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BECKY LEWELLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

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

Thursday, November 19, 2020
6:00 p.m.
Washington County Courthouse/
Via Video Zoom Conference

County Judge Joseph K. Wood called the meeting to order at 6:00 p.m.

JP Shawndra Washington led the prayer and pledge.

Members present were JP Lance Johnson, JP Susan Cunningham, JP Derek Thomas, 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 request to amend the agenda and remove agenda item 14.1 was made by JP Deakins and seconded by JP Ecke. A voice vote was called and all members unanimously voted to approve the motion. A motion to adopt the agenda as amended was made by JP Harbison and seconded by JP Duncan. A voice vote was called and all members unanimously voted to adopt the agenda as amended.

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

During citizen's comments, Sarah Moore spoke about COVID-19 information. David Freeman spoke about agenda item 18.1.

The October 15th minutes were approved without any corrections.

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. Judge Wood updated the Court with information about the Winslow Dirt Pit.

Judge Joseph Wood introduced agenda item 8.1. This ordinance was on third and final reading. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE APPROPRIATING \$6,557.87 IN THE QUORUM COURT BUDGET FOR 2020". A motion to adopt the ordinance was made by JP Harbison and seconded by JP Deakins. There were comments made by JP Yanez, JP E Madison, and JP S Madison. A point of order request was made by JP Ecke because there was discussion on matters not pertaining to the ordinance. 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 Thomas: Yes
- JP Yanez: Yes
- JP Deakins: Yes
- JP Ecke: Yes
- JP Duncan: Yes
- JP Washington: No
- JP E Madison: No
- JP Jenkins: No
- JP Highers: No
- JP S Madison: No
- JP Leming: Yes
- JP Harbison: Yes
- JP Pond: Yes

61 The motion was approved.

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63 **Ordinance 2020-67, AN ORDINANCE APPROPRIATING \$6,557.87 IN THE QUORUM**
64 **COURT BUDGET FOR 2020, was adopted.**

65

66 Judge Joseph Wood introduced agenda item 9.1. This ordinance was on second
67 reading. County Attorney Brian Lester read the ordinance by title only, "AN
68 ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR
69 APPROVAL BY THE PLANNING AND ZONING BOARD (62 MOTOR CITY)". There
70 was a comment made by JP Leming. This ordinance will be on next month's agenda
71 and will be on third and final reading.

72

73 Judge Joseph Wood introduced agenda item 10.1. This ordinance was on second
74 reading. County Attorney Brian Lester read the ordinance by title only, "AN
75 ORDINANCE CHANGING THE TITLE OF JUVENILE CAREWORKER TO JUVENILE
76 DETENTION OFFICER IN THE JUVENILE DETENTION CENTER BUDGET FOR
77 2020". A motion to suspend the rules and advance the ordinance to third and final
78 reading was made by JP Pond and seconded by JP Ecke. A roll call vote was called
79 and the votes were tallied as follow:

80 JP Johnson: Yes

81 JP Cunningham: Yes

82 JP Thomas: Yes

83 JP Yanez: No

84 JP Deakins: Yes

85 JP Ecke: Yes

86 JP Duncan: Yes

87 JP Washington: No

88 JP E Madison: No

89 JP Jenkins: No

90 JP Highers: No

91 JP S Madison: No

92 JP Leming: Yes

93 JP Harbison: Yes

94 JP Pond: Yes

95 The motion failed to receive the 2/3 votes required to advance the ordinance. This
96 ordinance will be on next month's agenda and will be on third and final reading.

97

98 Judge Joseph Wood introduced agenda 11.1. This ordinance was on second reading.
99 County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE
100 CHANGING THE TITLE OF JANITORIAL PERSON TO JANITORIAL
101 TRAINER/FLOOR TECHNICIAN IN THE BUILDING AND GROUNDS BUDGET FOR
102 2020". A motion to suspend the rules and advance the ordinance to third and final
103 reading was made by JP Pond and seconded by JP Duncan. A roll call vote was called
104 and the votes were tallied as follow:

105 JP Johnson: Yes

106 JP Cunningham: Yes

107 JP Thomas: Yes

108 JP Yanez: No

109 JP Deakins: Yes

110 JP Ecke: Yes

111 JP Duncan: Yes

112 JP Washington: No

113 JP E Madison: No

114 JP Jenkins: No

115 JP Highers: No

116 JP S Madison: No

117 JP Leming: No

118 JP Harbison: Yes

119 JP Pond: Yes

120 The motion failed to receive the 2/3 votes required to advance the ordinance. This
121 ordinance will be on next month's agenda and will be on third and final reading.
122

123 Judge Joseph Wood introduced agenda 12.1. This ordinance was on second reading.
124 County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE
125 SETTING CONTROLS FOR THE 2021 BUDGET". There was a comment made by JP
126 Duncan. This ordinance will be on next month's agenda and will be on third and final
127 reading.
128

129 Judge Joseph Wood introduced agenda 13.1. This ordinance was on second reading.
130 County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE
131 APPROPRIATING \$1,308,438 FROM UNAPPROPRIATED RESERVES IN VARIOUS
132 FUNDS TO VARIOUS BUDGETS TO COMPENSATE FOR THE 27TH PAY PERIOD
133 FOR COUNTY EMPLOYEES". A motion to suspend the rules and advance the
134 ordinance to third and final reading was made by JP Harbison and seconded by JP
135 Ecke. A roll call vote was called and the votes were tallied as follow:

136 JP Johnson: No

137 JP Cunningham: No

138 JP Thomas: Yes

139 JP Yanez: No

140 JP Deakins: No

141 JP Ecke: Yes

142 JP Duncan: No

143 JP Washington: Yes

144 JP E Madison: Yes

145 JP Jenkins: Yes

146 JP Highers: Yes

147 JP S Madison: No

148 JP Leming: No

149 JP Harbison: Yes

150 JP Pond: Yes

151 The motion failed to receive the 2/3 votes required to advance the ordinance. This
152 ordinance will be on next month's agenda and will be on third and final reading.
153

154 Agenda item 14.1 was removed from the agenda.
155

156 Judge Joseph Wood introduced agenda item 15.1. County Attorney Brian Lester read
157 the ordinance by title only, "AN ORDINANCE RATIFYING A CONDITIONAL USE
158 PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING
159 BOARD (BOBBY RUSSELL RESIDENTIAL)". A motion to suspend the rules and
160 advance the ordinance to second reading was made by JP Leming and seconded by JP
161 Duncan. A voice vote was called and all members unanimously voted to approve the
162 motion. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE
163 RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY
164 THE PLANNING AND ZONING BOARD (BOBBY RUSSELL RESIDENTIAL)". A motion
165 to suspend the rules and advance the ordinance to third and final reading was made by
166 JP Pond and seconded by JP Leming. A voice vote was called and all members
167 unanimously voted to approve the motion. County Attorney Brian Lester read the
168 ordinance by title only, "AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT
169 RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD
170 (BOBBY RUSSELL RESIDENTIAL)". A motion to adopt the ordinance was made by JP
171 Pond and seconded by JP Harbison. There were no public comments. A roll call vote
172 was called and all members unanimously voted to adopt the ordinance.
173

174 **Ordinance 2020-68, AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT**
175 **RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD**
176 **(BOBBY RUSSELL RESIDENTIAL), was adopted.**

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Judge Joseph Wood introduced agenda item 16.1. 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 (OZARKS SOLAR PARK)". A motion to suspend the rules and advance the 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 RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD (OZARKS SOLAR PARK)". A motion to suspend the rules and advance the ordinance to third and final reading was made by JP Pond and seconded by JP S Madison. 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 (OZARKS SOLAR PARK)". A motion to adopt the ordinance was made by JP Leming and seconded by JP Pond. There were no public comments. A roll call vote was called and majority of the members voted to adopt the ordinance. JP Washington opposed.

Ordinance 2020-69, AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD (OZARKS SOLAR PARK), was adopted.

Judge Joseph Wood introduced agenda item 17.1. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE RECOGNIZING ADDITIONAL REVENUE OF \$35,227.80 IN THE DEM FUND; AND, APPROPRIATING \$35,227.80 FROM THE DEM FUND TO THE DEM BUDGET FOR 2020". A motion to adopt the ordinance was made by JP Harbison and seconded by JP Ecke. There were comments made by JP Pond, JP E Madison, and JP Leming. During public comments, Sarah Moore and JP Leming spoke. A roll call vote was called and all members unanimously voted to adopt the ordinance.

Ordinance 2020-70, AN ORDINANCE RECOGNIZING ADDITIONAL REVENUE OF \$35,227.80 IN THE DEM FUND; AND, APPROPRIATING \$35,227.80 FROM THE DEM FUND TO THE DEM BUDGET FOR 2020, was adopted.

Judge Joseph Wood introduced agenda item 18.1. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE ANTICIPATING ADDITIONAL REVENUES OF \$1,129,349 IN THE DEM GRANT FUND; AND APPROPRIATING THE AMOUNT OF \$1,129,349 FROM THE DEM GRANT FUND TO VARIOUS HOMELAND SECURITY BUDGETS FOR 2020". A motion to adopt the ordinance was made by JP Harbison and seconded by JP Pond. There were comments made by E Madison and JP Leming. 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 Thomas: Yes
- JP Yanez: No
- JP Deakins: Yes
- JP Ecke: Yes
- JP Duncan: Yes
- JP Washington: No
- JP E Madison: No
- JP Jenkins: No
- JP Highers: No
- JP S Madison: No
- JP Leming: Yes
- JP Harbison: Yes

235 JP Pond: Yes

236 The motion failed to receive the 2/3 votes required to pass with one reading. This
237 ordinance will be on next month's agenda and will be on second reading.
238

239 Judge Joseph Wood introduced agenda item 19.1. County Attorney Brian Lester read
240 the ordinance by title only, "AN ORDINANCE CREATING FUND 1001 GENERAL
241 RESERVE IN THE WASHINGTON COUNTY BUDGET FOR 2020". A motion to adopt
242 the ordinance was made by JP Harbison and seconded by JP Ecke. There were
243 comments made by JP E Madison and JP Deakins. There were no public comments. A
244 roll call vote was called and majority of the members voted to adopt the ordinance. JP
245 Yanez opposed.
246

247 **Ordinance 2020-71, AN ORDINANCE CREATING FUND 1001 GENERAL RESERVE**
248 **IN THE WASHINGTON COUNTY BUDGET FOR 2020, was adopted.**
249

250 Judge Joseph Wood introduced agenda item 20.1. County Attorney Brian Lester read
251 the ordinance by title only, "AN ORDINANCE LEVYING THE COUNTY, MUNICIPAL
252 AND SCHOOL DISTRICT TAXES FOR THE YEAR 2020". A motion to suspend the
253 rules and advance the ordinance to second reading was made by JP Pond and
254 seconded by JP Harbison. A voice vote was called and all members unanimously voted
255 to approve the motion. County Attorney Brian Lester read the ordinance by title only,
256 "AN ORDINANCE LEVYING THE COUNTY, MUNICIPAL AND SCHOOL DISTRICT
257 TAXES FOR THE YEAR 2020". A motion to suspend the rules and advance the
258 ordinance to third and final reading was made by JP Harbison and seconded by JP
259 Leming. A voice vote was called and all members unanimously voted to approve the
260 motion. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE
261 LEVYING THE COUNTY, MUNICIPAL AND SCHOOL DISTRICT TAXES FOR THE
262 YEAR 2020". A motion to adopt the ordinance was made by JP Harbison and seconded
263 by JP Pond. There were comments made by JP Deakins, JP Pond, and Treasurer
264 Bobby Hill. There were no public comments. A roll call vote was called and majority of
265 the members voted to adopt the ordinance. JP Deakins opposed.
266

267 **Ordinance 2020-72, AN ORDINANCE LEVYING THE COUNTY, MUNICIPAL AND**
268 **SCHOOL DISTRICT TAXES FOR THE YEAR 2020, was adopted.**
269

270 Judge Joseph Wood introduced agenda item 21.1. County Attorney Brian Lester read
271 the ordinance by title only, "AN ORDINANCE RECOGNIZING ADDITIONAL REVENUE
272 IN THE AMOUNT OF \$67,036.07 IN THE GENERAL FUND IN 2020; AND,
273 APPROPRIATING SAID \$67,036.07 FROM THE GENERAL FUND TO VARIOUS LINE
274 ITEMS IN THE SHERIFF'S BUDGET FOR 2020". A motion to adopt the ordinance was
275 made by JP Harbison and seconded by JP Ecke. There were no public comments. A
276 roll call vote was called and all members unanimously voted to adopt the ordinance.
277

278 **Ordinance 2020-73, AN ORDINANCE RECOGNIZING ADDITIONAL REVENUE IN**
279 **THE AMOUNT OF \$67,036.07 IN THE GENERAL FUND IN 2020; AND,**
280 **APPROPRIATING SAID \$67,036.07 FROM THE GENERAL FUND TO VARIOUS**
281 **LINE ITEMS IN THE SHERIFF'S BUDGET FOR 2020, was adopted.**
282

283 JP Jenkins presented the November County Services Committee Report. The
284 Committee met on November 2nd and received updates on the Road Department and
285 Animal Services. The Committee also received an update from Johnson Controls.
286

287 JP Harbison presented the November Finance & Budget Committee Report. The
288 Committee met on October 13th and discussed the employee raises. The Committee
289 approved giving employees \$130 a month. The Committee also met on November 10th
290 and received the Treasurer, Employees' Insurance, and Comptroller Reports. The
291 Committee approved five ordinances and postponed one ordinance. During Budget
292 Review, the Committee discussed Elkins District Court, Funding on the Criminal Justice
293 Coordinating Committee, Budget Controls, and the Road Department. The Committee

294 postponed discussion on the Elkins District Court and Budget Controls. The Road
295 Department Budget failed.
296
297 Jails/LE/Courts Committee did not meeting in November. The monthly reports were
298 emailed and posted on the county website.
299
300 The Personnel Committee did not meet in November.
301
302 A motion to adjourn the meeting was made by JP Leming and seconded by JP Ecke.
303
304 The meeting was adjourned at 7:15 p.m.
305
306
307 *Patty Burnett*
308 Patty Burnett
309 Quorum Court Coordinator

SECURITY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

2020 NOV 23 PM 1:38

FILED

ORDINANCE NO. 2020-69

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.

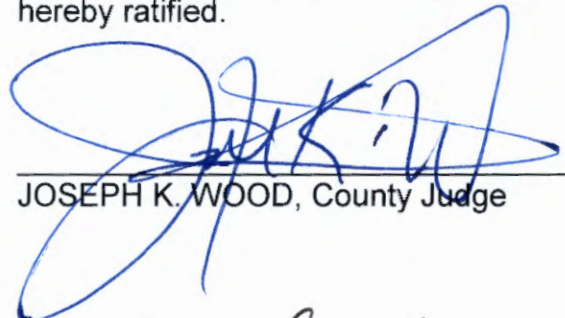
WHEREAS, the Planning and Zoning Board voted to
recommend approval of a Conditional Use Permit for the **Ozarks Solar Park** project on
November 5, 2020; and,

WHEREAS, ratification is required by the Quorum Court; 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:

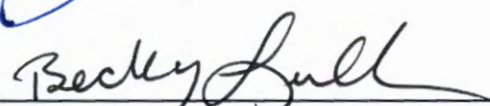
ARTICLE 1. That the Conditional Use Permit for the **Ozarks
Solar Park** project recommended for approval by the Planning and Zoning Board is
hereby ratified.



JOSEPH K. WOOD, County Judge

11. 23. 2020

DATE



BECKY LEWALLEN, County Clerk

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Introduced by: **JP Willie Leming**
Date of Adoption: **November 19, 2020**
Members Voting For: **Johnson, Cunningham, Thomas, Yanez, Deakins, Ecke,
Duncan, E. Madison, Jenkins, Highers, S. Madison,
Leming, Harbison, Pond**
Members Voting Against: **Washington**
Members Abstaining:
Members Absent:
Committee History: Planning and Zoning Board (11-05-2020); Passed to QC
Quorum Court History: Regular Quorum Court (11-19-2020); First, Second, Third Reading

Ozarks Solar Park CUP

The Planning Board/Zoning Board of Adjustments approved the Ozarks Solar Park CUP, with conditions, request on November 5, 2020 (6 members voted "in favor", 0 members voted "against", 1 member was absent).

The applicant, Today's Power Inc (TPI), is requesting conditional use permit approval to operate a solar battery storage facility.

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

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

The proposal is located west of S Wedington Blacktop WC 33.

The project parcel is approximately 16.54 acres. Since the intended use is not agricultural or single family residential, the applicant must obtain a conditional use permit to allow its requested use.

The solar field will be fenced with gated. There will be parking available but limited to TPI personnel for maintenance purposes. TPI estimates around four (4) employees accessing the site for maintenance, but will typically not have personnel present 24 hours a day. Aside from TPI employees and its scheduled visitors, there will be no customers visiting the site.

The applicant intends to have a sign with the TPI logo and site details posted near the front gate. The solar field is expected to utilize the entire 16.5 acre parcel.

There should be no audible noise emitted from the facility and should not produce trash or waste after its construction phase. The solar structures will not exceed 10 feet in height.

The solar field facility will not have water or plumbing on site.

Staff notified property owners that were within 300 feet of the project parcel. There were no comments in opposition or in favor received.

At the Planning Board meeting, one neighbor voiced concern. The neighbor directly to the north stated that he did not receive his notification in a timely manner. Also, he stated that he is concerned his property value will diminish with the new development next door. He said he had retained an attorney to help him with this but the attorney was unable to attend the Planning Board meeting. The Planning Board members stated that no matter what tonight's outcome was, he could appeal within thirty days.

There was discussion between the Planning Board members and the applicant. There was concern about glare and reflection. The applicant stated that the panels utilized a tracker system. They would not be static and would move to capture the sunlight as it crossed the sky.

There was no further discussion.

The Planning Board/Zoning Board of Adjustments approved the Ozarks Solar Park CUP, with conditions, request on November 5, 2020 (6 members voted "in favor", 0 members voted "against", 1 member was absent)

Utility Conditions

Electricity – 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

Phone – PG Telco

1. Please contact PG Telco for telephone concerns and questions.

Water – City of Lincoln

1. Please contact the City of Lincoln for water concerns and questions.

Fire Safety Conditions

Fire Marshal

1. The architect/engineer will need to base the project off of the Arkansas Fire Prevention Code for the entire project. Please contact the Fire Marshal to have a representative to sign an acknowledgement form.

Lincoln Rural Fire Department

1. Today's Power Letter of Explanation gives a description of the project off Wyman road. Update letter to reflect how it will lay off Wedington Blacktop.
2. Please note in site drawings the location of the two energy storage containers and access road or roads.

Sewer/Septic Conditions

1. Please contact the Arkansas Department of Health should the need for septic arise in the future.

Drainage Conditions

1. A drainage report will be required at the large scale development portion of this project.

Environmental Conditions

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

Road Conditions

1. Please contact the Washington County Road Department for permitting.

Signage Conditions

1. All signs must be out of the right of ways.
2. Signs may not exceed 24 square feet in size.
3. Signs shall not be directly lit.

Lighting Conditions

1. 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.

Screening Conditions

1. All outdoor storage areas and dumpsters, to include the gate, shall be screened with opaque material of a uniform type.
2. Landscaping barriers such as trees, shrubs, and/or fencing may be required in the large scale development portion. A planting schematic must be approved by the Planning Department prior to the installation of the plant.

Planning Conditions

1. The Conditional Use Permit is specifically to allow a solar battery storage facility only. Any future land uses not allowed by the current zoning must come before the Planning Board/Zoning Board for conditional use permit approval and ratified by the Quorum Court.
2. The applicant must address all technical review comments as the project proceeds through to completion.

Standard Conditions for All Projects

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 any engineering 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. All CUPs must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.

6. Per Washington County ordinance Sec 11-75 (7): All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State, or local or approvals, if any, whether known or unknown to the Board or the Developer.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

2020 NOV 23 PM 1:38

FILED

ORDINANCE NO. 2020-68

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 the Bobby Russell Residential project on November 5, 2020; and,

WHEREAS, ratification is required by the Quorum Court; 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 Bobby Russell Residential project recommended for approval by the Planning and Zoning Board is hereby ratified.



JOSEPH K. WOOD, County Judge

11.23.2020
DATE



BECKY LEWALLEN, County Clerk

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46 Introduced by: **JP Willie Leming**
47 Date of Adoption: **November 19, 2020**
48 Members Voting For: **Johnson, Cunningham, Thomas, Yanez, Deakins, Ecke,**
49 **Duncan, Washington, E. Madison, Jenkins, Highers,**
50 **S. Madison, Leming, Harbison, Pond**
51 Members Voting Against:
52 Members Abstaining:
53 Members Absent:
54
55
56 Committee History: Planning and Zoning Board (11-05-2020); Passed to QC
57 Quorum Court History: Regular Quorum Court (11-19-2020); First, Second, Third Reading

Bobby Russell Residential CUP

The Planning Board/Zoning Board of Adjustments approved the Bobby Russell Residential CUP, with conditions, request on November 5, 2020 (6 members voted "in favor", 0 members voted "against", 1 member was absent).

The applicant, Bobby Russell, is requesting residential conditional use permit approval to add a second residence on his property.

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

The project parcel is not in a planning area. The proposal is located west of S Jackson Highway WC 669 along Sparrow Rd WC 3618.

The project parcel is approximately 1.82 acres and does not meet the zoning criteria for a second residence.

Sec 11-191.1 (a) of the Washington County Code of Ordinances state that single-family residential uses shall have a tract or parcel size of no less than one (1) acre in size. The addition of the second residences makes the property non-compliant with current County zoning.

The applicant states the second residence is for their grandson.

The Arkansas Department of Health has already approved the septic permit and design.

The City of Lincoln provides water to this location. The City has approved the plumbing permit for the new house.

The second residence will not be placed in any building setback.

Staff did not receive any comments from surrounding neighbors in favor or against the project.

At the Planning Board meeting, the project was not contentious and did have public discussion.

Staff does not expect this project to be contentious or have public discussion during the Quorum Court meeting.

The Planning Board/Zoning Board of Adjustments approved the Bobby Russell Residential CUP, with conditions, request on November 5, 2020 (6 members voted "in favor", 0 members voted "against", 1 member was absent)

Utility Conditions

Electricity – 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

Phone – PG Telco

1. Please contact PG Telco for telephone concerns and questions.

Water – City of Lincoln

1. The City of Lincoln is unable to provide fire protection because the water line is too small.

Fire Safety Conditions

Fire Marshal

1. The structure should be equipped with hardwired/battery back-up smoke alarms.

Lincoln Rural Fire Department

1. The applicant should seek to confer with the Lincoln Rural Fire Department for any fire safety concerns or questions.

Sewer/Septic Conditions

1. The applicant must adhere to all Arkansas Department of Health regulations and requirements when installing the new septic system.

Environmental Conditions

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

Standard Conditions for All Projects

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 any engineering 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. All CUPs must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. Per Washington County ordinance Sec 11-75 (7): All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of

any Federal, State, or local or approvals, if any, whether known or unknown to the Board or the Developer.

7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

SECURITY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

2020 NOV 23 PM 1:38

FILED

ORDINANCE NO. 2020-69

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.

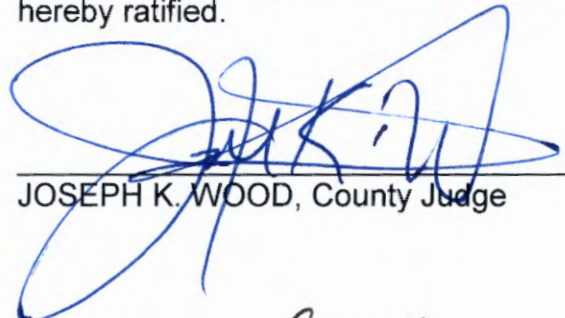
WHEREAS, the Planning and Zoning Board voted to
recommend approval of a Conditional Use Permit for the **Ozarks Solar Park** project on
November 5, 2020; and,

WHEREAS, ratification is required by the Quorum Court; 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:

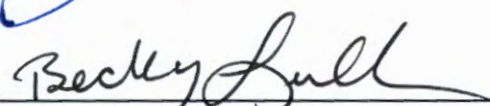
ARTICLE 1. That the Conditional Use Permit for the **Ozarks
Solar Park** project recommended for approval by the Planning and Zoning Board is
hereby ratified.



JOSEPH K. WOOD, County Judge

11. 23. 2020

DATE



BECKY LEWALLEN, County Clerk

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Introduced by: **JP Willie Leming**
Date of Adoption: **November 19, 2020**
Members Voting For: **Johnson, Cunningham, Thomas, Yanez, Deakins, Ecke,
Duncan, E. Madison, Jenkins, Highers, S. Madison,
Leming, Harbison, Pond**
Members Voting Against: **Washington**
Members Abstaining:
Members Absent:
Committee History: Planning and Zoning Board (11-05-2020); Passed to QC
Quorum Court History: Regular Quorum Court (11-19-2020); First, Second, Third Reading

Ozarks Solar Park CUP

The Planning Board/Zoning Board of Adjustments approved the Ozarks Solar Park CUP, with conditions, request on November 5, 2020 (6 members voted "in favor", 0 members voted "against", 1 member was absent).

The applicant, Today's Power Inc (TPI), is requesting conditional use permit approval to operate a solar battery storage facility.

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

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

The proposal is located west of S Wedington Blacktop WC 33.

The project parcel is approximately 16.54 acres. Since the intended use is not agricultural or single family residential, the applicant must obtain a conditional use permit to allow its requested use.

The solar field will be fenced with gated. There will be parking available but limited to TPI personnel for maintenance purposes. TPI estimates around four (4) employees accessing the site for maintenance, but will typically not have personnel present 24 hours a day. Aside from TPI employees and its scheduled visitors, there will be no customers visiting the site.

The applicant intends to have a sign with the TPI logo and site details posted near the front gate. The solar field is expected to utilize the entire 16.5 acre parcel.

There should be no audible noise emitted from the facility and should not produce trash or waste after its construction phase. The solar structures will not exceed 10 feet in height.

The solar field facility will not have water or plumbing on site.

Staff notified property owners that were within 300 feet of the project parcel. There were no comments in opposition or in favor received.

At the Planning Board meeting, one neighbor voiced concern. The neighbor directly to the north stated that he did not receive his notification in a timely manner. Also, he stated that he is concerned his property value will diminish with the new development next door. He said he had retained an attorney to help him with this but the attorney was unable to attend the Planning Board meeting. The Planning Board members stated that no matter what tonight's outcome was, he could appeal within thirty days.

There was discussion between the Planning Board members and the applicant. There was concern about glare and reflection. The applicant stated that the panels utilized a tracker system. They would not be static and would move to capture the sunlight as it crossed the sky.

There was no further discussion.

The Planning Board/Zoning Board of Adjustments approved the Ozarks Solar Park CUP, with conditions, request on November 5, 2020 (6 members voted "in favor", 0 members voted "against", 1 member was absent)

Utility Conditions

Electricity – 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

Phone – PG Telco

1. Please contact PG Telco for telephone concerns and questions.

Water – City of Lincoln

1. Please contact the City of Lincoln for water concerns and questions.

Fire Safety Conditions

Fire Marshal

1. The architect/engineer will need to base the project off of the Arkansas Fire Prevention Code for the entire project. Please contact the Fire Marshal to have a representative to sign an acknowledgement form.

Lincoln Rural Fire Department

1. Today's Power Letter of Explanation gives a description of the project off Wyman road. Update letter to reflect how it will lay off Wedington Blacktop.
2. Please note in site drawings the location of the two energy storage containers and access road or roads.

Sewer/Septic Conditions

1. Please contact the Arkansas Department of Health should the need for septic arise in the future.

Drainage Conditions

1. A drainage report will be required at the large scale development portion of this project.

Environmental Conditions

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

Road Conditions

1. Please contact the Washington County Road Department for permitting.

Signage Conditions

1. All signs must be out of the right of ways.
2. Signs may not exceed 24 square feet in size.
3. Signs shall not be directly lit.

Lighting Conditions

1. 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.

Screening Conditions

1. All outdoor storage areas and dumpsters, to include the gate, shall be screened with opaque material of a uniform type.
2. Landscaping barriers such as trees, shrubs, and/or fencing may be required in the large scale development portion. A planting schematic must be approved by the Planning Department prior to the installation of the plant.

Planning Conditions

1. The Conditional Use Permit is specifically to allow a solar battery storage facility only. Any future land uses not allowed by the current zoning must come before the Planning Board/Zoning Board for conditional use permit approval and ratified by the Quorum Court.
2. The applicant must address all technical review comments as the project proceeds through to completion.

Standard Conditions for All Projects

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 any engineering 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. All CUPs must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.

6. Per Washington County ordinance Sec 11-75 (7): All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State, or local or approvals, if any, whether known or unknown to the Board or the Developer.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

ORDINANCE NO. 2020-70

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 REVENUE OF \$35,227.80 IN THE DEM FUND; AND, APPROPRIATING \$35,227.80 FROM THE DEM FUND TO THE DEM BUDGET FOR 2020.

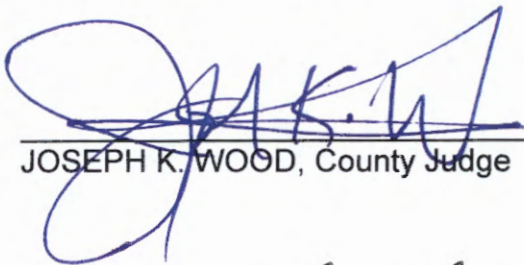
WHEREAS, Washington County received money for assistance with the disaster created by Hurricane Dorian; and,

WHEREAS, the Quorum Court desires to appropriate said money to the DEM Budget for 2020.

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

ARTICLE 1. There is hereby recognized additional revenue of \$35,227.80 in the DEM revenue line item of the DEM Fund for 2020.

ARTICLE 2. There is hereby appropriated the amount of \$35,227.80 from the DEM fund to the Other Professional Services line item in the DEM Budget (10000500.3009) for 2020.



JOSEPH K. WOOD, County Judge

11. 23. 2020
DATE



BECKY LEWALLEN, County Clerk

FILED
2020 NOV 23 PM 1:38
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

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Introduced by: **JP Ann Harbison**
Date of Adoption: **November 19, 2020**
Members Voting For: **Johnson, Cunningham, Thomas, Yanez, Deakins, Ecke,
Duncan, Washington, E. Madison, Jenkins, Highers,
S. Madison, Leming, Harbison, Pond**

Members Voting Against:
Members Abstaining:
Members Absent:

Committee History: Finance & Budget Committee (11-10-2020); Passed to QC
Quorum Court History: Regular Quorum Court (11-19-2020); Adopted

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

2020 NOV 23 PM 1:38

FILED

ORDINANCE NO. 2020-71

APPROPRIATION ORDINANCE

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


AN ORDINANCE CREATING FUND 1001
GENERAL RESERVE IN THE WASHINGTON
COUNTY BUDGET FOR 2020.

WHEREAS, Washington County desires to create a General
Reserve Fund (1001) for unappropriated county reserves.

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


ARTICLE 1. There is hereby created fund 1001 General
Reserve Fund for Washington County.

ARTICLE 2. On or before December 31, 2020, the County
Treasurer shall transfer \$4.5 million from unappropriated reserves to said fund.



JOSEPH K. WOOD, County Judge

11.23.2020
DATE



BECKY LEWALLEN, County Clerk

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Introduced by: **JP Ann Harbison**
Date of Adoption: **November 19, 2020**
Members Voting For: **Johnson, Cunningham, Thomas, Deakins, Ecke, Duncan,
Washington, E. Madison, Jenkins, Highers, S. Madison,
Leming, Harbison, Pond**
Members Voting Against: **Yanez**
Members Abstaining:
Members Absent:

Committee History: Finance & Budget Committee (11-10-2020); Passed to QC
Quorum Court History: Regular Quorum Court (11-19-2020); Adopted

2020 NOV 23 PM 1:39
BEUR L. WALLER
CO. & PROBATE CLERK
WASHINGTON CO. AR
FILED

ORDINANCE NO. 2020-72

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

**AN ORDINANCE LEVYING THE COUNTY,
MUNICIPAL AND SCHOOL DISTRICT TAXES
FOR THE YEAR 2020.**

WHEREAS, Article 7, Section 30, of the Constitution of the State of Arkansas requires the Justices of the Peace of each county to "sit with and assist the County Judge in levying the county taxes"; and,

WHEREAS, A.C.A. 14-14-904 provides that "The Quorum Court, at its regular meeting in November or December of each year, shall levy the county, municipal, and school taxes for the current year."

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

ARTICLE 1. The following taxes are hereby levied for the Year 2020 for Washington County, Arkansas:

Real Estate/Personal Property

- (A) County General 4.4 mills
- (B) County Road 1.1 mills
- (C) County Library 1.0 mills*

*To be collected throughout the County except for property within the City Limits of Fayetteville.

ARTICLE 2. The following taxes are hereby levied for the Year 2020 for the respective municipalities within Washington County, Arkansas:

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(A) Fayetteville:	
General Fund - Operations	2.3 mills
Fayetteville Public Library – Operations	2.5 mills
Fayetteville Public Library – Expansion	1.2 mills
Policemen's Pension and Relief Fund	0.4 mills
Firemen's Pension and Relief Fund	<u>0.4 mills</u>
Total:	6.8 mills
(B) Springdale:	
General Fund	4.7 mills
Firemen's Pension	0.5 mills
Policemen's Pension	0.5 mills
City Fire Fund (Voluntary)	1.5 mills
Library (Voluntary)	<u>1.0 mills</u>
Total:	8.2 mills
(C) Prairie Grove:	
General Fund	4.8 mills
Police Department (Voluntary)	1.0 mills
Fire Department (Voluntary)	<u>0.5 mills</u>
Total:	6.3 mills
(D) Lincoln:	
General Fund	5.0 mills
Police Department (Voluntary)	1.0 mills
Fire Department (Voluntary)	<u>.50 mills</u>
Total:	6.5 mills
(E) Elkins:	4.9 mills
(F) Greenland:	2.9 mills
(G) West Fork:	5.0 mills
(H) Winslow:	3.0 mills
(I) Farmington:	5.0 mills
(J) Tontitown:	3.4 mills
(K) Elm Springs:	4.9 mills
(L) Goshen:	3.0 mills
(M) Johnson:	5.0 mills

ARTICLE 3. The following taxes are hereby levied for the Year 2020 for the respective school districts within Washington County, Arkansas:

Real Estate/Personal Property


	<u>Debt</u>	<u>M & O</u>	<u>Total</u>
(A) Fayetteville #1	20.65 mills	25.0 mills	45.65 mills
(B) Farmington #6	17.4 mills	25.0 mills	42.4 mills
(C) Elkins #10	19.0 mills	25.0 mills	44.0 mills

89	(D) Prairie Grove #23	17.5 mills	25.0 mills	42.5 mills
90	(E) Lincoln #48	17.7 mills	25.0 mills	42.7 mills
91	(F) Springdale #50	15.5 mills	25.0 mills	40.5 mills
92	(G) Greenland #95	14.5 mills	25.0 mills	39.5 mills
93	(H) West Fork, #141	16.6 mills	25.0 mills	41.6 mills
94	(I) Benton County, #21	20.0 mills	25.0 mills	45.0 mills

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97 State law.

ARTICLE 4. The levy of taxes for 2020 is in accordance with

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106 JOSEPH K. WOOD, County Judge

104 11.23.2020
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106 DATE

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110 BECKY LEWALLEN, County Clerk

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112 Introduced by: **JP Ann Harbison**
113 Date of Passage: **November 19, 2020**
114 Members Voting For: **Johnson, Cunningham, Thomas, Yanez, Ecke, Duncan,**
115 **Washington, E. Madison, Jenkins, Highers, S. Madison,**
116 **Leming, Harbison, Pond**
117 Members Voting Against: **Deakins**
118 Members Abstaining:
119 Members Absent:

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122 Committee History: Finance & Budget Committee (11-10-2020); Passed to QC
123 Quorum Court History: Regular Quorum Court (11-19-2020); Adopted

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BEORILEWALLER
CO. & PROBATE CLERK
WASHINGTON CO. AR
FILED

ORDINANCE NO. 2020-73

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 REVENUE IN THE AMOUNT OF \$67,036.07 IN THE GENERAL FUND IN 2020; AND, APPROPRIATING SAID \$67,036.07 FROM THE GENERAL FUND TO VARIOUS LINE ITEMS IN THE SHERIFF'S BUDGET FOR 2020.

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

WHEREAS, Washington County has received additional revenue in the amount of \$67,036.07 for special event services provided by the Washington County Sheriff's Office.

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


ARTICLE 1. There is hereby appropriated the total amount of \$67,036.07 from the General Fund (1000) to the following line items in the following budgets for 2020:

<u>Sheriff's Office (10000400)</u>		
Salaries, Part-Time	(10000400.1002)	\$ 190.72
Overtime	(10000400.1005)	40,227.53
Social Security Matching	(10000400.1006)	3,091.95
Noncontributory Retirement	(10000400.1008)	6,192.16
Worker's Compensation	(10000400.1010)	1,357.76

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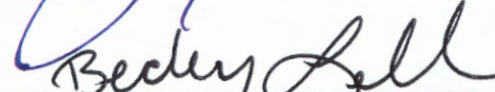
Jail Operations (30170418)

Overtime	(30170418.1005)	\$ 12,444.33
Social Security Matching	(30170418.1006)	1,159.37
Noncontributory Retirement	(30170418.1008)	1,922.33
Worker's Compensation	(30170418.1010)	449.92



JOSEPH K. WOOD, County Judge

11.23.2020
DATE



BECKY LEWALLEN, County Clerk

Introduced by: **JP Ann Harbison**
Date of Adoption: **November 19, 2020**
Members Voting For: **Johnson, Cunningham, Thomas, Yanez, Deakins, Ecke,
Duncan, Washington, E. Madison, Jenkins, Highers,
S. Madison, Leming, Harbison, Pond**
Members Voting Against:
Members Abstaining:
Members Absent:

Committee History: Finance & Budget Committee (11-10-2020); Passed to QC
Quorum Court History: Regular Quorum Court (11-19-2020); Adopted