to second reading was made by JP Leming and seconded by JP Pond. A voice

vote was called and all members unanimously voted to approve the motion. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD". A motion to suspend the rules and advance the ordinance to a third and final reading was made by JP Pond and seconded by JP Highers. A voice vote was called and all members present unanimously voted to approve the motion. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD". A motion to adopt the ordinance was made by JP Ecke and seconded by JP Highers. There were no public comments. A roll call vote was called and all members present unanimously voted to adopt the ordinance.

**Ordinance 2019-101, AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD (Shane and Sarah Helmer), was adopted.**

JP Duncan introduced agenda item 25.1. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD" (Wedington Self-Storage). A motion to suspend the rules and advance the ordinance to second reading was made by JP Duncan and seconded by JP Leming. A voice vote was called and all members unanimously voted to approve the motion. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD". A motion to suspend the rules and advance the ordinance to a third and final reading was made by JP Duncan and seconded by JP Leming. A voice vote was called and all members unanimously voted to approve the motion. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD". A motion to adopt the ordinance was made by JP Duncan and seconded by JP Pond. During public comments, Jim Gallagher 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: Yes

JP Duncan: Yes

JP Washington: Yes

JP E Madison: No

JP Jenkins: Yes

JP Highers: Yes

JP S Madison: Abstain

JP Leming: Yes

JP Harbison: Yes

JP Pond: Abstain

The motion was approved.

**Ordinance 2019-102, AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD (Wedington Self-Storage), was adopted.**

JP Bowman introduced agenda item 26.1. County Attorney Brian Lester read the resolution by title only, "A RESOLUTION RECOGNIZING A VACANCY IN QUORUM COURT DISTRICT 3". A motion to adopt the resolution was made by JP Ecke and seconded by JP E Madison. There were no public comments. A voice vote was called and all members unanimously voted to adopt the resolution.

**Resolution 2019-13, A RESOLUTION RECOGNIZING A VACANCY IN QUORUM COURT DISTRICT 3, was adopted.**

JP Johnson introduced agenda item 27.1. County Attorney Brian Lester read the resolution by title only, "A RESOLUTION TO EXPRESS APPRECIATION OF WASHINGTON COUNTY TO HARVEY BOWMAN

FOR SERVICE AS A JUSTICE OF THE PEACE FOR WASHINGTON COUNTY". A motion to adopt the resolution was made by JP Johnson and seconded by JP E Madison. There were comments made by various members of the Court. There were no public comments. A voice vote was called and all members unanimously voted to adopt the resolution.

**Resolution 2019-12, A RESOLUTION TO EXPRESS APPRECIATION OF WASHINTON COUNTY TO HARVEY BOWMAN FOR SERVICE AS A JUSTICE OF THE PEACE FOR WASHINGTON COUNTY, was adopted.**

The meeting was adjourned at 9:00 p.m.

Respectfully submitted by,

A handwritten signature in cursive script that reads "Patty Burnett". The signature is written in black ink and is positioned above the printed name.

Patty Burnett  
Quorum Court Coordinator

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  
Regular Quorum Court (12/19/2019); Second & Third Reading

**ORDINANCE NO. 2019-87**

**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
<b>TOTAL APPROPRIATION</b>	<b>\$ 887</b>

  
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JOSEPH K. WOOD, County Judge

  
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BECKY LEWALLEN, County Clerk

BECKY LEWALLEN  
CO. & PROBATE CLERK  
WASHINGTON CO. AR

2019 DEC 23 PM 1:13

FILED

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DATE

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Introduced by: **JP Butch Pond**  
Date of Passage: **December 19, 2019**  
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke,  
Duncan, Leming, Harbison, Pond**  
Members Voting Against: **E. Madison, Jenkins, Highers, S. Madison**  
Members Abstaining:  
Members Absent: **Washington**

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  
Regular Quorum Court (12/19/2019); Second & Third Reading

**ORDINANCE NO. 2019-88**

**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.

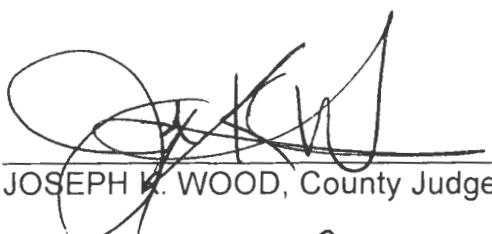
**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM  
COURT OF WASHINGTON COUNTY, ARKANSAS:**

**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**

  
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JOSEPH K. WOOD, County Judge

12. 23. 2019  
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BECKY LEWALLEN, County Clerk

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CO. & PROBATE CLERK  
WASHINGTON CO. AR

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Introduced by: **JP Butch Pond**  
Date of Passage: **December 19, 2019**  
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke,  
Duncan, Leming, Harbison, Pond**  
Members Voting Against: **E. Madison, Jenkins, Highers, S. Madison**  
Members Abstaining:  
Members Absent: **Washington**





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
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48	<b>TOTAL APPROPRIATION</b>	<b>\$ 534,826.92</b>

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59 JOSEPH K. WOOD, County Judge

12.23.2019  
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BECKY LEWALLEN, County Clerk

61 Introduced by: **JP Ann Harbison**  
62 Date of Passage: **December 19, 2019**  
63 Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke,  
64 Duncan, E. Madison, Jenkins, Highers, S. Madison,  
65 Leming, Harbison, Pond**  
66 Members Voting Against:  
67 Members Abstaining:  
68 Members Absent: **Washington**

**ORDINANCE NO. 2019-90**

**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.**

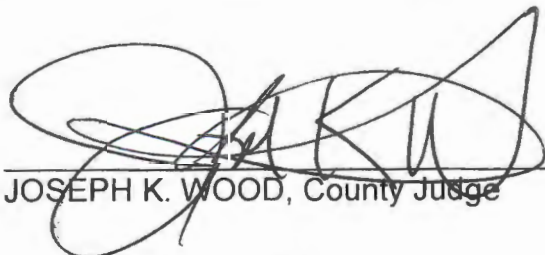
**WHEREAS**, required trainings and staff meetings through the  
end of the year will require the use of more overtime money than has been budgeted for  
JDC staff; and

**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.

  
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JOSEPH K. WOOD, County Judge

12.23.2019  
DATE

  
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BECKY LEWALLEN, County Clerk

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WASHINGTON CO. AR

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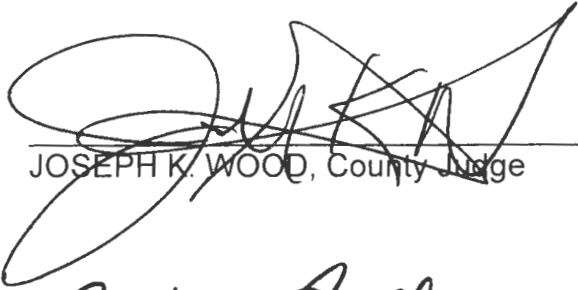
Introduced by: **JP Ann Harbison**  
Date of Passage: **December 19, 2019**  
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke,  
Duncan, E. Madison, Jenkins, Highers, S. Madison,  
Leming, Harbison, Pond**  
Members Voting Against:  
Members Abstaining:  
Members Absent: **Washington**



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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.

  
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JOSEPH K. WOOD, County Judge

12.23.2019  
DATE

  
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BECKY LEWALLEN, County Clerk

Introduced by: **JP Butch Pond**  
Date of Passage: **December 19, 2019**  
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke, Duncan, E. Madison, Jenkins, Highers, S. Madison, Leming, Harbison, Pond**  
Members Voting Against:  
Members Abstaining:  
Members Absent: **Washington**

**ORDINANCE NO. 2019-92**

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

BECKY LEWALLEN  
CO. & PROBATE CLERK  
WASHINGTON CO. AR  
2019 DEC 23 PM 1:14  
FILED

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

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

**WHEREAS**, not all 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 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 an employee.

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

  
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JOSEPH K. WOOD, County Judge

12.23.2019  
DATE

  
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BECKY LEWALLEN, County Clerk

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Introduced by: **JP Butch Pond**  
Date of Passage: **December 19, 2019**  
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke,  
Duncan, Washington, E. Madison, Jenkins, Highers,  
S. Madison, Leming, Harbison, Pond**  
Members Voting Against:  
Members Abstaining:  
Members Absent:



2019 DEC 23 PM 1:14  
DECEY LEWALLEN  
CO. & PROBATE CLERK  
WASHINGTON CO. AR  
FILED

**ORDINANCE NO. 2019-93**

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

**AN EMERGENCY ORDINANCE ADOPTING  
THE TAXABILITY OF CLOTHING/UNIFORMS  
POLICY FOR WASHINGTON COUNTY.**

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

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

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

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

**Overview**

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

**Responsibility**

Even though the Comptroller's Office will strive to catch taxable purchases and violations of IRS law and County Policy, the primary responsibility for following IRS law and County policy and reporting taxable clothing lies with the Department. Only the department is in a position to know which employees are receiving taxable clothing associated with clothing purchase invoices. Any assessment to the 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 clothing  
47 are required as a condition of employment *and* the clothing is not a type that is  
48 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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JOSEPH K. WOOD, County Judge

12.23.2019  
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BECKY LEWALLEN, County Clerk

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Introduced by: **JP Butch Pond**  
Date of Passage: **December 19, 2019**  
Members Voting For: **Cunningham, Bowman, Yanez, Deakins, Ecke,  
Washington, E. Madison, Jenkins, Highers, S. Madison,  
Leming, Harbison, Pond**  
Members Voting Against:  
Members Abstaining:  
Members Absent: **Johnson, Duncan**

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**ORDINANCE NO. 2019-94**

2019 DEC 23 PM 1:18  
BECKY JEWELLER  
CO. & PROBATE CLERK  
WASHINGTON CO. AR  
FILED

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

**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.**

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

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

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

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

**ARTICLE 1.** Under the authority of the Authorizing Legislation, there is hereby levied a one-fourth of one percent (0.25%) tax on the gross receipts from the sale at retail within the County of all items which are subject to the Arkansas Gross Receipts Act of 1941, as amended (A.C.A. §§26-52-101, et seq.), and the imposition of an excise (or use) tax on the storage, use, distribution or other 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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72 JOSEPH K. WOOD, County Judge

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81 BECKY LEWALLEN, County Clerk

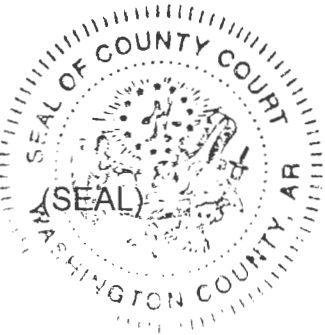
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84 Introduced by: **JP Harvey Bowman**  
85 Date of Passage: **December 19, 2019**  
86 Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Ecke,**  
**Washington, E. Madison, Jenkins, Highers, S. Madison,**  
**Leming, Harbison, Pond**  
Members Voting Against: **Deakins, Duncan**  
Members Abstaining:  
Members Absent:

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CERTIFICATE

The undersigned, County Clerk of Washington County, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. 94, 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 19 day of Dec, 2019, and that the Ordinance is of record in Ordinance Record Book No. V-4, Page    , now in my possession.

Given under my hand and seal this 23 day of December, 2019.



Becky Rell  
BECKY LEWALLEN, County Clerk

FILED  
2019 DEC 23 PM 1:18  
BERNIE L. MALLEEN  
CLERK  
CO. & PROBATE CLERK  
WASHINGTON CO. AR

**ORDINANCE NO. 2019-95**

**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. 2019-95 (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 .....

51  
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.

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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.

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JOSEPH K. WOOD, County Judge

12.23.2019  
DATE



BECKY LEWALLEN, County Clerk

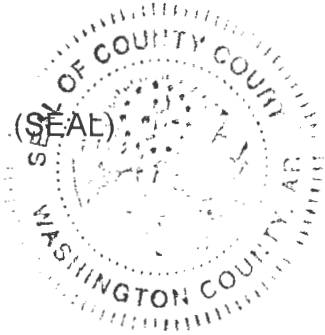
Introduced by: **JP Harvey Bowman**  
Date of Adoption: **December 19, 2019**  
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Ecke,  
Washington, E. Madison, Jenkins, Highers, S. Madison,  
Leming, Harbison, Pond**  
Members Voting Against: **Deakins, Duncan**  
Members Abstaining:  
Members 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. 95, 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 19<sup>th</sup> day of Dec, 2019, and that the Ordinance is of record in Ordinance Record Book No. V4, Page    , now in my possession.

Given under my hand and seal this 23<sup>rd</sup> day of December, 2019.

Becky LeValle  
BECKY LEVALLEN, County Clerk



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**ORDINANCE NO. 2019-96**

FILED  
2019 DEC 23 PM 1:18  
BECY H. WALLER  
CO. & PROBATE CLERK  
WASHINGTON CO. AR

**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:**

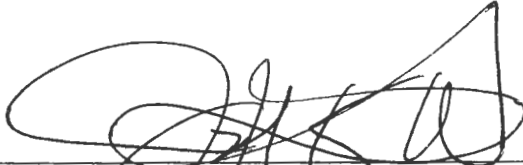
**ARTICLE 1.** There is hereby created a fund to be known as the Additional Motor Fuel Tax Fund (Act 416 of 2019) with a fund number of 2003 as assigned by Arkansas Legislative Audit. The Revenue Code for the county highway turnback receipted to this fund is 7002.

**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.

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**ARTICLE 3. Emergency Clause.** It is found by the Court that since revenues from this source will be received in December it is fundamentally necessary to establish the Additional Motor Fuel Tax Fund (Act 416 of 2019) immediately in order to track the revenue and expenditures in accordance with the precepts of Act 416 of 2019. Therefore, an emergency is declared to exist and this ordinance shall be in full force and effect from the date of passage and approval.

  
\_\_\_\_\_  
JOSEPH K. WOOD, County Judge

12.23.2019  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
BECKY LEWALLEN, County Clerk

Introduced by: **JP Patrick Deakins**  
Date of Passage: **December 19, 2019**  
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke, Duncan, Washington, E. Madison, Jenkins, Highers, S. Madison, Leming, Harbison, Pond**  
Members Voting Against:  
Members Abstaining:  
Members Absent:

**ORDINANCE NO. 2019-97**

**APPROPRIATION ORDINANCE**

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

2019 DEC 23 PM 1:18  
BECKETT WALKER  
CO. & PROBATE CLERK  
WASHINGTON CO. AR  
FILED

**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.**

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

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

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

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

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

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JOSEPH K. WOOD, County Judge

12.23.2019  
DATE

  
\_\_\_\_\_  
BECKY LEWALLEN, County Clerk

Introduced by: **JP Ann Harbison**  
Date of Passage: **December 19, 2019**  
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke,  
Duncan, Washington, E. Madison, Jenkins, Highers,  
S. Madison, Leming, Harbison, Pond**  
Members Voting Against:  
Members Abstaining:  
Members Absent:

ORDINANCE NO. 2019-98

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 \$5,470 FROM  
UNAPPROPRIATED RESERVES IN THE  
GENERAL FUND (1000) TO VARIOUS  
PERSONAL SERVICES LINE ITEMS IN THE  
GENERAL SERVICES BUDGET (0118) 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  
\$5,470 from unappropriated reserves in the General Fund (1000) to the following line  
items in General Services Budget (10000118) for 2020:

Salary Full-Time	(10000118-1001)	\$ 4,446
Social Security Matching	(10000118-1006)	342
Noncontributory Retirement	(10000118-1008)	682
<b>TOTAL APPROPRIATION</b>		<b>\$ 5,470</b>

BECKY LEWALLEN  
CO. & PROBATE CLERK  
WASHINGTON CO. AR

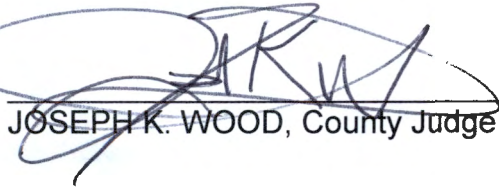
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JOSEPH K. WOOD, County Judge

12-30-2019  
DATE

  
\_\_\_\_\_  
BECKY LEWALLEN, County Clerk

Introduced by: **JP Ann Harbison**  
Date of Passage: **December 19, 2019**  
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins,  
Duncan, Ecke, Washington, Leming, Harbison, Pond**  
Members Voting Against: **E. Madison, Jenkins, Highers, S. Madison**  
Members Abstaining:  
Members Absent:

**ORDINANCE NO. 2019-99**

**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 \$3,837 FROM  
UNAPPROPRIATED RESERVES IN THE  
GENERAL FUND (1000) TO VARIOUS  
PERSONAL SERVICES LINE ITEMS IN THE  
GRANTS ADMINISTRATOR BUDGET (0120)  
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  
\$3,837 from unappropriated reserves in the General Fund (1000) to the following line  
items in Grants Administrator Budget (10000120) for 2020:

Salary Full-Time	(10000120-1001)	3,120
Social Security Matching	(10000120-1006)	239
Noncontributory Retirement	(10000120-1008)	478
<b>TOTAL APPROPRIATION</b>		<b>\$ 3,837</b>

BECKY LEWALLEN  
CO. & PROBATE CLERK  
WASHINGTON CO. AR

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JOSEPH K. WOOD, County Judge

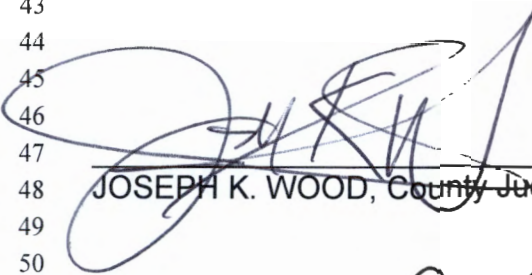
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\_\_\_\_\_  
BECKY LEWALLEN, County Clerk

Introduced by: **JP Ann Harbison**  
Date of Passage: **December 19, 2019**  
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins,  
Duncan, Ecke, Washington, Leming, Harbison, Pond**  
Members Voting Against: **E. Madison, Jenkins, Highers, S. Madison**  
Members Abstaining:  
Members Absent:



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JOSEPH K. WOOD, County Judge

12.30.2019  
DATE



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BECKY LEWALLEN, County Clerk

Introduced by: **JP Ann Harbison**  
Date of Passage: **December 19, 2019**  
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins,  
Duncan, Ecke, Washington, Leming, Harbison, Pond**  
Members Voting Against: **E. Madison, Jenkins, Highers, S. Madison**  
Members Abstaining:  
Members Absent:

ORDINANCE NO. 2019-101

BECKY LEWALLEN  
CO. & PROBATE CLERK  
WASHINGTON CO. AR

2019 DEC 23 PM 1:18

FILED

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

AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD.

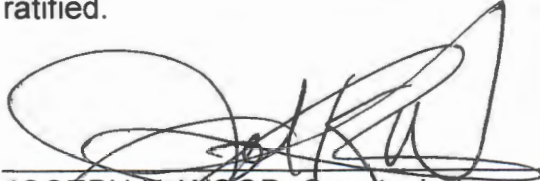
WHEREAS, the Planning and Zoning Board voted to recommend approval of a Conditional Use Permit for **Shane and Sarah Helmer**, on **December 12, 2019**; and,

WHEREAS, 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 **Shane and Sarah Helmer**, recommended for approval by the Planning and Zoning Board, is hereby ratified.

  
\_\_\_\_\_  
JOSEPH K. WOOD, County Judge

12.23.2019  
DATE

  
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BECKY LEWALLEN, County Clerk

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Introduced by: **JP Willie Lemming**  
Date of Passage: **December 19, 2019**  
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke,  
Duncan, Washington, Jenkins, Highers, S. Madison,  
Leming, Harbison, Pond**  
Members Voting Against:  
Members Abstaining:  
Members Absent: **E. Madison**

## Helmer CUP

**The Planning Board/Zoning Board of Adjustments approved the Helmer CUP, with conditions, request on December 12, 2019 (6 members voted "in favor", 0 members voted "against", 1 member was absent).**

The applicants, Shane and Sarah Helmer, are seeking Conditional Use Permit approval to allow a parcel of land to be split into two units that will equal less than an acre each.

This Conditional Use Permit Request is to allow the division of a 1.58 acre tract into two parcels (each around 0.79 acres in size) in an area where a maximum of 1 unit per acre is allowed by right and any higher density must be reviewed as a Conditional Use Permit Request by the County Planning Board/ Zoning Board of Adjustments.

This proposed property division could not be processed administratively due to not meeting any of the criteria in Section 11-79. – Exemptions of the Washington County Code of Ordinances and thus, a minor subdivision request must be granted the Washington County Planning Board/Zoning Board of Adjustments.

The project parcel is not in a planning area.

The subject parcel (001-12992-000) is approximately 1.58 acres (more or less) in size and is owned by Shane & Sarah Helmer.

The project location is on the northeast corner of N Wedington Blacktop WC 33 and Syble Rd WC 3608.

The applicants propose the following:

**Parent Tract**

001-12992-000: 1.58 acres

**Proposed Tract 1**

0.79 acres w/current residence

**Proposed Tract 2**

0.79 acres vacant

All property owners within 300 feet of the boundary of this property were notified by certified mail of this project proposal. A total of seven (7) notifications were sent. There were four (4) comments received; all were in opposition of the project.

There were two people that spoke out against the project at the meeting: Hans Hoerler and Tanya Hoerler. Both noted that the Helmers rented the property and the tenants, current and past, were not good neighbors. They feared encroaching residential use properties would make farming difficult in the future.

**The Planning Board/Zoning Board of Adjustments approved the Helmer CUP, with conditions, request on December 12, 2019 (6 members voted "in favor", 0 members voted "against", 1 member was absent).**

### Sewer/Septic

1. Soil work has not been submitted. A favorable soil analysis on Proposed Tract 2 and a septic inspection on Proposed Tract 1 must be conducted by a DR approved by the Arkansas Department of Health and submitted to the Planning Department before final approval may be given.

### Utilities



*Ozarks Electric:*

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that must 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](mailto:wmahaffey@ozarksecc.com)
5. Will need a 15ft. U.E. along existing overhead on SE corner.
6. Need a 25ft. U.E. along West property line to get power to tract 2

*Washington Water Authority:*

1. These properties are served from 4" water main on the south side of the current access drive. If public water service is desired for the additional property, please file a Request for Water Service with the WWA office.

*PG Telco:*

1. Please contact PG Telco should questions or concern for telephone service arise.

**Fire Service**

1. Please contact either the Washington County Fire Marshal or the Prairie Grove Rural Fire Department with any questions or concerns with fire safety.

**Roads**

1. Any work in the County Right of Way will require a permit. Please contact the Road Department.

**Addressing Conditions:**

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

**Environmental Concerns:**

1. No stormwater permit is required by Washington County at this time; however, applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality. [www.adeg.state.ar.us](http://www.adeg.state.ar.us)

**Additional and Standard Conditions:**

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office (fees will be calculated once the info is available from the post office). This total will be calculated for this project once all invoices are received.
2. Pay engineering any fees. This total will be calculated for this project once all invoices are received.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. **This CUP must be ratified by the Quorum Court.**
5. **It is the applicant's responsibility to contact the Planning Office when inspections are needed.**
6. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

ORDINANCE NO. 2019-102

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

BECKY LEWALLEN  
CO. & PROBATE CLERK  
WASHINGTON CO. AR

2019 DEC 23 PM 1:18

FILED

AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD.

WHEREAS, the Planning and Zoning Board voted to recommend approval of a Conditional Use Permit for **Wedington Self-Storage**, on **December 12, 2019**; 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 **Wedington Self-Storage**, recommended for approval by the Planning and Zoning Board, is hereby ratified.



JOSEPH K. WOOD, County Judge

12.23.2019

DATE



BECKY LEWALLEN, County Clerk

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Introduced by: **JP Sam Duncan**  
Date of Passage: **December 19, 2019**  
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke,  
Duncan, Washington, Jenkins, Highers, Leming,  
Harbison**  
Members Voting Against: **E. Madison**  
Members Abstaining: **S. Madison, Pond**  
Members Absent:

## Wedington Self-Storage CUP

**The Planning Board/Zoning Board of Adjustments approved the Wedington Self-Storage CUP, with conditions, request on December 12, 2019 (6 members voted "in favor", 0 members voted "against", 1 member was absent).**

The applicant, Josan Gurmeet of SHA ENT LLC, is seeking Conditional Use Permit approval to allow the development and operation of a self-storage facility in Washington County, Arkansas.

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

The project parcel is in the City of Fayetteville Planning Area.

The project parcels (001-11745-000 and 001-11745-001) are approximately 20 acres (more or less) in size and are owned by the applicant. Approximately 10 acres will be utilized for the self-storage.

The project location is on the north side of West Wedington Drive AR State Highway 16. The project will access West Wedington Dr utilizing two parcels located in the City of Fayetteville, 765-16162-003 and 765-16162-004. The applicant owns these two vacant parcels. The applicant may have to seek approval from the City of Fayetteville in order to utilize these two parcels for the self-storage project.

The final number and design of the self-storage facility and units will be known at the Large Scale portion of the project.

The applicant will return with a Large Scale Development Request at a later time.

A total of fourteen (14) notices were mailed to surrounding property owners within 300 feet of the applicant's project parcel. Four comments were received; two opposed, one neutral, and one in favor.

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

**The Planning Board/Zoning Board of Adjustments approved the Wedington Self-Storage CUP, with conditions, request on December 12, 2019 (6 members voted "in favor", 0 members voted "against", 1 member was absent).**

### **Utilities:**

#### *Ozarks Electric:*

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions. Wes Mahaffey at (479)263-2167 or [wmahaffey@ozarksecc.com](mailto:wmahaffey@ozarksecc.com)

*City of Fayetteville Engineering:*

1. The subject property does not have access to water. Should water access be required, an off-site water main extension will have to be constructed. Contact the Engineering Division at [engineering@fayetteville-ar.gov](mailto:engineering@fayetteville-ar.gov) or 479-575-8206 with questions.

**AT&T:**

1. Please contact AT&T for future phone service or with general phone concerns or questions.

**Fire Marshal:**

1. A new set of plans complying with the Current Arkansas Fire Prevention Code shall be submitted and reviewed for compliance at Large Scale submittal. This shall include water supply for hydrants and sprinkler systems, minimum of two 26' wide Fire access roads, and building plans.

**Health Department Issues:**

1. Should the applicant wish for sewer in the future, they will have to contact either the Arkansas Department of Health for septic permits or the City of Fayetteville for sewer service.

**Road Issues:**

1. West Wedington Drive AR Hwy 16 is maintained by the Arkansas Department of Transportation (ArDOT). All permitting must be addressed through ArDOT.

**Drainage:**

The Washington County Contracted Engineer, Zach Moore, has reviewed this project and had the following comments/concerns:

1. A drainage report and grading plan will be required at the LSD state.
2. Please show the approximate location of the anticipated detention pond.
3. Please anticipate a diversion ditch and/or pipe. Has this been taken into consideration in the site layout to ensure sufficient space is provided to accommodate drainage?

**Environmental Concerns:**

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

**Signage:**

1. Please contact ArDOT and the City of Fayetteville for sign requirements.

**Lighting:**

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

**Screening:**

Washington County Planning has the following concerns/comments:

1. Dumpster areas must be fenced and gated with opaque material.
2. A landscaping plan must be provided at the Large Scale portion.

**Planning:**

1. Additional permitting may be required with the City of Fayetteville. Please contact the City of Fayetteville for verification.

**Additional and Standard Conditions:**

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office (fees will be calculated once the info is available from the post office). This total will be calculated for this project once all invoices are received.
2. Pay engineering any fees. This total will be calculated for this project once all invoices are received.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. **This CUP must be ratified by the Quorum Court.**
5. **It is the applicant's responsibility to contact the Planning Office when inspections are needed.**
6. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.