



WASHINGTON COUNTY, ARKANSAS
County Courthouse

REGULAR MEETING OF THE
WASHINGTON COUNTY QUORUM COURT

Thursday, April 15, 2021
6:00 p.m.
Washington County Quorum Court Room

AGENDA

1. **CALL TO ORDER AND WELCOME** **JUDGE JOSEPH WOOD**
2. **PRAYER AND PLEDGE**
3. **ADOPTION OF AGENDA**
At the beginning of each meeting, the agenda shall be approved. Any JP may request an item be added or removed from the agenda subject to approval of the Quorum Court.
4. **PRELIMINARY MOTIONS**
5. **CITIZEN'S COMMENTS**
Fifteen-minute comment period with a three-minute limit for each individual to comment on items on the agenda or other items.
6. **APPROVAL OF MINUTES** – Approval of the minutes from the Regular Quorum Court meeting of March 18, 2021. (6.1)
7. **COUNTY JUDGE'S REPORT** (7.1) **JUDGE JOSEPH WOOD**

UNFINISHED BUSINESS

8. **AN ORDINANCE ESTABLISHING THE PROCEDURE TO BE USED FOR THE INTRODUCTION OF ORDINANCES, AND FOR OTHER PURPOSES** **JP JIM WILSON**
This ordinance is on third and final reading. Item 21-O-022 (8.1)
9. **AN ORDINANCE AMENDING ORDINANCE 2021-01 TO REVISE THE STANDING COMMITTEES OF THE QUORUM COURT FOR THE 2021-22 TERM AND FOR OTHER PURPOSES** **JP EVA MADISON**
This ordinance is on second reading. Item 21-O-029 (9.1)

NEW BUSINESS

10. **AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD (ORTHODOX FARMHOUSE BREWERY)** JP BUTCH POND
Item 21-O-039 (10.1 – 10.2)
11. **AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD (KING’S RANSOM RV PARK)** JP PATRICK DEAKINS
Item 21-O-038 (11.1 – 11.2)
12. **HUNT-ROGERS SPRINGDALE QUARRY EXPANSION HI-CUP APPEAL HEARING** (12.1 – 12.2) JUDGE JOSEPH WOOD
Conditional Use Permit Request – Land-Use Approval
Land Owner: JB Hunt, LLC Applicant: Hunt-Rogers Springdale Quarry
Site Location: N. Parsons Rd (WC-91)
Approximately 388.5 acres Current Zoning: CUP, 2012-136
Proposed Land Use: Expansion of an existing rock quarry
Project Number 2019-301 & 2019-302 Planner: Nathan Crouch
13. **APPEAL HEARING DISCUSSION BY QUORUM COURT**
14. **QUORUM COURT ACTION ON THE QUARRY EXPANSION CUP**
Item 21-O-040 Item 20-O-041 (14.1 – 14.2)
15. **AN ORDINANCE APPROPRIATING \$219,000 FROM THE CORONAVIRUS RELIEF FUND (1005) TO THE OTHER PROFESSIONAL SERVICES LINE ITEM IN THE CIRCUIT COURT VI BUDGET (0406.3009) FOR 2021** JP LANCE JOHNSON
Item 21-O-031 (15.1)
16. **AN ORDINANCE APPROPRIATING \$18,000 FROM UNAPPROPRIATED RESERVES IN THE COUNTY LIBRARY FUND (3008) TO THE DUES AND MEMBERSHIPS LINE ITEM IN THE COUNTY LIBRARY BUDGET (0600.3090) IN 2021** JP PATRICK DEAKINS
Item 21-O-036 (16.1)
17. **AN ORDINANCE REDUCING THE AMOUNT OF \$399,367 FROM LINE ITEMS IN VARIOUS COUNTY BUDGETS AND RESTORING THOSE FUNDS TO UNAPPROPRIATED RESERVES; AND, APPROPRIATING THE TOTAL AMOUNT OF \$689,930 FROM UNAPPROPRIATED RESERVES TO VARIOUS BUDGET LINE ITEMS FOR 2020** JP PATRICK DEAKINS
Item 21-O-035 (17.1)
18. **AN ORDINANCE ADJUSTING CARRYOVER REVENUES IN VARIOUS FUNDS FOR 2021** JP PATRICK DEAKINS
Item 21-O-032 (18.1)

19. **AN ORDINANCE DE-APPROPRIATING SURPLUS AMOUNTS FROM FULL-TIME SALARIES FOR VARIOUS DEPARTMENTS AND RESTORING THOSE AMOUNTS TO UNAPPROPRIATED RESERVES, AS REQUIRED BY THE 2021 BUDGET CONTROLS, FOR THE FIRST QUARTER OF 2021** Item 21-O-033 (19.1) JP PATRICK DEAKINS
20. **AN ORDINANCE APPROPRIATING \$332,206.34 FROM THE CORONAVIRUS RELIEF FUND (1005) TO VARIOUS LINE ITEMS IN THE BUILDINGS AND GROUNDS BUDGET (10000108) FOR 2021** Item 21-O-034 (20.1 – 20.5) JP PATRICK DEAKINS
21. **AN EMERGENCY ORDINANCE CALLING A SPECIAL ELECTION ON THE QUESTION OF THE LEVY OF THE ANNUAL DUES OF THE BOSTON MOUNTAIN FIRE AND RESCUE VOLUNTEER FIRE DEPARTMENT FOR FIRE PROTECTION SERVICES; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO** Item 21-O-042 (21.1) JP JIM WILSON
22. **AN EMERGENCY ORDINANCE CALLING A SPECIAL ELECTION ON THE QUESTION OF THE LEVY OF THE ANNUAL DUES OF THE SUNSET VOLUNTEER FIRE DEPARTMENT FOR FIRE PROTECTION SERVICES; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO** Item 21-O-043 (22.1) JP JIM WILSON
23. **COMMITTEE REPORTS:**
- COUNTY SERVICES – No Meeting
 - FINANCE & BUDGET (23.1)
 - JAILS/LAW ENFORCEMENT/COURTS (23.2)
 - PERSONNEL (23.3)
24. **ADJOURNMENT**

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

Thursday, March 18, 2021
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 Lance Johnson led the prayer and pledge.

Members present were JP Lance Johnson, JP Shannon Marti, JP Sean Simons, JP Patrick Deakins, JP Lisa Ecke, JP Sam Duncan, JP Shawndra Washington, JP Eva Madison, JP Robert Dennis, JP Suki Highers, JP Evelyn Rios Stafford, JP Willie Leming, JP Jim Wilson, and JP Butch Pond.

A request to amend the agenda and add ordinance item 21-O-030 (DS Refrigeration CUP Ordinance) was made by JP Leming. A motion to adopt the agenda as amended was made by JP Ecke and seconded by JP Leming. 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 resolution by title only 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.

During citizen’s comments, Nicholas Ciggelakis spoke about agenda item 12.1. Kyle Smith, Trudi Rust, Joe Maynard, Laura Phillips, and Terry Gosnell spoke about the CARES Act money. Lou Sharp spoke about JP District 4 vacancy. James McCarty spoke on behalf of Beaver Water District in opposition of the Blue Springs RV Park Conditional Use Permit request.

A motion to approve the February 18, 2021 minutes was made by JP Leming and seconded by JP Johnson. A voice vote was called and all members 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 February. Judge Wood gave an update on the housing assistance, American Rescue Plan, and vaccinations. Judge Wood recognized Major Rick Hoyt on his retirement from the Sheriff’s Office.

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 DENYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD (62 Motor City)”. A motion to adopt the ordinance was made by JP Leming and seconded by JP Dennis. There were comments made by JP Leming, JP Madison, and JP Duncan. There were no public

50 comments. A roll call vote was called and all members present unanimously voted to
51 adopt the ordinance.
52

53 **Ordinance 2021-16, AN ORDINANCE DENYING A CONDITIONAL USE PERMIT**
54 **RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD (62**
55 **Motor City), was adopted.**
56

57 Judge Joseph Wood introduced agenda item 9.1. This ordinance was on third and final
58 reading. County Attorney Brian Lester read the ordinance by title only, "AN
59 ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR
60 APPROVAL BY THE PLANNING AND ZONING BOARD (BLUE SPRINGS RV PARK)".

61 A motion to adopt the ordinance was made by JP Deakins and seconded by JP
62 Johnson. There were comments made by various members of the Court and Planning
63 Director Nathan Crouch. During public comments, Shannon Sherman, Larry McCredy,
64 Clint Shnekloth, and Sherry Main spoke. A roll call vote was called and the votes were
65 tallied as follow:

- 66 JP Johnson: Yes
- 67 JP Marti: Yes
- 68 JP Simons: Yes
- 69 JP Deakins: Yes
- 70 JP Ecke: Yes
- 71 JP Duncan: Yes
- 72 JP Washington: No
- 73 JP Madison: No
- 74 JP Dennis: Yes
- 75 JP Highers: No
- 76 JP Rios Stafford: No
- 77 JP Leming: Abstain
- 78 JP Wilson: Yes
- 79 JP Pond: Abstain

80 The motion was approved.
81

82 **Ordinance 2021-17, AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT**
83 **RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD**
84 **(BLUE SPRINGS RV PARK), was adopted.**
85

86 Judge Joseph Wood introduced agenda item 10.1. This ordinance was postponed at
87 last month's Regular Quorum Court meeting. County Attorney Brian Lester read the
88 ordinance by title only, "AN ORDINANCE APPROPRIATING \$176,368.57 FROM THE
89 CORONAVIRUS RELIEF FUND TO VARIOUS LINE ITEMS IN THE JAIL BUDGET
90 (30170418) FOR 2021". A motion to adopt the ordinance was made by JP Deakins and
91 seconded by JP Pond. During public comments, Sarah Moore, Gladys Tiffany, Phyllis
92 Tyvela, and Kyle Smith spoke. A roll call vote was called and the votes were tallied as
93 follow:

- 94 JP Johnson: Yes
- 95 JP Marti: Yes
- 96 JP Simons: Yes

97 JP Deakins: Yes
98 JP Ecke: Yes
99 JP Duncan: Yes
100 JP Washington: No
101 JP Madison: No
102 JP Dennis: Yes
103 JP Highers: No
104 JP Rios Stafford: No
105 JP Leming: Yes
106 JP Wilson: Yes
107 JP Pond: Yes
108 The motion was approved.
109

110 **Ordinance 2021-18, AN ORDINANCE APPROPRIATING \$176,368.57 FROM THE**
111 **CORONAVIRUS RELIEF FUND TO VARIOUS LINE ITEMS IN THE JAIL BUDGET**
112 **(30170418) FOR 2021, was adopted.**
113

114 Judge Joseph Wood introduced agenda item 11.1. This ordinance was on third and final
115 reading. County Attorney Brian Lester read the ordinance by title only, "AN
116 ORDINANCE APPROPRIATING \$298,050.96 FROM THE CORONAVIRUS RELIEF
117 FUND TO VARIOUS LINE ITEMS IN THE SHERIFF BUDGET (10000400) FOR 2021".
118 A motion to amend the ordinance and strike the amount of \$298,050.96 and replace
119 with \$102,050.96; Strike Coronavirus Relief Fund and replace with Court Costs & Fines
120 (5800); Strike all line items except Small Equipment (10000400.2002) \$102,050.96 was
121 made by JP Deakins and seconded by JP Leming. A voice vote was called and all
122 members unanimously voted to approve the motion. County Attorney Brian Lester read
123 the amended ordinance in its entirety "AN ORDINANCE APPROPRIATING
124 \$102,050.96 FROM COURT COSTS & FINES (5800) IN THE GENERAL FUND TO
125 VARIOUS LINE ITEMS IN THE SHERIFF'S BUDGET (10000400) FOR 2021". There
126 were comments made by various members of the Court. During public comments,
127 Treasurer Bobby Hill, Sarah Moore, Sarah Peace, and Gladys Tiffany spoke. A motion
128 to amend the ordinance and strike Court Costs & Fines and replace with
129 Unappropriated Reserves was made by JP Deakins and seconded by JP Leming. A roll
130 call vote was called and all members present unanimously voted to approve the motion.
131 County Attorney Brian Lester read the amended ordinance by title only, "AN
132 ORDINANCE APPROPRIATING \$102,050.96 FROM UNAPPROPRIATED RESERVES
133 IN THE GENERAL FUND TO VARIOUS LINE ITEMS IN THE SHERIFF'S BUDGET
134 (10000400) FOR 2021". A motion to adopt the ordinance as amended was made by JP
135 Deakins and seconded by JP Madison. A roll call vote was called and all members
136 present unanimously voted to adopt the ordinance.
137

138 **Ordinance 2021-19, AN ORDINANCE APPROPRIATING \$102,050.96 FROM THE**
139 **UNAPPROPRIATED RESERVES IN THE GENERAL FUND TO VARIOUS LINE**
140 **ITEMS IN THE SHERIFF'S BUDGET (10000400) FOR 2021, was adopted.**
141

142 Judge Joseph Wood introduced agenda item 12.1. This ordinance was on second
143 reading. County Attorney Brian Lester read the ordinance by title only, "AN

144 ORDINANCE AUTHORIZING WASHINGTON COUNTY TO ALLOCATE AND
145 DISTRIBUTE A PORTION OF ITS AWARD OF CORONAVIRUS RELIEF FUNDS
146 FROM THE STATE OF ARKANSAS FOR THE BENEFIT OF COUNTY CITIZENS". A
147 motion to suspend the rules and advance the ordinance to third and final reading was
148 made by JP Madison and seconded by JP Washington. A voice vote was called and all
149 members present unanimously voted to approve the motion. County Attorney Brian
150 Lester read the ordinance by title only, "AN ORDINANCE AUTHORIZING
151 WASHINGTON COUNTY TO ALLOCATE AND DISTRIBUTE A PORTION OF ITS
152 AWARD OF CORONAVIRUS RELIEF FUNDS FROM THE STATE OF ARKANSAS
153 FOR THE BENEFIT OF COUNTY CITIZENS". A motion to adopt the ordinance was
154 made by JP Madison and seconded by JP Highers. There were comments made by
155 various members of the Court. During public comments, Josh Moody, Todd Crane, Joe
156 Maynard, Tim Henley, and Erin Moody spoke. A motion to suspend the rules and add
157 twelve more minutes of public comment time was made by JP Madison and seconded
158 by JP Washington. A roll call vote was called and the votes were tallied as follow:

159 JP Johnson: No
160 JP Marti: No
161 JP Simons: Yes
162 JP Deakins: No
163 JP Ecke: No
164 JP Duncan: No
165 JP Washington: Yes
166 JP Madison: Yes
167 JP Dennis: No
168 JP Highers: Yes
169 JP Rios Stafford: Yes
170 JP Leming: No
171 JP Wilson: No
172 JP Pond: No

173 The motion failed.

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

175 JP Johnson: No
176 JP Marti: No
177 JP Simons: No
178 JP Deakins: No
179 JP Ecke: No
180 JP Duncan: No
181 JP Washington: Yes
182 JP Madison: Yes
183 JP Dennis: No
184 JP Highers: Yes
185 JP Rios Stafford: Yes
186 JP Leming: No
187 JP Wilson: No
188 JP Pond: No

189 The motion failed.

190
191 Judge Joseph Wood introduced agenda item 13.1. County Attorney Brian Lester read
192 the resolution by title only, "A RESOLUTION RECOGNIZING A VACANCY IN
193 DISTRICT 4 OF THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS". A
194 motion to adopt the resolution was made by JP Duncan and seconded by JP Leming.
195 There were comments made by various members of the Court. During public
196 comments, Clint Schnekloth, Max Perez, Joe Maynard, Lou Sharp, Sara Peace, and
197 Sarah Moore spoke. A roll call vote was called and the votes were tallied as follow:

- 198 JP Johnson: Yes
- 199 JP Marti: Yes
- 200 JP Simons: Yes
- 201 JP Deakins: Yes
- 202 JP Ecke: Yes
- 203 JP Duncan: Yes
- 204 JP Washington: Yes
- 205 JP Madison: Abstain
- 206 JP Dennis: Yes
- 207 JP Highers: Yes
- 208 JP Rios Stafford: Yes
- 209 JP Leming: Yes
- 210 JP Wilson: Yes
- 211 JP Pond: Yes

212 The motion was approved.

213
214 **Resolution 2021-03, A RESOLUTION RECOGNIZING A VACANCY IN DISTRICT 4**
215 **OF THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS, was**
216 **approved.**
217

218 Judge Joseph Wood introduced agenda item 14.1. County Attorney Brian Lester read
219 the ordinance by title only, "AN ORDINANCE ESTABLISHING THE PROCEDURE TO
220 BE USED FOR THE INTRODUCTION OF ORDINANCES, AND FOR OTHER
221 PURPOSES". A motion to suspend the rules and advance the ordinance to second
222 reading was made by JP Wilson and seconded by JP Dennis. A voice vote was called
223 and majority of the members voted to approve the motion. County Attorney Brian Lester
224 read the ordinance by title only, "AN ORDINANCE ESTABLISHING THE PROCEDURE
225 TO BE USED FOR THE INTRODUCTION OF ORDINANCES, AND FOR OTHER
226 PURPOSES". A motion to suspend the rules and advance the ordinance to third and
227 final reading was made by JP Wilson and seconded by JP Duncan. A roll call vote was
228 called and the votes were tallied as follow:

- 229 JP Johnson: Yes
- 230 JP Marti: Yes
- 231 JP Simons: Yes
- 232 JP Deakins: Yes
- 233 JP Ecke: Yes
- 234 JP Duncan: Yes
- 235 JP Washington: No
- 236 JP Madison: No

237 JP Dennis: Yes
238 JP Highers: No
239 JP Rios Stafford: No
240 JP Leming: Abstain
241 JP Wilson: Yes
242 JP Pond: Yes

243 The motion failed to receive the super-majority vote required to advance the ordinance.
244 This ordinance will be on next month's agenda and will be on third and final reading.
245

246 Judge Joseph Wood introduced agenda item 15.1. County Attorney Brian Lester read
247 the ordinance by title only, "AN ORDINANCE INCREASING THE STARTING SALARY
248 OF THE JUVENILE CAREWORKERS; AND APPROPRIATING \$13,872 FROM
249 UNAPPROPRIATED RESERVES IN THE GENERAL FUND TO VARIOUS LINE ITEMS
250 IN THE JUVENILE DETENTION CENTER (JDC) BUDGET (0444) FOR 2021". A
251 motion to adopt the ordinance was made by JP Ecke and seconded by JP Pond. There
252 were comments made by various members of the Court and JDC Director Denyse
253 Collins. During public comments, Josh Moody, Phyllis Tyvela, Rebecca Graham, Clint
254 Schnekloth, and JP Rios Stafford spoke. A roll call vote was called and the votes were
255 tallied as follow:

256 JP Johnson: Yes
257 JP Marti: Yes
258 JP Simons: Yes
259 JP Deakins: Yes
260 JP Ecke: Yes
261 JP Duncan: Yes
262 JP Washington: Yes
263 JP Madison: No
264 JP Dennis: Yes
265 JP Highers: Yes
266 JP Rios Stafford: Yes
267 JP Leming: Yes
268 JP Wilson: Yes
269 JP Pond: Yes

270 The motion was approved.
271

272 **Ordinance 2021-20, AN ORDINANCE INCREASING THE STARTING SALARY OF**
273 **THE JUVENILE CAREWORKERS; AND APPROPRIATING \$13,872 FROM**
274 **UNAPPROPRIATED RESERVES IN THE GENERAL FUND TO VARIOUS LINE**
275 **ITEMS IN THE JUVENILE DETENTION CENTER (JDC) BUDGET (0444) FOR 2021,**
276 **was adopted.**
277

278 Judge Joseph Wood introduced agenda item 16.1. County Attorney Brian Lester read
279 the ordinance by title only, "AN ORDINANCE RECOGNIZING REVENUE IN THE
280 AMOUNT OF \$298,796 IN THE HIGH INTENSITY DRUG TRAFFICKING AREAS
281 (HIDTA) GRANT FUND; AND, APPROPRIATING \$298,796 FROM THE HIDTA GRANT
282 FUND TO THE HIDTA 2021 G21GC0004A BUDGET FOR 2021". A motion to adopt the
283 ordinance was made by JP Deakins and seconded by JP Leming. During public

284 comments, Sarah Moore spoke. A roll call vote was called and all members present
285 unanimously voted to adopt the ordinance.
286

287 **Ordinance 2021-21, AN ORDINANCE RECOGNIZING REVENUE IN THE AMOUNT**
288 **OF \$298,796 IN THE HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA)**
289 **GRANT FUND; AND, APPROPRIATING \$298,796 FROM THE HIDTA GRANT FUND**
290 **TO THE HIDTA 2021 G21GC0004A BUDGET FOR 2021, was adopted.**
291

292 Judge Joseph Wood introduced agenda item 17.1. County Attorney Brian Lester read
293 the ordinance by title only, "AN ORDINANCE ANTICIPATING ADDITIONAL REVENUE
294 OF \$487,288 IN THE DRUG COURT GRANT FUND; AND, APPROPRIATING THE
295 AMOUNT OF \$487,288 FROM THE DRUG COURT GRANT FUND TO THE
296 VETERANS TREATMENT COURT GRANT BUDGET FOR 2021". A motion to adopt
297 the ordinance was made by JP Deakins and seconded by JP Pond. There were no
298 public comments. A roll call vote was called and all members present unanimously
299 voted to adopt the ordinance.
300

301 **Ordinance 2021-22, AN ORDINANCE ANTICIPATING ADDITIONAL REVENUE OF**
302 **\$487,288 IN THE DRUG COURT GRANT FUND; AND, APPROPRIATING THE**
303 **AMOUNT OF \$487,288 FROM THE DRUG COURT GRANT FUND TO THE**
304 **VETERANS TREATMENT COURT GRANT BUDGET FOR 2021, was adopted.**
305

306 Judge Joseph Wood introduced agenda item 18.1. County Attorney Brian Lester read
307 the ordinance by title only, "AN ORDINANCE APPROPRIATING \$15,000 FROM THE
308 CORONAVIRUS RELIEF FUND TO GENERAL SUPPLIES LINE ITEM IN THE
309 CORONER BUDGET (04192001) FOR 2021". A motion to adopt the ordinance was
310 made by JP Deakins and seconded by JP Pond. There were comments made by JP
311 Deakins, JP Rios Stafford, and JP Pond. There were no public comments. A roll call
312 vote was called and the votes were tallied as follow:

313 JP Johnson: Yes

314 JP Marti: Yes

315 JP Simons: Yes

316 JP Deakins: Yes

317 JP Ecke: Yes

318 JP Duncan: Yes

319 JP Washington: Yes

320 JP Madison: Yes

321 JP Dennis: Yes

322 JP Highers: YEs

323 JP Rios Stafford: Yes

324 JP Leming: Abstain

325 JP Wilson: Yes

326 JP Pond: Yes

327 The motion was approved.
328

329 **Ordinance 2021-23, AN ORDINANCE APPROPRIATING \$15,000 FROM THE**
330 **CORONAVIRUS RELIEF FUND TO GENERAL SUPPLIES LINE ITEM IN THE**
331 **CORONER BUDGET (04192001) FOR 2021, was adopted.**

332
333 Judge Joseph Wood introduced agenda item 19.1. County Attorney Brian Lester read
334 the ordinance by title only, "AN ORDINANCE RECOGNIZING ADDITIONAL
335 REVENUES OF \$60,836.64; AND, APPROPRIATING \$79,195.27 FROM THE
336 GENERAL FUND TO VARIOUS LINE ITEMS IN THE SHERIFF'S BUDGET (0400)
337 AND JAIL BUDGET (0418) FOR 2021". A motion to adopt the ordinance was made by
338 JP Deakins and seconded by JP Leming. There were no public comments. A roll call
339 vote was called and all members present unanimously voted to adopt the ordinance.
340

341 **Ordinance 2021-24, AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF**
342 **\$60,836.64; AND, APPROPRIATING \$79,195.27 FROM THE GENERAL FUND TO**
343 **VARIOUS LINE ITEMS IN THE SHERIFF'S BUDGET (0400) AND JAIL BUDGET**
344 **(0418) FOR 2021, was adopted.**
345

346 Judge Joseph Wood introduced agenda item 20.1. County Attorney Brian Lester read
347 the ordinance by title only, "AN ORDINANCE AMENDING ORDINANCE 2021-01 TO
348 REVISE THE STANDING COMMITTEES OF THE QUORUM COURT FOR THE 2021-
349 22 TERM AND FOR OTHER PURPOSES". A motion to suspend the rules and advance
350 the ordinance to second reading was made by JP Deakins and seconded by JP
351 Duncan. A roll call vote was called and the votes were tallied as follow:

- 352 JP Johnson: Yes
- 353 JP Marti: Yes
- 354 JP Simons: Yes
- 355 JP Deakins: Yes
- 356 JP Ecke: Yes
- 357 JP Duncan: Yes
- 358 JP Washington: No
- 359 JP Madison: No
- 360 JP Dennis: Yes
- 361 JP Highers: No
- 362 JP Rios Stafford: No
- 363 JP Leming: No
- 364 JP Wilson: Yes
- 365 JP Pond: Yes

366 The motion failed to receive the super-majority vote required to advance the ordinance.
367 This ordinance will be on next month's agenda and will be on second reading.
368

369 Judge Joseph Wood introduced agenda item 21.1. County Attorney Brian Lester read
370 the ordinance by title only, "AN ORDINANCE RATIFYING A CONDITIONAL USE
371 PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING
372 BOARD (DS REFRIGERATION)". A motion to suspend the rules and advance the
373 ordinance to second reading was made by JP Leming and seconded by JP Madison. A
374 voice vote was called and all members present unanimously voted to approve the
375 motion. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE
376 RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY
377 THE PLANNING AND ZONING BOARD (DS REFRIGERATION)". A motion to suspend
378 the rules and advance the ordinance to third and final was made by JP Pond and

379 seconded by JP Leming. A voice vote was called and all members present unanimously
380 voted to approve the motion. County Attorney Brian Lester read the ordinance by title
381 only, "AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED
382 FOR APPROVAL BY THE PLANNING AND ZONING BOARD (DS REFRIGERATION)".
383 A motion to adopt the ordinance was made by JP Leming and seconded by JP Pond.
384 There were no public comments. A roll call vote was called and all members present
385 unanimously voted to adopt the ordinance.
386

387 **Ordinance 2021-25, AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT**
388 **RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD (DS**
389 **REFRIGERATION), was adopted.**
390

391 JP Sam Duncan presented the March County Services Committee Report. The County
392 Services Committee met on Monday, March 1st. The Committee approved an ordinance
393 establishing the procedure to be used for introduction of ordinances and discussed
394 planning fees.
395

396 JP Patrick Deakins presented the March Finance & Budget Committee Report.
397 The Finance & Budget Committee met Tuesday, March 9, 2021. Committee Chairman,
398 JP Patrick Deakins shared his expectations for the Finance & Budget Committee. There
399 were reports given on the Treasurer, Employees' Insurance, and Comptroller. County
400 Attorney Brian Lester gave the Committee an overview of the financial responsibilities of
401 the Quorum Court. There was discussion and planning on the budget process for 2021.
402 The Committee approved five ordinances.
403

404 JP Lance Johnson presented the March Jails/Law Enforcement/Courts Committee
405 Report. The Jails/Law Enforcement/Courts Committee met on Monday, March 8th.
406 There were Statistic Reports given on the Juvenile Detention Center, Sheriff's
407 Enforcement, and Detention. The Committee heard a presentation on Returning Home
408 from Nick Robbins.

409 JP Lisa Ecke presented the March Personnel Committee Report. The Personnel
410 Committee met on Monday, March 8th. Committee Chairwoman, JP Lisa Ecke shared
411 her vision, mission, and goals for the Personnel Committee. The Committee approved
412 one request from Judge Joseph Wood.
413

414 The meeting was adjourned at 9:25 p.m.
415
416

417 *Patty Burnett*

418 Patty Burnett
419 Quorum Court Coordinator
420

Joseph K. Wood
County Judge



Jousy Mancia
Fixed Asset Manager

WASHINGTON COUNTY, ARKANSAS
Purchasing Department Disposal of County Property

March, 2021

A.C.A. §14-16-106 provides for the disposal of surplus property owned by a county. If it is determined by the county judge and the county assessor that any personal property owned by a county is junk, scrap, discarded, or otherwise of no value to the county, then the property may be disposed of in any manner deemed appropriate by the county judge. Below is a list of property disposed for the month of March, 2021.

Court Order	File Date	Description
2021-051	03/09/21	I010500688,I010500120,I010500630,I010500324,I010500543,I010500122,I010500326,I0100629,I01050057,I010500550,I010500552,I010500553,010500554,I010500555,I010500009,I010500549,I010500551,I010500334,I010500208,I010500014,I010500579, N/A Serta Desk Chair, N/A Steelcase Desk Chair, N/A Desk Chair, N/A Drafting Table, Ice Maker KS50B from Assessor's Office, N/A Wooden Desk, N/A Wooden Desk from Circuit Clerk
2021-066	03/23/21	3Shelf Television Cart, I044400519 Sceptre Purple Television,I0444000398 Blue Office Chair JDC, Sheriff of 124 Carriers,232 Vests

ORDINANCE NO. 2021-

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

AN ORDINANCE ESTABLISHING THE PROCEDURE TO BE USED FOR THE INTRODUCTION OF ORDINANCES, AND FOR OTHER PURPOSES.

WHEREAS, the proper introduction of ordinances is of vital concern to the Quorum Court of Washington County; and,

WHEREAS, the rules previously adopted by the Quorum Court are not clear regarding the proper procedures; and,

WHEREAS, the Quorum Court desires to adequately set the procedures for the introduction of ordinances.

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

ARTICLE 1. All general ordinances shall be presented to the County Attorney by the member of the Quorum Court introducing that ordinance, in rough draft form, at least five (5) business days prior to the date of the Committee Meeting at which the member of the Quorum Court wishes to introduce the ordinance, except that an ordinance to ratify a conditional use permit granted or denied by the Planning and Zoning Board shall not be referred to a committee, but shall be referred directly to the Quorum Court for consideration.

ARTICLE 2. The County Attorney shall review the ordinance in rough draft form for legal sufficiency and prepare it in proper legal form and forward to the Court Secretary for meeting scheduling.

ARTICLE 3. The Court Secretary shall cause to be sent to each member of the Quorum Court a copy of the meeting agenda and ordinances the Friday preceding the date of the meeting.

ARTICLE 4. Any general ordinance that does not comply with

42 the requirements herein shall be deemed to be out of order if presented at a meeting of
43 the Quorum Court, provided, however, that by a 2/3 vote of the members of the Quorum
44 Court, the requirements herein may be suspended.

45
46 **ARTICLE 5.** Once an ordinance is placed on an agenda,
47 Robert's Rules of Order, in its most recent version, shall govern, except where they are
48 in conflict with the general laws of the County and the State.

49
50 **ARTICLE 6.** An ordinance shall not be reintroduced in less
51 than one year if it once fails adoption by the Quorum Court, unless it relates specifically
52 to the annual budget.

53
54 **ARTICLE 7.** Resolution 1979-01 is hereby repealed.

55
56 **ARTICLE 8.** Any ordinance, or portion thereof, in conflict
57 hereto, is hereby repealed and replaced.

58
59
60
61 _____
62 JOSEPH K. WOOD, County Judge

_____ DATE

63
64
65 _____
66 BECKY LEWALLEN, County Clerk

67
68 Introduced by: **JP Jim Wilson**

69 Date of Adoption:

70 Members Voting For:

71 Members Voting Against:

72 Members Abstaining:

73 Members Absent:

74
75
76 Committee History: County Services Committee (03-01-2021); Passed to QC

77 Quorum Court History: Regular Quorum Court (03-18-2021); First Reading, Second Reading

ORDINANCE NO. 2021-

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

AN ORDINANCE AMENDING ORDINANCE 2021-01 TO REVISE THE STANDING COMMITTEES OF THE QUORUM COURT FOR THE 2021-22 TERM AND FOR OTHER PURPOSES.

WHEREAS, the Quorum Court has conducted its budget process as a committee of the whole for more than 20 years;

WHEREAS, the inclusion of all Justices of the Peace in the budget process has been invaluable to the process;

WHEREAS, the County Judge has appointed only seven Justices of the Peace to the Finance and Budget Committee;

WHEREAS, silencing the voices of the majority of the Justices of the Peace, and thereby the majority of the citizens in Washington County, on the critically important issue of Washington County's finances is not in the County's best interests;

WHEREAS, when a previous County Judge declined to make the Finance and Budget Committee a committee of the whole, the Quorum Court voted to abolish the committee; and

WHEREAS, equal representation of all Justices of the Peace and the citizens in their districts should be the goal of this body.

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

ARTICLE 1. The following standing committees of the Quorum Court are hereby established:

- ~~(a) Finance and Budget~~
- (ba) Jail/law Enforcement Courts
- (eb) County Services
- (dc) Personnel

ARTICLE 2. Pursuant to Washington County Code Sec. 1-7, the Quorum Court hereby directs the appropriate County personnel to ensure that the online version of the "Code of Ordinances, Washington County, Arkansas" is up to date with the substantive parts of permanent and general ordinances passed by the Quorum Court, including this one.

JOSEPH WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: **JP Eva Madison**

Co-Sponsors:

Date of Passage:

Members Voting For:

Members Voting Against:

Members Abstaining:

Members Absent:

Committee History:

Quorum Court History: Regular Quorum Court (03-18-2021); First Reading

ORDINANCE NO. 2021-

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 Orthodox Farmhouse Brewery project on April 01, 2021; 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 Orthodox Farmhouse Brewery project recommended for approval by the Planning and Zoning Board is hereby ratified.

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: JP Butch Pond
Date of Adoption:
Members Voting For:
Members Voting Against:
Members Abstaining:

Orthodox Farmhouse Brewery CUP

The Planning Board/Zoning Board of Adjustments approved the Orthodox Farmhouse Brewery CUP, with conditions, request on April 1, 2021 (7 members voted “in favor”, 0 members voted “against”, 0 members were absent).

The applicants, Jesse and Ashlyn Gagnon, are requesting conditional use permit and preliminary large scale development approval to allow the development and operation of a brewery.

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 Goshen Planning Area.

The subject parcel is located along Ball Rd WC 330.

The subject parcel is approximately 4.50 acres. There is an existing house, building, and a barn. The applicants live on the property with their family. The second building will be added on-to and utilized for the brewery.

The applicants proposes to install an entrance and driveway through the property to allow access to parking areas and the brewery building.

The Brewery will operate only four (4) days a week; up to 30 hours. The applicants will be the primary employees and may hire an additional 1-3 employees within the first year.

This project came before the Planning Board on February 25, 2021 and was tabled by the Planning Board to allow the applicant time to answer some of the questions and concerns the Board had. The Board wanted clarification as to what changes would be made to the property, fire code, more specific hours of operation, a business plan, and the vision for the business.

At the April 1, 2021 Planning Board meeting, the Board was satisfied that all of their concerns and questions had been answered by the applicant and Planning staff.

The project was not contentious though there was one neighbor who spoke against the project at the February 25, 2021 meeting. This neighbor also sent an email to Planning staff further detailing their concerns about the potential for patrons to drive intoxicated, for property values to diminish, for their quiet way of life being disturbed. They also stated that they moved to the County setting in order to assist their family with substance abuse issues and having a brewery that serves beer within walking distance could disrupt their recovery process.

The applicants gave a small presentation detailing the project and their vision of what they're hoping to accomplish with their project.

Though there is a 30 day appeal period that ends on May 1, 2022, Staff does not expect this project to be contentious and to have appeals.

The Planning Board/Zoning Board of Adjustments approved the Orthodox Farmhouse Brewery CUP, with conditions, request on April 1, 2021 (7 members voted "in favor", 0 members voted "against", 0 members were 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
5. 30ft. U.E. along all overhead Ozark Lines

Phone – AT&T

1. Please contact AT&T for telephone concerns and questions.

Water – Mt. Olive

1. Please contact Mt. Olive Water for concerns and questions regarding water service.

Safety Conditions

Washington County Fire Marshal

1. The project will need to be constructed by the Arkansas Fire Prevention Code. Code research and adherence will be the responsibility of the owner, or their designee (Architect/Engineer)

Goshen Rural Fire Department

1. Please contact the Fire Department for fire safety concerns and questions.

Washington County Sheriff's Office

1. Follow all Arkansas Alcoholic Beverage Control regulations.
2. No amplified music.

Sewer/Septic Conditions

1. Permits from the Arkansas Department of Health must be obtained before the applicant can commence development of their project. It is the responsibility of the applicant to determine which types of permits will be needed for their 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

Drainage/Engineering Conditions

1. The County Engineer must review the applicant's construction plans and any updated drainage study and any comments, concerns, or revisions must be addressed by the applicant before construction/development may begin.

Signage Conditions

1. 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 outside waste containers/areas must be screened from nearby neighbors utilizing uniform opaque screening materials.
2. The waste containment areas must also be gated.
3. Landscaping barriers such as trees, shrubs, and/or fencing will be required along the northern and southern sides of the property to shield the adjoining neighbors from the brewery operations as indicated in the applicant's privacy plan.

Road Conditions

1. A permit from the Washington County Road Department will be required prior to any work being completed in the right-of-way.
2. Any tile that may be needed must be sized by the Road Department.

Addressing Conditions

1. A physical 911 address may be required. Please complete the Address Application, if needed.

Planning Conditions

1. The Conditional Use Permit is only to allow a brewery and taproom/eating establishment use. Any other use not specified by the CUP must come before the Planning Board for approval.
2. The Conditional Use Permit is to only allow operation of the brewery within the structure that sits closest to the applicant's residence. The barn situated within the northeast is not considered a part of this current proposal. Should the applicant wish to expand into the barn or utilize it as part of the brewery, the applicant must seek an amendment to the current CUP and approval from the Planning Board and ratification by the Quorum Court would be needed.

3. All Arkansas state regulations concerning Alcoholic Beverages and dining rooms must be met. It is up to the applicant to determine what types of permit/s is/are needed.

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. 2021-

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 King’s Ransom RV Park project on April 01, 2021; 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 King’s Ransom RV Park project recommended for approval by the Planning and Zoning Board is hereby ratified.

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

King's Ransom RV Park CUP

The Planning Board/Zoning Board of Adjustments unanimously approved King's River RV Park Conditional Use Permit (with conditions) on April 1, 2021.

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

County

e. King's Ransom RV Park CUP

Conditional Use Permit Approval Request
 Location Address: 20696 Blue Springs Villiage Road WC386
 JP District: Patrick Deakins, District 5
 Approximately 104 acres
 Proposed Land Use: RV Park use
 Projects: 2021-057
 Planner: Nicholas Little, nlittle@washingtoncountyar.gov

The applicant, Clennton White, is requesting conditional use permit approval to construct and operate a 111-space RV Park.

The current zoning for the project parcel is Ag/SF Res 1 unit/ac. If the project is approved, the zoning will stay the same, but with a conditional use allowance.

The project parcel is not in a planning area.

The proposal is located just north of E Hwy 412. The main entrance to the proposed RV Park is located on the western side of Nob Hill Loop WC 389. There is one single family residence located on the southern end of parcel 001-13701-002 that accesses off of Blue Springs Village Road WC 386.

The applicant would like to operate an RV Park across three parcels that are approximately 104 acres in size. The total footprint of the 111-space RV Park will be significantly less than 104 acres, however. The disturbed area of the completed 111-space RV Park is unknown at this time due to the preliminary nature of the Phases 2 & 3.

The RV Park will be situated in the eastern and northeastern portions of the total property's area. The estimated disturbed area of the entire project has not been calculated due to the project's phased plan. Planning Staff has only received information for Phase 1, which will have roughly 5 acres of total disturbed area. Phase 1 of King's Ransom will be presented as a Preliminary Large Scale Development project contingent upon the approval of this CUP project. Phases 2 & 3 will have to be brought to the Planning Board independently as Preliminary Large Scale Development projects regardless of the Board's decision on Phase 1. At the time of this staff report, there are no plans to build any kind of buildings within the development. According to the applicant's letter of intent, each of the RV spaces will have private water and septic hookups. Each phase of development will have its own septic system that services all of the RV spaces within that phase. Anticipated septic field locations have been submitted to Planning Staff.

Each RV space in Phase 1 will be an 'oversized' concrete pad that is 30' wide and 55' long, with an additional smaller secondary vehicle parking spot next to it.

The proposed road that gives access to all the RV spaces in Phase 1 will be gravel and will feature a large turnaround on its west end.

The surrounding properties are mostly vacant lots, residential/agricultural lots, and a nearby larger RV Park.

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

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

Staff does not expect this project to be contentious and recommended these conditions of approval of the proposed King's Ransom RV Park Conditional Use Permit.

The Planning Board/ Zoning Board of Adjustments approved (6 members voted "in favor", 0 members voted "against") the project with the following conditions:

Fire Safety Conditions

Fire Marshal

1. Though the Fire Marshal did not submit conditions, the applicant should seek to confer with the Fire Marshal to ensure that the project is able to be serviced adequately in the event of a fire or other emergency.

Sewer/Septic Conditions

1. Individual septic systems are proposed for each phase of the development. In the event of any change to that plan, further review from Planning Staff and the Arkansas Health Department shall be required.

Drainage Conditions

1. Should the applicant deviate from their grading, graveling and paving plans, further review will be needed per the County Engineer.

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 before any work is done within the county road right-of-way.

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. Any vegetation along the southern boundary of Phase 1 must remain or if removed, must be replaced with vegetation for screening/privacy purposes.

Planning Conditions

1. The applicant must address all technical review comments as the project proceeds through to completion.
2. If this CUP is approved by the Planning Board, the applicant will have to receive an approved Large Scale Development permit for each individual phase of development before construction to be compliant.

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.

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

Planning Office
Washington County, Arkansas
 2615 S. Brink Dr.
 Fayetteville, AR 72701
 479-444-1724
www.washingtoncountyar.gov

WASHINGTON COUNTY
PLANNING BOARD
STAFF REPORT

Report Date: February 19, 2021
 Meeting Date: February 25, 2021
 Project Name: Hunt-Rogers Springdale Quarry Expansion CUP & HI-LSD
 Project Number: 2019-301 & 2019-302
 Applicant: Hunt-Rogers Springdale Quarry
 Engineer: Geoff Bates, Bates & Associates, Inc.
 Planner: Nathan Crouch, ncrouch@washingtoncountyar.gov

Agenda Items

H&I

APPLICANT'S REQUEST

The applicant is requesting **High-Impact Conditional Use Permit and High-Impact Preliminary Large Scale Development** approval to allow expansion of an existing rock quarry. The existing area of the Hunt-Rogers Springdale Quarry is approximately 238.5 acres, and the proposed area is approximately 150 acres.

This CUP application is requesting **land-use approval**. If this CUP request is approved the High-Impact Preliminary Large Scale Development request, which addresses the **site plan and stormwater drainage**, will follow it on the agenda.

The applicant's letter states the original submission has been revised by removing both the re-designation of 35 acres from stockpiling to mining north of our pit and the addition of 34.5 acres from to the south of the pit for spoil storage and eventual stockpiling. The plan now calls for the addition of approximately 150 acres of additional mining area to the north and east of our existing pit and roughly 29 acres of stockpiling room along N Parsons road.

The applicant has submitted the following supportive documentation, which is attached to this report:

1. Large Scale Development site plan
2. Exhibit A: Hunt Rogers Materials CUP Map
3. Jurisdictional Water Assessment (Dec. 2015)
4. Understanding Blast Vibration and Airblast, their Causes, and their Damage Potential
5. Quarry Operations and Property Values: Revisiting Old and Investigating New Empirical Evidence
6. Blast Array results- dated 4-8-2020 & 4-9-2020
7. Sound Study results- dated 4-8-2020 & 4-9-2020
8. Dust Monitor Report- dated 7-25-2020 to 9-25-2020
9. Dust Abatement Plan

SITE INFORMATION

Land Owner:	JB Hunt, LLC	Planning Area:	None
Site Location:	N. Parsons Rd (WC-91)	QC District:	5, Patrick Deakins
Acreage:	388.5	School District:	Springdale
Current Zoning:	CUP, 2012-136	Fire District:	Nob Hill Rural VFD
FIRM:	05143C0085F, 05143C0095F	Watershed:	Beaver Lake
Wetland:	No		
	001-18379-000, 001-18411-000,		
	001-18413-000, 001-18668-000		
Parcel Numbers:	001-18669-000, 001-18410-000		
	001-18412-000, 001-18452-000		
	001-18650-001		

UTILITIES

Electricity:	Ozark Electric	Gas:	Black Hills Corp.
Cable:	Cox	Phone:	AT&T
Water	Springdale Water		

BACKGROUND/SYNOPSIS

The Hunt-Rogers Quarry off Parsons Road, east of Springdale, is requesting approval for the existing quarry to expand eastward into additional company-owned property. No new structures, public roads, or utility service are being requested with this CUP.

The existing quarry received CUP approval in 2012. In 2006 when zoning ordinances were adopted by Washington County, roughly 3.5 acres of the subject (expansion) property was being used for quarrying operations. Then when the existing quarry received CUP approval in 2012 and the "CUP" zone was established on the county zoning map, approximately 11.5 acres of the subject expansion property was indicated as CUP as well.

The Planning Board tabled the Conditional Use Permit at the January 23, 2020 Planning Board meeting, requesting the applicant resubmit a phased plan where the permitting would only extend 40 acres at a time, or for 5 years at a time, for example, rather than requesting an approval that could potentially extend the lifetime of the quarry another 50 years. Additionally, the neighbors that spoke at the 1-23-2020 meeting requested a 3rd party compatibility assessment to address compatibility criteria #6, also that the rock crushers shut down at a reasonable time of day, and that the CUP shouldn't give blanket permission for 50+ years of quarrying activities.

The CUP/HI-LSD submittal currently under review makes no mention of a phased approach. However, the applicant has formed a committee to address the concerns of the surrounding neighborhood, and has agreed to pay an Ombudsman to act as an independent 3rd party, to whom the members of the surrounding community may submit complaints. The Ombudsman will investigate complaints and report to Washington County if any violations are discovered.

Since the last hearing the applicant has proposed a conservation easement area along the lakefront, and a preservation area between the quarry expansion area and the neighborhood to the east. The applicant has also proposed planting a large screening area between the eastern neighborhood and the expansion area, to minimize the visual impact the quarry has on that neighborhood. These areas are illustrated in the attachment entitled "Exhibit A: Hunt Rogers Materials CUP Map".

Dust Abatement Plan

The applicant has submitted a Dust Abatement Plan. The following are the key elements in the plan.

- The rock crushing plant at this facility follows the same general operation procedures outlined in the air permit issued by ADEQ.
- A water truck is used to control emissions on the unpaved haul roads and are wetted as needed.
- A water truck is also used to wet down stockpiles that may have dried out resulting in excess emissions during loadout.
- Trucks departing the site are required to pass through a mechanical wheel wash that removes accumulated particulate matter from the tires of exiting trucks/visitors.
- Water sprayers are inspected and documented on a pre-shift inspection each day before the plant begins operation.
- Water sprayers are monitored throughout the day and adjusted according to aggregate moisture, wind speed, and wind direction.
- If a malfunction occurs or repairs are needed the plant is shut down and repairs are made to maintain compliance.
- The operation uses water captured and treated on site to supply water to the plant and the water truck to apply throughout the day to control emissions. Two large wells help to make up evaporation loss during the dryer seasons.
- Between the pre-shift and the day shift applications there are approximately 100,000 gallons of water being applied for emission suppression each day the plant is in operation. This schedule varies during periods of the year with higher amounts of precipitation.

- A self-contained wheel wash system has been installed to help pre-clean customer truck tires prior to leaving the quarry site.

COMPATIBILITY

Surrounding Land Use and Zoning

<i>Direction from Site</i>	<i>Land Use</i>	<i>Zoning</i>
North	Agricultural & Residential	Ag/SF Res 1 unit/ac
South	Agricultural & Residential	Ag/SF Res 1 unit/ac
East	Agricultural & Residential	Ag/SF Res 1 unit/ac
West	Agricultural & Residential	Ag/SF Res 1 unit/ac

Existing Condition of Property

The subject property is zoned Ag/SF Res 1 unit/acre, but has an active Conditional Use Permit for quarrying operations. It is in an area that is heavy with agricultural uses, low density residential, and very little commercial.

Washington County Land Use Plan

According to the County's Land Use Plan:

SECTION III. PHYSICAL DEVELOPMENT

A. LAND USE CONSIDERATIONS

4. INDUSTRIAL

The chief goals for industrial development are:

- Provision of sites which are located adjacent to major thoroughfares or other adequate transportation facilities;
The proposed quarry expansion area is located adjacent to the existing quarry, which is adjacent to the major thoroughfare.
- Allocate land in sufficient quantity, where infrastructure exists, or will exist, so that industrial growth can be accommodated to benefit both industry, and the county. This will ensure that industrial land is protected from encroachment by non-industrial uses; and,
The expansion area is proposed on property the applicant already owns, directly adjacent to the existing quarry. Many residential properties have been developed since the beginning of the existing quarry. Whether the quantity of land allocated for this purpose is sufficient is subjective, and the neighbors argue it is inadequate.
- Provide for ample utilities and services to support industrial development.
Utilities are already in place, and no new utility service is requested.

The subject area is located within a part of the county that is heavy in agricultural uses.

Future Land Use / Zoning Designation

The parcel is not in a city planning area, but there is a Future Land Use designation for the project area.

Washington County's Future Land Use Plan shows this expansion area partially inside the "Heavy Industrial" land use zone that is associated with the existing quarry, but also inside the "Low Density Residential (1-4 units per acre)" land use zone.

The current zoning for the project parcel is Ag/SF Res 1 unit/acre, but there is an existing, active CUP (2012-136) for quarrying on a portion of the subject property. This CUP is to expand the quarrying operation to several new parcels. If the project is approved the zoning will not change, but the conditional use area will grow.

Neighbor Comments and Concerns

Pursuant to Sec 11-204(b), Sec 11-71 (2a), and Sec 11-101b of the Washington County Code of Ordinances, all neighbors within one-half mile of the boundary of this property were notified by certified mail of this CUP request.

202 notification letters were mailed out 30 days prior to the January 23, 2020 Planning Board meeting. 113 responses in opposition (phone, mail, email) were received prior to that meeting.

225 notification letters were mailed out 30 days prior to the upcoming November 5, 2020 Planning Board meeting. 10 responses in opposition (phone, mail, email) have been received to date.

225 notification letters were mailed out 30 days prior to the upcoming February 25, 2021 Planning Board meeting. Responses to the neighbor notification letters has all but stopped at this point.

Opposition is based on many aspects of compatibility including, but not limited to: Road Safety, Road Conditions, Volume of Dump Truck Traffic, Noise, Property Values, Dust, Ecology, Water Quality, Quality of Life, Health, Hours of Operation.

Planning Staff will update the Board at the meeting on the total number of comments received, in favor and opposed.

Criteria for Allowance of Conditional Uses

According to Sec 11-200(a) Criteria for allowance of conditional uses:

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

<i>Criteria</i>	<i>Staff Comments</i>
1 That a written application has been filed with the Planning Office and the appropriate fee has been paid.	Submitted and Paid.
2 That the applicant has provided proof that each property owner as set out in section 11-204 has been notified by return receipt mail.	Planning Staff mailed neighbor notification packets out on January 26, 2021.
3 That adequate utilities, roads, drainage and other public services are available and adequate or will be made available and adequate if the use is granted.	All utilities, roads, and drainage are existing, and considered adequate by the relevant agencies.
4 That the proposed use is compatible with the surrounding area.	The existing quarry received Conditional Use Permit approval in 2012, and was considered compatible with the surrounding area at that time, with the conditions that were approved. This current quarry expansion request is to increase the area of that existing quarry. Since a quarry already exists at this location, compatibility has already been discussed and approved. However, many neighbors disagree with the compatibility of this CUP request, and are requesting denial based on many factors such as their location in relation to the quarry and the distance of separation will decrease if the quarry expands its footprint.
5 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.	The requested use is already established with the existing quarry, and in the county's Future Land Use Plan. This CUP request is an expansion of the existing quarry, on adjacent property that was owned by the applicant when zoning was established in 2006, that was partially being used for quarry operations at that time.
6 That the conditional use will not be injurious to the use and enjoyment of other property in the surrounding area for the purposes already permitted, nor substantially diminish and impair property values within the surrounding area.	As this request is to expand an established quarry that received CUP approval in 2012, Planning Staff feels the expansion will not impact the other properties in the surrounding area any differently than the existing quarry has.
7 That the establishment of the conditional use will not impede the normal and orderly development and improvement of the	As this request is to expand an established quarry that received CUP approval in 2012, Planning Staff feels the

surrounding area for uses permitted in the zone.	expansion will not impact the other properties in the surrounding area any differently than the existing quarry has.
--	--

SUMMARY OF AGENCY COMMENTS – TECHNICAL REVIEW

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

Springdale Water

No comments.

AT&T

No comments.

Black Hills Corp

No comments.

County Contracted Engineer- regarding stormwater management (Drainage Report)

From the applicant’s letter: “As stormwater collects in the quarry basin, it gets used for wetting conveyor belts, loaded trucks, etc. When the volume of water in the quarry basin becomes full it is treated and allowed to sit until the particulate matter can settle out. Once the treated water reaches the allowable levels it is pumped out of the quarry basin into the natural drainage area to the east. Then the water flows to the lake.”

The Washington County Contract Engineer provided questions and requests for more detail. The project engineer answered the questions and adequately addressed the request for more detail.

The County Engineer has reviewed this quarry expansion request and is satisfied with the submittal.

County Engineer’s Comments

1. Describe/ show the BMP’s that will be implemented to control the erosion and sediment being released downstream.
2. Please provide information regarding sediment basins that stormwater will pass through before exiting the site. Volume of basin? Outlet structure of basin? Provide specifics and not vague generalities.

Project Engineer’s response

1. There is zero runoff leaving the site. It is all contained in the quarry. Once or twice per year, after the particles have settled, they may pump some of the water out.
2. Also, they have a very detailed SWPPP plan. I have attached a couple things for your use including the storage volume of the sediment basin.

County Engineer’s follow up response

1. This satisfies my previous comments as Mr. Bates stated there will not be any runoff leaving the site except with controlled pumping releases a couple times a year. Therefore I have no further comments.

Beaver Water District

The quarry expansion area will be located in Beaver Water District’s (BWD) Source Water Protection Zone and will have the potential to adversely impact the water quality of Beaver Lake. To the extent that the County

Planning Office and the Planning Board support the requested CUP, BWD suggests consideration of the following:

1. Detention should be looked at again as a means to reduce stormwater runoff, especially during surface disturbance periods when the quarry is being developed. The overburden in this area likely has elevated soil nutrient concentrations. The initial clearing of this land and subsequent erosion of materials could result in transport of sediments and nutrients to the Lake.
2. The plans indicate that most drainage will be contained on-site within the quarry. These mines, however, will need to be pumped to reduce water levels for quarry operation. A water quality monitoring program should be conducted with oversight from the Arkansas Department of Energy and Environment, Division of Environmental Quality (“DEQ”) to ensure that any drainage water pumped to the Lake and any stormwater runoff is free of contaminants.
3. In accordance with the Arkansas Forestry Commission, Streamside Management Zones should be maintained according to the Arkansas Forestry Commission Best Management Practices for Water Quality Protection. Requirements include but are not limited to:
 - a. Maintain Vegetation in Non-ephemeral Streams
 - i. Slopes <7% - 35 ft on each side of stream
 - ii. Slopes 7-20% - 50 ft on each side of stream
 - iii. Slopes > 20% - 80 ft on each side off stream
 - b. Ephemeral Streams
 - i. Maintain overstory vegetation with minimal channel disturbance.
4. A permanent conservation easement should be considered in critical areas in order to create a buffer between the quarry operations and the Lake.

*Since the time these Beaver Water District tech review comments were submitted they have been edited and are now reflected in the proposed conditions of approval below in the Final Drawing Conditions, Standard Conditions, and Additional Conditions sections, eliminating the Beaver Water District section in the conditions of approval.

Fire Marshal

No comments.

Health Dept (sewer/septic)

This quarry expansion request is not proposing any new utility service or structures. No water service is requested, and no sewer or septic is required.

No comments were received by the Arkansas Department of Health.

Roads/Sight Visibility/Ingress-Egress

This quarry expansion proposal is not requesting any new permanent public roads. All roads will be private and will shift locations as needed. Only authorized vehicles are permitted into the quarry area.

As no new entry/exits are proposed, sight distance was not evaluated.

Environmental Affairs

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

Signage/Lighting/Screening

1. No new signage is proposed.
2. All outdoor lighting must be shielded from neighboring properties.
3. Any lighting must be indirect and not cause disturbance to drivers or neighbors.
4. All security lighting must be shielded appropriately (see attached diagram for examples).

SITE VISIT

A site visit was conducted by planning staff on January 8, 2020. No new entrance/exits are being proposed, so sight distance was not evaluated.

RECOMMENDATION & CONDITIONS

With much opposition based on compatibility, and the fact this request is an expansion of an existing operation, Planning Staff has presented the request and submittal documents, and recommends the Planning Board consider the following conditions of approval:

General Planning Conditions

1. Trucks shall pass through the wheel wash system when leaving the site.
2. Applicant shall maintain required Arkansas Department of Environmental Quality (“DEQ”), or Arkansas Department of Energy and Environment, Division of Environmental Quality, permits.
3. Applicant shall comply with all Large-Scale Development (“LSD”) regulations.

Final Drawing Conditions

4. Applicant shall field locate existing water and sanitary facilities, including them on final drawings.
5. The owner/developer shall be responsible for the cost of any required adjustments to the existing water and sewer facilities due to site grading, paving, lot line adjustments or other matters.
6. Applicant’s final drawings shall include the existing easements for (a) the 8-inch water line running parallel along N. Parsons Road and (b) the 6-inch water line running parallel along Ponderosa Drive and include book and page number references to the source document for each.
7. Applicant’s final site plan shall include bearing and distance legal descriptions for the areas labeled *Original Quarry, 2012 Mining Area, 2012 Stockpile Area, Proposed Mining, and Proposed Stockpile* on Exhibit A to these conditions, as well as the combined overall quarry area permitted. Applicant affirms that the application documents submitted for the Planning Board’s consideration and vote on the request for a Conditional Use Permit (“HI-CUP”) have been corrected and dated to provide these same bearing and distance legal descriptions and that the total area encompassed by the boundaries is one-hundred seventy-nine (179) acres. [INSERT correct acreage if this is not correct].
8. Applicant’s final plans shall include consistent boundaries, acreages, and legal descriptions with no discrepancies.
9. Final LSD Plan shall include all items from the Large Scale Development Plan Checklist.

Standard Conditions

10. Applicant shall pay neighbor notification mailing fees.
11. Applicant shall pay engineering fees within 30 days of project hearing.
12. Washington County Planning Board’s approval of this conditional use permit (“CUP”) must be ratified by the Quorum Court.
13. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
14. This project requires additional review (High-Impact Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project’s ratification.
15. Washington County Planning Board and Quorum Court approvals are contingent upon Applicant’s receipt of any Federal, State or local permits or approvals, if any, whether known or unknown to the Board, the Quorum Court, or the Applicant. Applicant shall maintain compliance with any required federal, state, or local permits, authorizations, or approvals, including, but not limited to, any required Arkansas Department of Energy and Environment, division of Environmental Quality (“DEQ”) or U.S. Army Corps of Engineers (“COE”) permits, authorizations, or approvals.

Signage/Lighting/Screening Conditions:

16. Applicant shall not install new signage without Planning Department review and approval.
17. Signage shall not be placed in the county road right-of-way.
18. Applicant must shield outdoor lighting from neighboring properties and prevent such lighting from disturbing drivers or neighbors.

Additional Conditions

19. Applicant shall follow the submitted Dust Abatement Plan.
20. Applicant shall not blast or operate its plant on Sunday; after 5PM on Friday; or after 12PM on Saturday.

21. Applicant shall provide blast notifications through phone, e-mail, or text message to interested parties twenty-four (24) hours prior to each blast.
22. Applicant shall repair potholes and other road damage on North Parsons Road between Sonora road and Pleasure Heights Road at its own expense, however resurfacing is not Applicant's responsibility.
23. Applicant shall vacate High Lonesome Road, WC-4589, prior to its removal.
24. Applicant shall maintain a neighborhood committee, which shall meet at a frequency determined by the committee.
25. Applicant shall construct a berm along North Parsons in the area labeled *Proposed Berm* on Exhibit A (the "**Proposed Berm**"), which shall be constructed prior applicant's use of the Proposed Stockpile area
26. Applicant shall construct and maintain vegetative screening in the vicinity of the *Preliminary Screens* shown on Exhibit A (the "**Screening**") in order to screen the residential views of the area labelled *Screened Area* on Exhibit A (the "**Screened Area**") from Friendship View Drive, all of which shall be planted within 12 months from the approval of this CUP by the Washington County Quorum Court. The screening shall be:
 - a. Primarily comprised of aesthetically pleasing evergreen and deciduous trees;
 - b. Designed by an Arkansas licensed Landscape Architect or other appropriate professional;
 - c. Installed at appropriate locations and times to grow into an effective screen over time;
 - d. Screening Friendship's view of the Screened Area prior to applicant's disturbance thereof.
27. Replace and maintain screening trees along the base of the existing berms along Parsons and Pleasure Heights roads. Trees shall be planted at a spacing that will provide for a visual screen upon maturity. The planting must be completed prior to final Large Scale Development approval.
28. The landowner, JB Hunt, LLC, shall grant the property labelled *Conservation Easement* on Exhibit A (the "**Conservation Easement**") to the Northwest Arkansas Land Trust ("**NWALT**") a permanent conservation easement as set forth in the Letter of Intent between NWALT and JB Hunt, LLC. The conservation easement shall not affect or limit the amenities of or access to protections for Beaver Lake. The conservation easement shall not affect or limit the amenities of or access to the board dock; the established paved parking area located west and south of the low water bridge; or the dirt road leading from the paved parking area to the Beaver Lake COE Boundary Line and surrounding area.
29. JB Hunt, LLC shall restrict future residential, commercial, industrial development – including mining – in the area labelled Preservation Area (the "**Preservation Area**"). Future land use in the Preservation Area will be limited to livestock and other natural uses. Such restrictions shall be in the form of a restrictive covenant that will run with the land of JB Hunt, LLC to be filed for record within 12 months from the approval of this CUP by the Washington County Quorum Court.
30. Ingress/Egress to the quarry is limited to the entry/exit point already existing at Parsons Road, if approved. No new entrances or exits have been requested or reviewed.
31. Applicant shall fund an Ombudsman, which shall:
 - a. Be an Engineering firm with an office in Washington County or Benton County approved by Applicant and the neighborhood committee, such approvals not to be unreasonably withheld;
 - b. Participate in the neighborhood committee required herein;
 - c. Field and investigate neighbors' complaints; and
 - d. Report any non-compliance to Washington County Planning office.
32. If the rock crusher is ever moved into the expansion area, it shall be moved down into the pit.
33. Trucks shall be covered (tarp) prior to leaving the quarry.



WASHINGTON COUNTY PLANNING OFFICE

2615 Brink Drive, Suite 102
Fayetteville, AR 72701
(479) 444-1724
(479) 444-1786 - Fax

PLANNING BOARD/ZBA DECISION APPEAL

BRADY L. WALKER
CO. CLERK
WASHINGTON CO. AR

2021 MAR -4 PM 4:20

FILED

I, Greg Gough

name

21694 Friendship View Dr, Springdale, AR 72764

address

479-871-5671 glgough@live.com

phone/email

am hereby filing an appeal of a recent decision of the Washington County Planning Board/ Zoning Board of Adjustments (ZBA). My appeal is being filed within thirty (30) days of the decision as required by Ordinances 2009-33, 43, 67, and 2010-02 amending Section 11-206; "Appeals from Board" in "Chapter 11-Planning and Development, Article VI-Zoning" in Washington County, Arkansas.

During the 3/4/2021, 2021 meeting of the Washington County Zoning Board of Adjustments, a Conditional Use Permit (CUP) was presented for approval. The CUP was for a (circle one) Commercial Use / Industrial Use Residential Use / Other Use, located in Section 26, Township 18, Range 29, in Washington County.

My understanding of the decision of the Washington County ZBA is as follows:

The CUP was approved under the assumption that the CUP was previously approved on 11/5, County Attorney said it was "technically not approved"

I am appealing this decision to the Quorum Court for the following reasons:

- 1) Planning Board violated own "Rules of Conduct" as written and presented at the beginning of meeting.
2) H-R Group, Inc did not provided a phased-approach & timelines as the Planning Bourd Requested during the 1/23/20 meeting.

(See Attachments)

I understand that the Quorum Court will follow the same procedures as the Washington County ZBA to reach a decision. The decision of the Quorum Court may be appealed to Circuit Court within thirty (30) days from said decision. I certify the above statements are correct to the best of my knowledge. (If extra room is needed please attach additional sheets.)

(signature)

[Handwritten signature]

3/4/2021

date

Appealing Planning Board Approval Of Hunt-Rogers Quarry CUP & LSD

I, Greg Gough, am filing this appeal on the grounds of both procedure & merit.

Procedure:

During the 11/5/2020 Planning Board meeting the moderator spent considerable time explaining the "Rules of Conduct". This can be viewed at 5min 13sec into the video. At 1hour, 42min the new moderator departed from the "ROC" without board vote to approve. This resulted in the applicant presenting after public comment had closed.

Applicant was given unfair advantage by being allowed to go after public comment.

Merit:

I don't have access to the responses to the Planning Board from the neighbors but Nathan did say that all community responses were opposed except for 1.

I do know that 76 neighbors have signed a petition opposing this expansion.

During the 1/23 Planning Board meeting the PB sent H-R Group away with a specific task, present a phased approach. (*Direct Planning Board quotes at end*)

H-R Group ignored this request and continues to press for total approval. This project if approved will last over 50years.

During the 2/25/21 meeting, Planning Board spent over 30 min discussing what a brewery would look like in 5 years. Yet a 50 year project is given a pass?

Finally, one of our concerns has always been hours of operation and noise. The quarry was extremely noisy the past 2 nights. When we tried to file a complaint we found that Washington County doesn't have a noise ordinance other than what would be in a CUP. The quarry says there isn't a problem. We know there is a problem and we as neighbors have NO recourse. The quarry is not a good neighbor.

I am asking that the approval be reversed and that the CUP be reconsidered fully (3 new board members don't know the history).

Respectfully,

Greg Gough 

1/23/2020 Board Comments To H-R Group

(Page 45 -46)

Philip Humbard, "one of the problems I have with voting on this to approve is the vast quantity of new ground this is available to them. I am wondering if they would consider doing this in a phased approach where they would have to come back in different periods of time", "I am not comfortable approving something that is 50 years of time out there", "Tonight, to approve something for 50 years, I am a little nervous about that".

Robert Daugherty, "I would be more comfortable with it also if it was done in Phases."

Philip Humbard, "Maybe it could come back with a plan saying what the phases would be and what milestones you would be at that we could then look at it again and say "Did you do what you said you were going to do or not"?"

Tim Gorman-RGI, "So the request is what?" Philip Humbard, "It's to have something definite. This is the phase and we are not going to go past this line until we get approval for the next line that we are going to go to."

From: Brian Lester

Sent: Thursday, December 3, 2020 11:14 AM

To: 'Greg Gough'; Becky Lewallen

Cc: Patrick.Deakins@gmail.com; Nathan Crouch

Subject: RE: H-R Group CUP Appeal

Notice: The email address of this sender has changed to reflect the new domain name @washingtoncountyar.gov. Please update your records accordingly.

Mr. Gough:

Unfortunately I've been in meetings all morning and am just now getting to read and respond to this chain of emails. Technically, the planning board has not approved a CUP for Hunt-Rogers at this time. The approval that was voted upon at the last meeting was contingent on the approval of conditions at the next planning board meeting. Until those conditions are approved, there is no CUP.

If you have any questions, please feel free to contact me.

Sincerely,

Brian R. Lester
County Attorney
Washington County, Arkansas
280 N. College Ave., Suite 500
Fayetteville, Arkansas 72701
office 479-444-1700
cell 479-879-5058

PLEASE NOTE MY NEW EMAIL ADDRESS: blester@washingtoncountyar.gov

From: Greg Gough [mailto:glgough@live.com]

Sent: Thursday, December 03, 2020 10:36 AM

To: Becky Lewallen <BLewallen@washingtoncountyar.gov>

Cc: Brian Lester <BLester@washingtoncountyar.gov>; Patrick.Deakins@gmail.com; Nathan Crouch <NCrouch@washingtoncountyar.gov>

Subject: RE: H-R Group CUP Appeal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Lewallen,

As directed by Mr. Crouch, our appeal is attached. Please confirm on receipt.

ORDINANCE NO. 2021-

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 Hunt-Rogers Quarry project on February 25, 2021; and,

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

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

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

ARTICLE 1. That the Conditional Use Permit for the Hunt-Rogers Quarry `project recommended for approval by the Planning and Zoning Board is hereby ratified.

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by:

ORDINANCE NO. 2021-

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

AN ORDINANCE DENYING 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 Hunt-Rogers Quarry project on February 25, 2021; and,

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

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

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

ARTICLE 1. That the Conditional Use Permit for the Hunt-Rogers Quarry project recommended for approval by the Planning and Zoning Board is hereby denied.

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by:

ORDINANCE NO. 2021-

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 \$219,000
FROM THE CORONAVIRUS RELIEF FUND
(1005) TO THE OTHER PROFESSIONAL
SERVICES LINE ITEM IN THE CIRCUIT
COURT VI BUDGET (0406.3009) FOR 2021.

WHEREAS, Returning Home, Inc. provides an alternative to
incarceration for a target population of parole violators; and,

WHEREAS, recent data suggests that approximately one-
third of parole violators were sent to prison for technical violations and not for a violation
due to re-arrest; and,

WHEREAS, Returning Home, Inc. provides trauma informed
counseling, relapse prevention programming, cognitive behavior therapy, medication
management, housing services, employment services, and other various services to
qualifying participants; and,

WHEREAS, services rendered by Returning Home, Inc.
benefit the community-at-large by decreasing recidivism and helping participants to
become self-sufficient and contributing members to society; and,

WHEREAS, in support of this endeavor, Returning Home, Inc.
seeks financial support for only one year, which will enable it to become self-sustaining
without the need of further financial investments.

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

ARTICLE 1. There is hereby appropriated \$219,000 from the
Coronavirus Relief Fund in the General Fund (1005) to the Other Professional Services
line item in the Circuit Court VI Budget (0406.3009) for 2021.

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JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: **JP Lance Johnson**
Co-Sponsors: **JP Patrick Deakins**
Date of Adoption:
Members Voting For:
Members Voting Against:
Members Abstaining:
Members Absent:

Committee History: Jails/LE/Courts Committee (04-05-2021); Passed to Finance & Budget
Finance & Budget Committee (04-06-2021); Passed to QC

Quorum Court History:

ORDINANCE NO. 2021-

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 \$18,000
FROM UNAPPROPRIATED RESERVES IN
THE COUNTY LIBRARY FUND (3008) TO THE
DUES AND MEMBERSHIPS LINE ITEM IN
THE COUNTY LIBRARY BUDGET
(0600.3090) IN 2021.**

WHEREAS, the County Library Board has approved the transfer of \$18,000 from its unappropriated reserves to the Membership and Dues line item to replenish funds used to pay invoices from fiscal year 2020 in fiscal year 2021.

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

ARTICLE 1. There is hereby appropriate the amount of \$18,000 from unappropriated reserves in the County Library Fund (3008) to the Dues and Memberships line item in the County Library Budget (0600.3090) for 2021.

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: **JP Patrick Deakins**

Date of Adoption:

Members Voting For:

Members Voting Against:

Members Abstaining:

Members Absent:

Committee History: Finance & Budget Committee (04-06-2021); Passed to QC

ORDINANCE NO. 2021-

APPROPRIATION ORDINANCE

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

AN ORDINANCE REDUCING THE AMOUNT OF \$399,367 FROM LINE ITEMS IN VARIOUS COUNTY BUDGETS AND RESTORING THOSE FUNDS TO UNAPPROPRIATED RESERVES; AND, APPROPRIATING THE TOTAL AMOUNT OF \$689,930 FROM UNAPPROPRIATED RESERVES TO VARIOUS BUDGET LINE ITEMS FOR 2020.

WHEREAS, in order to finalize the financial records of the County for 2020, and thus send to Legislative Audit to begin the audit process, Washington County must reconcile all budgets; and,

WHEREAS, this ordinance accomplishes the finalization of the County's financial records for 2020.

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

ARTICLE 1. There is hereby reduced the total amount of \$399,367 from various line items in various budgets for 2020 (as outlined in Attachment "A" and summarized as follows) and restored to unappropriated reserves in all funds for 2020:

General Fund	(1000)	\$ 79,764
Road Fund	(2000)	8,898
Treasurer's Automation Fund	(3000)	1,282
Collector's Automation Fund	(3001)	826
Recorder's Cost Fund	(3006)	218,148
Library Fund	(3008)	2,578
Jail Fund	(3017)	75,616

41	Nine One One Fund	(3020)	12,250
42	HIV Clinic Fund	(3401)	5

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 44 **ARTICLE 2.** There is hereby appropriated the total amount of
 45 \$689,930 from unappropriated reserves to various budget line items as outlined in
 46 Attachment "B" and summarized by fund as follows for 2020:

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48	General Fund	(1000)	\$ 83,264
49	Employee Insurance Fund	(1002)	263,946
50	Flexible Spending Fund	(1800)	18,901
51	Road Fund	(2000)	8,898
52	Treasurer's Automation Fund	(3000)	1,282
53	Collector's Automation Fund	(3001)	826
54	Recorder's Cost Fund	(3006)	218,148
55	Library Fund	(3008)	2,578
56	Jail Fund	(3017)	75,616
57	Nine One One Fund	(3020)	12,250
58	Adult Drug Court Fund	(3028)	4,216
59	HIV Clinic Fund	(3401)	5
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 JOSEPH K. WOOD, County Judge

 DATE

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 BECKY LEWALLEN, County Clerk

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 71 Introduced by: **JP Patrick Deakins**
 72 Date of Adoption:
 73 Members Voting For:
 74 Members Voting Against:
 75 Members Abstaining:
 76 Members Absent:

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 79 Committee History: Finance & Budget Committee (04-06-2021); Passed to QC
 80 Quorum Court History:

				REDUCTIONS, ATTACHMENT "A"			
1000 GENERAL FUND				3001 COLLECTOR'S AUTOMATION			
1000	0104107	Deputy II Cashier/Clerk	-3,859	30010104	1001	SALARIES FULL-TIME	-826
1000	0105057	DEPUTY ASSESSOR I	-869				-826
1000	0108005	BUILDING MAINTENANCE TECHNICIA	-2,649				
1000	0110005	Public Works Coordinator	-37,187	3006 RECORDER'S COST FUND			
1000	0115020	Software Support Specialist	-32,886	3006	0128010	Deputy Circuit Clerk I	-1,058
1000	0115021	Help Desk Coordiniator	-39,439	30060128	1001	SALARIES FULL-TIME	-25,097
1000	0115050	Assistant IT Director	-928	30060128	1002	SALARIES, PART-TIME	-52,027
1000	0308002	KENNEL SUPERVISOR	-720	30060128	1006	SOCIAL SECURITY MATCHING	-6,388
1000	0400020	SERGEANT	-9,674	30060128	3102	Software Support Maintenance	-134,636
1000	0417002	DEPUTY PUBLIC DEFENDER	-3,466				-218,148
1000	0419004	Deputy Coroner	-7,656				
1000	0444003	Staff Development Supervisor	-436	3008 LIBRARY FUND			
10000100	1006	SOCIAL SECURITY MATCHING	-885	30080600	1002	SALARIES, PART-TIME	-2,578
10000100	1010	WORKMEN'S COMPENSATION	-238				-2,578
10000100	2001	GENERAL SUPPLIES	-375				
10000100	2007	FUEL, OIL & LUBRICANTS	-633	3017 JAIL FUND			
10000101	1001	SALARIES FULL-TIME	-3,330	3017	0418212	ADO/DFC FLEX SLOT	-14,027
10000103	1006	SOCIAL SECURITY MATCHING	-948	30170127	1006	SOCIAL SECURITY MATCHING	-313
10000103	1010	WORKMEN'S COMPENSATION	-221	30170127	1008	NONCONTRIBUTORY RETIREMENT	-19
10000103	1999	LONGEVITY	-1,027	30170127	1999	LONGEVITY	-68
10000104	1001	SALARIES FULL-TIME	-1,611	30170127	2007	FUEL, OIL & LUBRICANTS	-2,440
10000105	1001	SALARY FULL-TIME	-4,048	30170418	1001	SALARIES FULL-TIME	-72,776
10000106	1002	SALARIES, PART-TIME	-20				-75,616
10000107	1002	SALARIES, PART-TIME	-1,043				
10000108	1001	SALARIES FULL-TIME	-434	3020 NINE ONE ONE FUND			
10000109	1002	SALARIES, PART-TIME	-2,949	30200501	1010	WORKMEN'S COMPENSATION	-565
10000113	1006	SOCIAL SECURITY MATCHING	-28	30200501	1999	LONGEVITY	-67
10000115	1006	SOCIAL SECURITY MATCHING	-755	30200501	3073	LEASE - MACHINERY & EQUIPMENT	-11,618
10000118	1006	SOCIAL SECURITY MATCHING	-467				-12,250
10000118	1010	WORKMEN'S COMPENSATION	-60				
10000118	3009	Other Professional Services	-269	3401 HIV CLINIC FUND			
10000122	1006	SOCIAL SECURITY MATCHING	-195	34010305	1006	SOCIAL SECURITY MATCHING	-5
10000122	1010	WORKMEN'S COMPENSATION	-10				-5
10000122	2002	Small Equipment	-1,901				
10000308	1001	SALARIES FULL-TIME	-4,197	TOTAL FUND REDUCTIONS			
10000400	1001	SALARIES FULL-TIME	-53,795	1000	GENERAL		-79,764
10000419	1001	SALARIES FULL-TIME	-162	2000	ROAD		-8,898
10000500	1001	SALARIES FULL-TIME	-163	3000	TREASURER'S AUTOMATION		-1,282
			-79,764	3001	COLLECTOR'S AUTOMATION		-826
				3006	RECORDER'S COST		-218,148
				3008	LIBRARY		-2,578
				3017	JAIL		-75,616
				3020	NINE ONE ONE		-12,250
				3401	HIV CLINIC		-5
							-399,367
2000 ROAD FUND							
2000	0200007	Road Dept. Supervisor	-2,057				
20000200	1001	SALARIES FULL-TIME	-8,898				
			-8,898				
3000 TREASURER'S AUTOMATION							
30000103	1006	SOCIAL SECURITY MATCHING	-594				
30000103	3032	MILEAGE REIMBURSEMENT	-688				
			-1,282				

				APPROPRIATIONS, ATTACHMENT "B"			
1000 GENERAL FUND				3000 TREASURER'S AUTOMATION			
1000	0100004	QUORUM COURT COORD/REPORTER	1,661	3008	0600001	Library Director	-1
1000	0104090	DEPUTY II BRANCH MANAGER	410	30000103	1001	SALARY FULL-TIME	2
1000	0104106	Deputy II Cashier/Clerk	3,449	30000103	1008	NONCONTRIBUTORY RETIREMENT	157
1000	0105042	Business/Personal Property Deputy	150	30000103	1010	WORKMEN'S COMPENSATION	96
1000	0105056	DEPUTY ASSESSOR II	719	30000103	1999	LONGEVITY	1,027
1000	0108003	MAINTENANCE TECHNICIAN II	2,649				1,282
1000	0110003	Planner	36,617	3001 COLLECTOR'S AUTOMATION			
1000	0110032	GIS Mapping Specialist	570	30010104	1999	LONGEVITY	599
1000	0115022	Help Desk Coordinater	70,972	30010104	1005	OVERTIME/OTHER PREMIUM COMPEN	215
1000	0115060	Desktop Support Specialist	2,281	30010104	1010	WORKMEN'S COMPENSATION	12
1000	0118001	Purchasing Manager	684				826
1000	0308004	KENNEL SUPERVISOR	720	3006 RECORDER'S COST FUND			
1000	0400186	Civilian Animal Control	2,158	3006	0128013	Computer/Data Administator	1,058
1000	0400209	CORP/DFC-FLEX SLOT	2,268	30060128	1005	OVERTIME	1,355
1000	0400335	CORP/DFC-FLEX SLOT	2,268	30060128	1010	WORKMEN'S COMPENSATION	432
1000	0400338	CORP/DFC-FLEX SLOT	2,268	30060128	1011	UNEMPLOYMENT COMPENSATION	752
1000	0400339	CORP/DFC-FLEX SLOT	712	30068888	9999	TRANSFERS OUT	215,609
1000	0417006	DEPUTY PUBLIC DEFENDER	3,466				218,148
1000	0419003	Deputy Coroner	7,656	3008 LIBRARY FUND			
1000	0444008	Administrative Assistant	274	3008	0600004	INTERLIBRARY LOAN/ADMIN ASST	1,189
1000	0444020	Youth Development Supervisor	162	30080600	1008	NONCONTRIBUTORY RETIREMENT	2,578
1000	0500002	DEPUTY DEM DIRECTOR/EDUCATOR	2,988				2,578
10000100	1001	SALARY FULL-TIME	1,556	3017 JAIL FUND			
10000100	1008	NONCONTRIBUTORY RETIREMENT	3,267	3017	0418005	LIEUTENANT	3,533
10000101	1008	NONCONTRIBUTORY RETIREMENT	3,330	3017	0418006	LIEUTENANT	1,837
10000103	1008	NONCONTRIBUTORY RETIREMENT	2,857	3017	0418007	LIEUTENANT	4,010
10000104	1008	NONCONTRIBUTORY RETIREMENT	1,611	3017	0418008	LIEUTENANT	3,669
10000105	1002	SALARIES, PART-TIME	2,857	3017	0418205	ADO/DFC FLEX SLOT	149
10000105	1005	OVERTIME	1,059	3017	0418257	Corporal Flex Slot	829
10000105	1016	LIFE INSURANCE	132	30170127	1001	SALARY FULL-TIME	695
10000106	1010	WORKMEN'S COMPENSATION	20	30170127	1010	WORKMEN'S COMPENSATION	2,145
10000107	1011	UNEMPLOYMENT COMPENSATION	1,043	30170418	1009	HEALTH INSURANCE MATCHING	33,552
10000108	1011	UNEMPLOYMENT COMPENSATION	434	30170418	1016	LIFE INSURANCE	792
10000109	1001	SALARY FULL-TIME	268	30170418	1017	Holiday Incentive	38,432
10000109	1005	OVERTIME	813				75,616
10000109	1006	SOCIAL SECURITY MATCHING	1,868	3020 NINE ONE ONE FUND			
10000113	1001	SALARY FULL-TIME	28	3020	0110032	GIS Mapping Specialist	570
10000115	1001	SALARY FULL-TIME	755	30200501	1001	SALARY FULL-TIME	9,698
10000118	1001	SALARY FULL-TIME	690	30200501	1005	OVERTIME/OTHER PREMIUM COMPEN	2,151
10000118	1008	NONCONTRIBUTORY RETIREMENT	106	30200501	1008	NONCONTRIBUTORY RETIREMENT	401
10000119	2009	COMPUTER	147				12,250
10000122	1001	SALARY FULL-TIME	1	3028 ADULT DRUG COURT FUND			
10000122	1002	SALARIES, PART-TIME	240	30288888	9999	TRANSFERS OUT	4,216
10000122	1008	NONCONTRIBUTORY RETIREMENT	1				4,216
10000122	1009	HEALTH INSURANCE MATCHING	1,864	3401 HIV CLINIC FUND			
10000308	1017	Holiday Incentive	4,197	34010305	1001	SALARIES FULL-TIME	5
10000400	1009	HEALTH INSURANCE MATCHING	932				5
10000400	1016	LIFE INSURANCE	22	TOTAL FUND APPROPRIATIONS			
10000400	1017	Holiday Incentive	52,841	1000	GENERAL		83,264
10000419	1011	UNEMPLOYMENT COMPENSATION	162	1002	EMPLOYEE INSURANCE FUND		263,946
10000500	1005	OVERTIME	163	1800	FLEXIBLE SPENDING		18,901
			83,264	2000	ROAD		8,898
1002 EMPLOYEE INSURANCE FUND				3000	TREASURER'S AUTOMATION		1,282
10020125	3170	HEALTH INSURANCE	246,218	3001	COLLECTOR'S AUTOMATION		826
10020125	3171	DENTAL INSURANCE	17,728	3006	RECORDER'S COST		218,148
			263,946	3008	LIBRARY		2,578
1800 FLEXIBLE SPENDING				3017	JAIL		75,616
18000126	3178	Vision	18,901	3020	NINE ONE ONE		12,250
			18,901	3028	ADULT DRUG COURT		4,216
2000 ROAD FUND				3401	HIV CLINIC		5
2000	0200008	Road Dept. Supervisor	406				689,930
2000	0200044	SENIOR MECHANIC	1,151				
2000	0200246	HEAVY EQUIPMENT OPERATOR	500				
20000200	1009	HEALTH INSURANCE MATCHING	2,330				
20000200	1010	WORKMEN'S COMPENSATION	6,349				
20000200	1011	UNEMPLOYMENT COMPENSATION	219				
			8,898				

1 ORDINANCE NO. 2021-

2
 3 **APPROPRIATION ORDINANCE**

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

9
 10 **AN ORDINANCE ADJUSTING CARRYOVER**
 11 **REVENUES IN VARIOUS FUNDS FOR 2021.**

12
 13 **WHEREAS,** all invoices and bills from 2020 have been paid
 14 and the carryover projections provided by the County Treasurer must now be amended
 15 to reflect the actual carryover amount for the 2021 budget.

16
 17 **NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM**
 18 **COURT OF WASHINGTON COUNTY, ARKANSAS:**

19
 20 **ARTICLE 1.** There are hereby reduced carryover revenues
 21 in the various County Funds as follows for 2021:

22

23	General	(1000.6999)	\$ 55,047.25
24	Flex Spending	(1800.6999)	2,450.40
25	Treasurer’s Automation	(3000.6999)	2,867.07
26	Collector’s Automation	(3001.6999)	20,423.37
27	Recorder’s Cost	(3006.6999)	12,282.75
28	Child Support Cost	(3012.6999)	516.56
29	Emergency 911	(3020.6999)	104,020.89
30	Adult Drug Court	(3028.6999)	5,995.93
31	Juvenile Court Rep.	(3032.6999)	161.60
32	Circuit Court Comm. Fee	(3039.6999)	682.14
33	Assessor’s Late Assessment	(3042.6999)	4,194.47
34	Law Library	(3402.6999)	7,863.25
35	JDC Grant Fund	(3510.6999)	64.63
36	Dem Grant Fund	(3511.6999)	291.30
37	Drug Court Grant Fund	(3513.6999)	4,987.57

38
 39 **TOTAL REDUCTION** **\$ 221,849.18**

42 **ARTICLE 2.** There are hereby recognized additional
 43 carryover revenues in the following County Funds for 2021:

45	General Reserve	(1001.6999)	\$ 531.22
46	Employee Insurance	(1002.6999)	105,282.73
47	Coronavirus Relief	(1005.6999)	49,991.65
48	Road	(2000.6999)	380,865.06
49	Add'l Fuel Tax	(2003.6999)	4,652.32
50	Circuit Clerk Automation	(3002.6999)	9,934.63
51	Assessor's Amendment 79 Fund	(3004.6999)	15,513.90
52	County Clerk's Cost	(3005.6999)	37,182.13
53	County Library	(3008.6999)	205,801.19
54	County Clerk's Operating	(3010.6999)	4,918.24
55	Communication Facility/Equip	(3014.6999)	38,124.61
56	Jail Operation & Maintenance	(3017.6999)	187,053.09
57	Boating Safety	(3019.6999)	6,009.21
58	Circuit Court Juv. Div. Fund	(3031.6999)	313.56
59	CSU Fund	(3075.6999)	2,246.09
60	HIV Clinic	(3401.6999)	2,673.81
61	Drug Enforcement State	(3404.6999)	1,421.68
62	Drug Enforcement Federal	(3405.6999)	4,709.26
63	Drug Court Program Fund	(3406.6999)	84.24
64	Animal Shelter Grant	(3515.6999)	114.41
65	Juvenile Court Grant	(3517.6999)	790.31
66	Crisis Stabilization Unit Grant	(3550.6999)	1,129.93
67	Radio System Sales Tax	(4800.6999)	246,441.78

68
 69 **TOTAL ADDITIONAL \$ 1,305,785.05**

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 71
 72
 73 _____
 JOSEPH K. WOOD, County Judge

72
 73 _____
 DATE

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 77 _____
 BECKY LEWALLEN, County Clerk

78
 79 Introduced by: **JP Patrick Deakins**

80 Date of Adoption:

81 Members Voting For:

82 Members Voting Against:

83 Members Abstaining:

84 Members Absent:

85
 86 Committee History: Finance & Budget Committee (04-06-2021); Passed to QC

ORDINANCE NO. 2021-

APPROPRIATION ORDINANCE

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

AN ORDINANCE DE-APPROPRIATING SURPLUS AMOUNTS FROM FULL-TIME SALARIES FOR VARIOUS DEPARTMENTS AND RESTORING THOSE AMOUNTS TO UNAPPROPRIATED RESERVES, AS REQUIRED BY THE 2021 BUDGET CONTROLS, FOR THE FIRST QUARTER OF 2021.

WHEREAS, The 2021 Budget Controls require all surplus money from full-time salaries in all budgets to be restored to unappropriated reserves each quarter.

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

ARTICLE 1. There are hereby de-appropriated the following amounts from the following budgets and line items and restored to unappropriated reserves in the Fund indicated for 2021:

County Judge	10000100.1001	\$ 12,885
Circuit Clerk	10000102.1001	28,385
Collector	10000104.1001	5,272
Assessor	10000105.1001	28,886
Buildings & Grounds	10000108.1001	4,625
Information Technology	10000115.1001	3,302
Human Resources	10000121.1001	8,649
County Attorney	10000122.1001	2,308
Animal Shelter	10000308.1001	2,637
Sheriff	10000400.1001	107,495
Circuit Court 3	10000403.1001	2,450
Circuit Court 6	10000406.1001	3,231

42	Prosecuting Attorney	10000416.1001	2,512
43	Public Defender	10000417.1001	702
44	Coroner	10000419.1001	360
45	JDC	10000444.1001	37,578
46	DEM	10000500.1001	180
47	Environmental Affairs	10000702.1001	563
48	Veteran Services	10000800.1001	1,172
49	Roads	20000200.1001	103,977
50	Collector Automation	30010104.1001	2,283
51	Recorder's Cost	30060128.1001	531
52	Jail Operations	30170418.1001	278,779
53	Emergency 911	30200501.1001	361
54			
55		TOTAL DE-APPROPRIATION	\$ 639,123
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60 _____
 JOSEPH K. WOOD, County Judge

 DATE

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 63 _____
 64 BECKY LEWALLEN, County Clerk

- 65
- 66 Introduced by: **JP Patrick Deakins**
- 67 Date of Adoption:
- 68 Members Voting For:
- 69 Members Voting Against:
- 70 Members Abstaining:
- 71 Members Absent:

72
 73
 74 Committee History: Finance & Budget Committee (04-06-2021); Passed to QC
 75 Quorum Court History:

ORDINANCE NO. 2021-

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 \$332,206.34 FROM THE CORONAVIRUS RELIEF FUND (1005) TO VARIOUS LINE ITEMS IN THE BUILDINGS AND GROUNDS BUDGET (10000108) FOR 2021.

WHEREAS, in an effort to help stop the spread of COVID-19 and other airborne illnesses, upgrades to existing County facilities are needed; and,

WHEREAS, the County desires to install touchless fixtures in the restrooms of County buildings; and,

WHEREAS, the County desires to install needlepoint bipolar ionizers in all County buildings; and,

WHEREAS, the County must immediately remodel the Circuit Court, Division 6, Courtroom to allow the resumption of jury trials beginning May 1, 2021, as directed by the Arkansas Supreme Court.

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

ARTICLE 1. There is hereby appropriated the amount of \$332,206.34 from the Coronavirus Relief Fund (1005) in the General Fund to the following line items in the Buildings and Grounds Budget (10000108) for 2021:

Plumbing and Electrical	(1000.0108.2022)	\$ 13,401.58
Other Professional Services	(1000.0108.3009)	318,804.76

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JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: **JP Patrick Deakins**

Date of Adoption:

Members Voting For:

Members Voting Against:

Members Abstaining:

Members Absent:

Committee History: Finance & Budget Committee (04-06-2021); Passed to QC

Quorum Court History:



March 31, 2021

Quote: 11S03291424

Washington County
280 N. College Ave.
Fayetteville, AR 72701

Attn: Dwight Gonzales
PH: 479-466-1648
Dgonzales@co.washington.ar.us

RE: Touchless fixture retrofit

The Service division of Multi-Craft Contractors, Inc. is pleased to present the following proposal.

Scope of work:

- Remove existing sink faucets and install customer provided touchless faucets in public restrooms.
- Install EZ flush retrofit kits on all flush valves in public restrooms.
- Install customer provided drinking fountain with bottle filler on 1st floor.

Exclusions:

- Anything not specifically stated in this quote.

Warranty:

- 90 day labor warranty. Customer responsible for any warranty issue with new fixtures.

Total Price:\$ 14,004.00

This price is based upon all work being performed during normal daytime business hours. Above stated price is valid through April 30, 2021.

We appreciate this opportunity to be of service to you. If you have any questions, please contact us.

Sincerely,

Nick Wilson

Nick Wilson
Estimator/Project Manager
nwilson@multi-craft.net
PH: 479-879-0709

Notice to Proceed

Please provide written acceptance of this proposal via approval signature below, or purchase order referencing the proposal number herein.

Payment Terms

On contracts exceeding \$5,000, a 25% down payment will be required upon acceptance. Monthly progress payments may be required depending on the length of the project at MCC’s discretion. Progress payments will not exceed 90% of the total contract amount. The final 10% will be invoiced upon completion. Purchaser agrees to pay Multi-Craft Contractors, Inc. (MCC) for the performance of the work as set forth herein, subject to revision via written change orders signed by both parties. Credit card payments will be subject to added 3% convenience fee. Payments due **in full** no later than 30 days from **invoice** date. Payments due and invoices unpaid shall bear interest at the maximum lawful rate. Terms as follows:

- Balance due net 30 days

Warranty and Exclusions

- A. Customer will provide and permit reasonable access to all necessary areas. MCC will be allowed to start and stop equipment as necessary to perform its services and be permitted access to existing facilities and building services covered under this Agreement.
- B. In the unlikely event of failure to perform its obligations, MCC’s liability is limited to repair or replacement at its option. Under no circumstances will MCC be responsible for loss of use, loss of profits, or increased operating claims of the customer, or any special, indirect or consequential damages.
- C. The agreement does not include responsibility for system design deficiencies, such as, but not limited to poor air distribution, water flow imbalances, etc. It does not include responsibility for system, equipment and component obsolescence, electrical failures, unserviceable equipment, and operating the system(s).
- D. MCC will not be liable for delays or failure to obligate due to fire, flood, freezing, unavailability of material, riots, acts of God, or any cause beyond reasonable control.
- E. This agreement does not include any services occasioned by improper operation, negligence except the negligence of MCC, vandalism, or alterations, modifications, abuse, or misuse, or repairs to equipment not performed by MCC. Also excluded is the furnishing of materials and supplies for painting or refurbishing equipment.
- F. MCC shall not be required to furnish any items of equipment, labor, or make special tests recommended or required by insurance companies, Federal, State, Municipal or other authorities except as otherwise included in this Agreement.
- G. In the event either party must commence a legal action in order to enforce any rights under this contract, the successful party shall be entitled to all court costs and reasonable attorney’s fees as determined by the court for prosecuting and defending the claim, as the case may be.
- H. MCC shall not be liable for the operation of the equipment nor for injuries to persons or damage to property, except those directly due to the negligent acts or omissions of its employees and in no event shall it be liable for consequential or speculative damages. MCC shall not be liable for expense incurred in removing, replacing or refinishing any part of the building structure necessary to the execution of this Agreement. MCC shall not be held liable for any loss by reason of delays in transportation, delays caused by priority or preference rating, or orders or regulations established by any government, authority, or agency.
- I. In the event of additional freight, labor, or material costs resulting from the customer’s request to avoid delays with respect to equipment warranties, or accelerated delivery of parts and supplies, the customer agrees to pay these additional costs.
- J. MCC’s service shall not include the identification, detection, abatement, encapsulation or removal of asbestos or products or materials containing asbestos or similar hazardous substances. In the event MCC encounters such material in performing its work, MCC will have the right to discontinue work and remove its employees until the hazard is corrected or its determined no hazard exists.
- K. This Agreement contains the entire Contract and the parties hereby agree that this Agreement has been agreed to and the entire Agreement is then accepted and approved by an authorized person for both parties, and no statement, remark, agreement or, understanding, oral or written, not contained herein, will be recognized or enforced.
- L. This agreement does not include the disposal of hazardous waste. Any charges incurred for their proper disposal will be borne by the customer as an extra to the contract price.

Disputes

Disputes arising out of or in relation to this document that cannot be resolved first through direct discussion between parties involved, shall be decided by arbitration at the location of the project or Multi-Craft Contractors Inc.’s office at Multi-Craft Contractors Inc.’s discretion, and shall be governed by Arkansas law. This agreement is severable, and any part deemed unenforceable shall not render the remaining parts unenforceable.

Authorized Purchaser & Title

Acceptance Date

Purchase Order Number

Washington County 11S03291424

If accepted please sign and fax to 479-751-0316





[Remove All](#)

Sort by: Not Sorted ▼

[+ All to Favorites List](#)

[Update Quantity](#)

[Proceed to Checkout](#)

	Description	Availability	Price	Total
1	 <p>Zurn Lead Free Mixing Valve Item # 557697 Manufacturer: Zurn Category: PLUMBING</p>	<p>✓ 91 available - estimated arrival 2-3 days*</p> <p><small>*Delivery delays may occur during peak ordering periods. Exceptions apply. Estimated delivery is based on orders received by warehouse cut-off times and carrier schedule. Availability is based on your current ship-to address.</small></p>	<p>\$52.41</p> <p><input type="text" value="20"/></p> <p>Each</p> <p>Remove</p>	\$1,048.20
2	 <p>Zurn EZ Flush Valve with Impact Resistant Chrome Plated Cover Item # 204386079 Manufacturer: Zurn Category: PLUMBING</p>	<p>✓ 102 available - estimated arrival 2-3 days*</p> <p><small>*Delivery delays may occur during peak ordering periods. Exceptions apply. Estimated delivery is based on orders received by warehouse cut-off times and carrier schedule. Availability is based on your current ship-to address.</small></p>	<p>\$131.72</p> <p><input type="text" value="30"/></p> <p>Each</p> <p>Remove</p>	\$3,951.60
3	 <p>Elkay Water Cooler Bottle Filling Station Single in Stainless Steel, REF Item # 109317 Manufacturer: Elkay Category: PLUMBING</p>	<p>✓ 9 available - estimated arrival 2-3 days*</p> <p><small>*Delivery delays may occur during peak ordering periods. Exceptions apply. Estimated delivery is based on orders received by warehouse cut-off times and carrier schedule. Availability is based on your current ship-to address.</small></p>	<p>\$1,183.39</p> <p><input type="text" value="2"/></p> <p>Each</p> <p>Remove</p>	\$2,366.78
4	 <p>T&S Sensor Touchless Faucet 4 in. Deck Mount Faucet in Polished Chrome Plated Brass Item # 313834003 Manufacturer: T&S Category: PLUMBING</p>	<p><i>Ships from manufacturer. Please note that additional delivery time and freight charges may apply.</i></p>	<p>\$301.75</p> <p><input type="text" value="20"/></p> <p>Each</p> <p>Remove</p>	\$6,035.00

[Update Quantity](#)

Order Summary

Total	\$13,401.58
Discount	\$0.00
Order Total	\$13,401.58

Please Enter a PO # (Optional)

Promo Code

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[Express Checkout](#)

By making this purchase, you agree to Home Depot Pro's Privacy and Security Statement and Terms and Conditions.

Turnkey Solutions Proposal

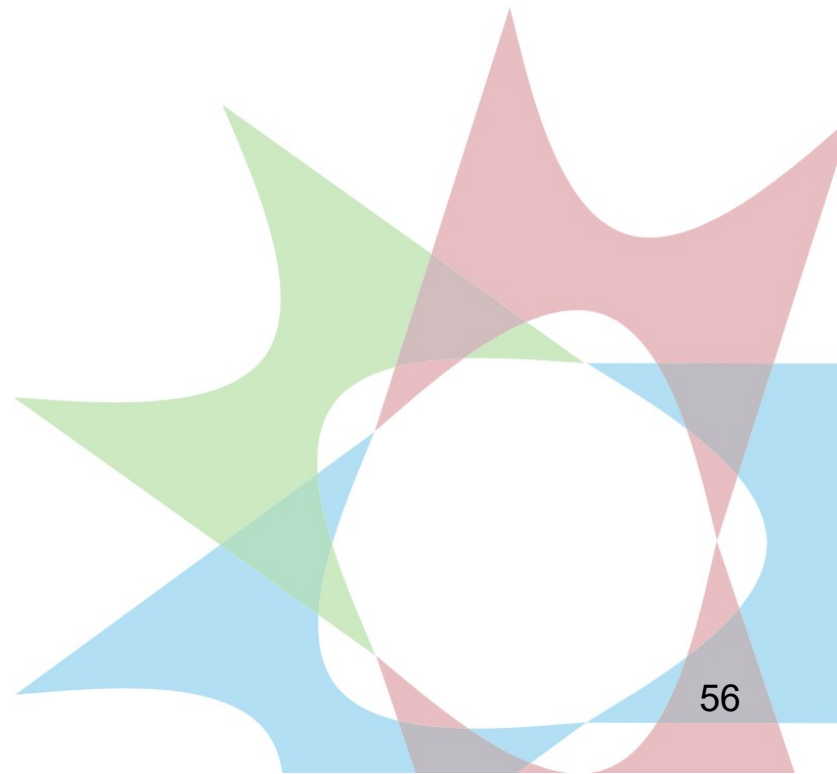
Washington County – Ionizer Project

Proposal Number
SCB111420 REV-1

Prepared for
Mr. Dwight Gonzalas
Buildings and Grounds

At
Washington County Facilities

~~11/14/20~~
~~REV1 – 3/3/21~~
REV2 – 4/1/21



Executive Summary

Thank you for choosing Harrison Energy Partners as your HVAC support partner. We are committed to working with you to ensure your building serves the needs of your organization.

Our commitment to you is to provide a Turnkey Solution at **Washington County**. The details of that commitment are in the following pages.

This goal of project is to provide and install Needlepoint Bipolar Ionizers by GPS in all the units requested by the Washington County.

The activities associated with this project include installation of the ionizers to the appropriate location in the HVAC units and wiring of the units to the HVAC equipment's 24V transformer power source. Additional details are available in the following section.

We value the confidence you have placed in us and we look forward to working with you. If you should ever have any questions, comments, or concerns regarding our partnership, do not hesitate to bring them to our attention.

Thank you for the opportunity to continue our business relationship and we look forward to serving you throughout the duration of this project.

Sincerely,



Sam Browning, PE
Account Manager
479-879-7901

Turnkey Solution

Harrison Energy Partners Turnkey Solutions

Project and Location

Washington County Buildings

Harrison Energy Partners agrees to furnish services in accordance with the “Solutions Parameters.” This agreement shall become effective only upon acceptance by client and approved by Harrison Energy Partners herein referred to as HEP.

Scope of Work

Harrison Energy Partners will furnish all equipment, material, and labor to install

- Needlepoint Bipolar Ionizers from Global Plasma Solutions at the following locations.

Building	GPS Model	Qty
Washington County CH		
128 WSHPs	DM48	128
1 - 30 ton unit	IMOD78	1
Historic Courthouse		
Wall mounted	iRIB36	12
Ducted	DM48	38
Animal Sheldter		
5 - 6 ton splits	DM48	5
1 - 30 ton unit	IMOD78	1
Armory		
3 - small splits (FC48)	DM48	3
COOP Extension office		
9 - FC48s	FC48	9
Coroners office		
2 - under 6 tons	DM48	2
CSU		
2 - under 6 tons	DM48	2
1 - over 6 tons	DM48	2
Health Dept		
21 - WSHPs	DM48	21
Juvenile Detention Center		
18 - small RTUs	FC48	18
1 - larger RTU	IMOD78	1
Library		
1 small split	FC24	1
Veterans Center		
2 coils - IRIBS	iRIB36	2
Road Planning		
3 splits under 6 tons	FC48	3
1 - 6 ton package RTU	FC48	1
1 - 8 ton package RTU	FC48	1
Road Shop		
1 - RTU < 6 tons	FC48	1
Search and Rescue		
1 iRIB	iRIB36	1
South campus annex		
4 small RTUs	FC48	4
Hazardous waste		
3 PTACs	iRIB18	3

Price Scope of Work

Building	Turnkey Cost
Washington County CH	\$ 95,905.13
Historic Courthouse	\$ 34,195.08
Animal Sheldter	\$ 6,470.69
Armory	\$ 2,173.99
COOP Extension office	\$ 5,541.40
Coroners office	\$ 1,449.32
CSU	\$ 2,898.65
Health Dept	\$ 15,217.91
Juvinille Detention Center	\$ 13,930.18
Library	\$ 596.48
Veterans Center	\$ 1,109.65
Road Planning	\$ 3,078.56
Road Shop	\$ 615.71
Search and Rescue	\$ 554.83
South campus annex	\$ 2,462.84
Hazardous waste	\$ 1,505.86
Grand Total (Excluding Sales Tax)	\$ 187,706.28

Turnkey costs include the following:

- GPS ionizers as explained on page 4 above.
- Autocleaning feature on all DM and FC models
- (Qty: 1) ion detector for maintenance personel
- Installation
- Wire
- Supervision by Harrison Energy Partners
- 1st year parts and labor warranty

Not Included: Taxes, Ionizers for equipment not listed above, OT labor, holiday labor, Repairs to any hvac units found to be non-functional, connection of the Ionizers to any external control system or monitoring system, extra labor for inaccessible units due to site unseen.

Other notes:

- Since the installation of our ionizers is quoted as site unseen, our team will work closely with Mr. Gonzalas to determine a solution for any situations that are deemed not accessbile for installation of the models listed above.
- Most, if not all, of the installation will be sub contracted to AAA Veteran Air.
- If a COOP purchase agreement is required, there will be a 5.0% price add to cover their fees.

Pricing and Acceptance

Sales Price (Excluding Sales Tax) \$174,358.17

~~REV 1 – 3-3-21~~

Sales Price (Excluding Sales Tax) \$187,706.28

REV 2 – 4-1-21

Sales Price (Including Sales Tax- 10% and OMNA Fees 5%) \$216,800.76

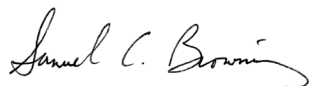
Notes

1. Proposal is valid for sixty (60) days from the date proposed.
2. Applicable sales taxes are identified above and will be noted as a separate line item on invoices.
3. Should the sales tax rate change prior to completion of the work identified in this proposal, the Sales Tax and Total Price Including Sales Tax noted above are subject to adjustment to coincide with the sales tax revision.
4. Any service not listed is not included.
5. Harrison Energy Partners' Solution Parameters apply.
6. Work to be performed during normal business hours (Monday-Friday, 8:30 a.m. – 4:30 p.m.) unless otherwise noted in this proposal.

If you wish to proceed, please return a signed copy of this proposal letter.

Thank you for this opportunity to be of service to Washington County. If you have any questions or concerns, please contact me at 479-879-7901.

Thank you,



Samuel C Browning, PE
Account Manager

SOLUTION PARAMETERS

1. **Acceptance**

A proposal made upon these terms is subject to acceptance within thirty days from date and the prices are subject to change without notice prior to acceptance by Customer. If your order is an acceptance of a written proposal, on a form provided by Company, without the addition of any other terms and conditions of sale or any other modification, this document shall be treated solely as an acknowledgment of such order, subject to credit approval. If your order is not such an acceptance, then this document is Company's offer, subject to credit approval, to provide the goods and/or Work solely in accordance with the following terms and conditions of sale. If we do not hear from you within two weeks from the date hereof, Company shall rely upon your silence as an acceptance of these terms and conditions and performance will be made in accordance herewith. Customer's acceptance of goods and/or Work by Company on this order will in any event constitute an acceptance by Customer of these terms and conditions.

2. **Contract Price & Taxes**

The Contract Price includes standard ground transportation and, if required by law, includes all sales, consumer, use and similar taxes legally enacted as of the date hereof only for equipment and material installed by Company. Equipment sold on an uninstalled basis and any taxable labor do not include sales tax and applicable taxes will be added.

3. **Exclusions From Work**

Company's obligation is limited to the Work as defined and does not include any modifications to the Premises under the Americans With Disabilities Act or any other law or building code(s).

4. **Construction Procedures**

Company shall supervise and direct the Work using its best skill and attention and have exclusive control over construction means, methods, techniques, sequences and procedures.

5. **Payment Terms**

Customer shall pay Company's invoices within net thirty (30) days of invoice date. Company may invoice Customer for all equipment or material furnished, whether delivered to the installation site or to an off-site storage facility and for all work performed on-site or off-site. No retention shall be withheld from any payments except as expressly agreed in writing by Company, in which case retention shall be reduced per the contract documents and released no later than the date of substantial completion. Under no circumstances shall any retention be withheld for the equipment portion of the order. If payment is not received as required hereby, Company may suspend performance and the time for completion shall be extended for a reasonable period of time not less than the period of suspension. Customer shall be liable to Company for all reasonable shutdown, standby and start-up costs as a result of the suspension. All amounts outstanding 10 days beyond the due date are subject to a service charge not to exceed 1.5% of the principal amount due or the maximum allowable legal interest rate, retroactive to the due date. Customer shall pay all costs (including attorneys' fees) incurred by Company in attempting to collect amounts due and otherwise enforcing these terms and conditions.

6. **Time For Completion**

Except to the extent otherwise expressly agreed in writing signed by an authorized representative of Company, all dates provided by Company or its representatives for commencement, progress or completion are estimates only. While Company shall use commercially reasonable efforts to meet such estimated dates, Company shall not be responsible for any damages for its failure to do so.

7. **Access**

Company and its contractors or subcontractors shall be provided access to the Premises during regular business hours, or such other hours as may be requested by Company and acceptable to the Premises' owner or tenant for the performance of the Work, including sufficient areas for staging, mobilization, and storage. Company's access to correct any emergency condition shall not be restricted.

8. **Permits And Governmental Fees**

Company shall secure (with Customer's assistance) and pay for building and other permits and governmental fees, licenses, and inspections necessary for proper performance and completion of the Work, which are legally required when bids from Company's subcontractors are received, negotiations thereon concluded, or the effective date of a relevant Change Order, whichever is later. Customer is responsible for necessary approvals, easements, assessments and charges for construction, use or occupancy of permanent structures or for permanent changes to existing facilities.

9. **Utilities During Construction**

Company shall be provided without charge all water, heat, and utilities during performance of the Work.

10. Concealed Or Unknown Conditions

In the performance of the Work, if Company encounters conditions at the Premises that are (i) subsurface or otherwise concealed physical conditions that differ materially from those indicated on drawings expressly incorporated herein or (ii) unknown physical conditions of an unusual nature that differ materially from those conditions ordinarily found to exist and generally recognized as inherent in construction activities of the type and character as the Work, Company shall notify Customer of such conditions promptly, prior to significantly disturbing same. If such conditions differ materially and cause an increase in Company's cost of, or time required for, performance of any part of the Work, Company shall be entitled to, and Customer shall consent by Change Order to, an equitable adjustment in the Contract Price, contract time, or both.

11. Asbestos And Hazardous Materials

Company's Work and other services in connection with this Agreement expressly excludes any identification, abatement, cleanup, control, disposal, removal or other work connected with asbestos, polychlorinated biphenyl ("PCB"), or other hazardous materials (hereinafter, collectively, "Hazardous Materials"). Customer warrants and represents that, except as set forth in a writing signed by Company, there are no Hazardous Materials on the Premises that will in any way affect Company's Work and Customer has disclosed to Company the existence and location of any Hazardous Materials in all areas within which Company will be performing the Work. Should Company become aware of or suspect the presence of Hazardous Materials, Company may immediately stop work in the affected area and shall notify Customer. Customer will be responsible for taking any and all action necessary to correct the condition in accordance with all applicable laws and regulations. Customer shall be exclusively responsible for any claims, including the payment thereof, arising out of or relating to any Hazardous Materials on or about the Premises, not brought onto the Premises by Company. Company shall be required to resume performance of the Work in the affected area only in the absence of Hazardous Materials or when the affected area has been rendered harmless. In no event shall Company be obligated to transport or handle Hazardous Material, to provide any notices to any governmental agency, or to examine the Premises for the presence of Hazardous Materials.

12. Conditions Beyond Control Of Parties

If Company shall be unable to carry out any material obligation under this Agreement due to events beyond its control, such as acts of God, governmental or judicial authority, insurrections, riots, labor disputes, labor or material shortages, fires, or explosions, this Agreement shall at Company's election (i) remain in effect but Company's obligations shall be suspended until the uncontrollable event terminates; or (ii) be terminated upon ten (10) days' notice to Customer, in which event Customer shall pay Company for all parts of the Work furnished to the date of termination.

13. Customer's Breach

Each of the following events or conditions shall constitute a breach by Customer and shall give Company the right, without an election of remedies, to terminate this Agreement by delivery of written notice declaring termination, upon which event Customer shall be liable to Company for all Work furnished to date and all damages sustained by Company (including lost profit and overhead): (1) Any failure by Customer to pay amounts due more than thirty (30) days after the date of the invoice therefor; or (2) Any failure by Customer to perform or comply with any material provision of this Agreement.

14. Indemnification

Company and Customer shall indemnify, defend and hold each other harmless from any and all claims, actions, costs, expenses, damages and liabilities, including reasonable attorneys' fees, resulting from death or bodily injury or damage to real or personal property, to the extent caused by the negligence or misconduct of their respective employees or other authorized agents in connection with their activities within the scope of this Agreement. However, neither party shall indemnify the other against claims, damages, expenses or liabilities to the extent attributable to the negligence or misconduct of the other party. If the parties are both at fault, the obligation to indemnify shall be proportional to their relative fault. The duty to indemnify will continue in full force and effect, notwithstanding the expiration or early termination hereof, with respect to any claims based on facts or conditions that occurred prior to expiration or termination. Notwithstanding any contrary provision, neither party shall be liable to the other for any special, incidental, consequential or punitive damages.

15. Workmanship And Equipment Warranty

Company warrants that, for a period of one year from the date of substantial completion (the "Warranty Period"), equipment purchased from and installed by HEP hereunder and Work (i) shall be free from defects in material, manufacture, and workmanship and (ii) shall have the capacities and ratings set forth in the applicable manufacturer's or manufacturers' catalogs and bulletins; substantial completion shall be the earlier of the date that the Work is sufficiently complete so that Client can utilize the Work for its intended use or the date that Client receives beneficial use of the Work.

For products and equipment purchased from but not installed by HEP, the Warranty Period is the lesser of 12 months from initial start-up or 18 months from the date of shipment. If such defect is discovered within the Warranty Period, HEP will furnish replacement equipment (or, at its option, parts therefor).

The warranty provided herein is expressly contingent upon the Client paying in full for the equipment and Work. No liability whatever shall attach to HEP until said equipment and Work have been paid for in full, and then said liability shall be limited to HEP's cost to correct the defective Work and/or the purchase price of the equipment shown to be defective. HEP's warranties expressly exclude any remedy for damage or defect caused by corrosion, erosion, or deterioration, abuse, modifications or repairs not performed by HEP, improper operation, or normal wear and tear under normal usage. HEP shall not be obligated to pay for the cost of lost refrigerant.

16. THE WARRANTY AND LIABILITY SET FORTH IN THE PRECEDING PARAGRAPH ARE IN LIEU OF ALL OTHER WARRANTIES AND LIABILITIES, WHETHER IN CONTRACT OR IN NEGLIGENCE, EXPRESS OR IMPLIED, IN LAW OR IN FACT, INCLUDING IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR USE OR FITNESS FOR A PARTICULAR PURPOSE. IN NO EVENT SHALL COMPANY BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL, OR PUNITIVE DAMAGES.
17. **Applicable Law**
This Agreement is made and shall be interpreted and enforced in accordance with the laws of the state in which the Work is performed.
18. **Assignment**
Customer may not assign, transfer, or convey this Agreement, or any part hereof, or its right, title or interest herein, without the written consent of Company. Subject to the foregoing, this Agreement shall be binding upon and inure to the benefit of Customer's successors and assigns.
19. **Complete Agreement**
This Agreement shall constitute the entire Agreement between both parties and this Agreement may not be amended, modified or terminated except by a writing signed by the parties hereto. No documents shall be incorporated herein by reference except to the extent Company is a signatory thereon.
20. **Equal Employment Opportunity/Affirmative Action Clause**
Company is a federal contractor which complies fully with Executive Order 11246, as amended, and the applicable regulations contained in 41 C.F.R. Parts 60-1 through 60-60, 29 U.S.C. Section 793 and the applicable regulations contained in 41 C.F. R. Part 60-741; and 38 U.S.C. Section 4212 and the applicable regulations contained in 41 C.F.R. Part 60-250.
21. **Price Increases**
Prices stated are firm provided that notification of release for immediate production and shipment is received at the factor not later than five months from order receipt. If such release is received later than five months from order receipt date but within eight months of order receipt date, prices will be increased a straight 1% (not compounded) for each one-month period (or part thereof) beyond the five-month firm price period up to the date of receipt of such release. If such release is not received within eight months after date of order receipt, the prices are subject to renegotiation or at Company's option, the order will be cancelled. If for any reason Customer delays shipment after release, prices are subject to increase as stated herein.

IMPORTANT NOTICE TO OWNER

I UNDERSTAND THAT EACH PERSON SUPPLYING MATERIAL OR FIXTURES IS ENTITLED TO A LIEN AGAINST PROPERTY IF NOT PAID IN FULL FOR MATERIALS USED TO IMPROVE THE PROPERTY EVEN THOUGH THE FULL CONTRACT PRICE MAY HAVE BEEN PAID TO THE CONTRACTOR. I REALIZE THAT THIS LIEN CAN BE ENFORCED BY THE SALE OF THE PROPERTY IF NECESSARY. I AM ALSO AWARE THAT PAYMENT MAY BE WITHHELD TO THE CONTRACTOR IN THE AMOUNT OF THE COST OF ANY MATERIALS OR LABOR NOT PAID FOR. I KNOW THAT IT IS ADVISABLE TO, AND I MAY, REQUIRE THE CONTRACTOR TO FURNISH TO ME A TRUE AND CORRECT FULL LIST OF ALL SUPPLIERS UNDER THE CONTRACT, AND I MAY CHECK WITH THEM TO DETERMINE IF ALL MATERIALS FURNISHED FOR THE PROPERTY HAVE BEEN PAID FOR. I MAY ALSO REQUIRE THE CONTRACTOR TO PRESENT LIEN WAIVERS BY ALL SUPPLIERS, STATING THAT THEY HAVE BEEN PAID IN FULL FOR SUPPLIES PROVIDED UNDER THE CONTRACT, BEFORE I PAY THE CONTRACTOR IN FULL. IF A SUPPLIER HAS NOT BEEN PAID, I MAY PAY THE SUPPLIER AND CONTRACTOR WITH A CHECK MADE PAYABLE TO THEM JOINTLY.



DATE: March 30th, 2021

PROPOSAL SUBMITTED TO: Washington County – Dwight Gonzales

WORK PERFORMED AT: 280 N College Ave. Fayetteville, AR

Scope: All supervision, labor, material and equipment to: Renovate 4th floor courtroom (Judge Lindsay) to meet covid-19 safety adjustment guidelines. See scope items below.

- Demo approximately 2250sqft carpet flooring
- Install 2x2 carpet square flooring to cover demoed area
- Remove spectator wood fence 34Lft
- Remove jury platform approximately 180sqft
- Demo wall finish at Jury box approximately 80sqft
- Remove fence at jury box 30Lft
- Demo walls at jury box approximately 145sqft
- Install oak plywood and trim at jury box 160sqft
- Install jury box platform 120sqft
- Install fence at jury box 32Lft
- Repair ceiling at demoed wall area 20sqft
- Install spectator fence 34Lft
- Install 14 jury separation panels wood and plexi glass assembly
- Install plexi glass panels at judges area 60sqft
- Install 2 table mounted panels
- Finish and paint all new work
- Remove all demoed and fall construction materials from jobsite and dispose of these materials in owner provided container
- Perform final clean of work area for owner occupation

Exclusions: Fire alarm & sprinkler system work. Mechanical, Electrical, and Plumbing Work. Exterior Work. Any work not listed in above scope.

Pick-It Construction, Inc.

10024 N Campbell Rd. Fayetteville, AR. 72701

Phone:479-973-5109 www.pickitconstruction.com

Fax:479-571-3672



NOTE:

All work to be completed in a workmanlike manner according to standard industry practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements are subject to changes due to accidents or delays beyond our control. We propose hereby to furnish labor-complete in accordance with above specifications, for the sum of: **Cost of work plus 25% NTE \$100,000.00** with payment to be made as follows:

PROGRESS INVOICES WILL BE ISSUED FOR WORK COMPLETED & MATERIALS STORED ON-SITE ON THE 15TH & 30TH OF EVERY MONTH. PAYMENT IS DUE 15 DAYS FROM ISSUANCE OF INVOICE. FINAL PAYMENT DUE UPON COMPLETION (NOTE: IF NOT PAID IN FULL BY 30 DAYS FROM INVOICE DATE, 12% INTEREST WILL BE ADDED)

I would like to thank you for the opportunity to quote on this project and will look forward to hearing from you on the outcome. If you have any questions please feel free to give me a call.

NOTE: This proposal may be withdrawn if not accepted within 30 days

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified in the amount of **Cost of work plus 25% NTE \$100,000.00** Payment will be made as outlined above.

I, Joseph Wood, wish to accept this proposal as specified above.

DATE: _____ SIGNATURE _____

DATE: _____ SIGNATURE _____

Nathan Ogden, President

Pick-It Construction, Inc.
10024 N Campbell Rd. Fayetteville, AR. 72701
Phone:479-973-5109 www.pickitconstrction.com Fax:479-571-3672

ORDINANCE NO. 2021-

EMERGENCY ORDINANCE

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

AN EMERGENCY ORDINANCE CALLING A SPECIAL ELECTION ON THE QUESTION OF THE LEVY OF THE ANNUAL DUES OF THE BOSTON MOUNTAIN FIRE AND RESCUE VOLUNTEER FIRE DEPARTMENT FOR FIRE PROTECTION SERVICES; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the Boston Mountain Fire and Rescue Volunteer Fire Department ("Department") has requested that the Washington County Quorum Court call a special election for the levy of annual dues for each residence and commercial property having an occupiable structure for which Department provides fire protection in the area served by Department; and,

WHEREAS, the request has been signed by the fire chief and all other required officers of the Board and has been duly filed with the Washington County Clerk; and,

WHEREAS, pursuant to A.C.A. § 14-20-108, the Quorum Court is required to call the election which shall be at the expense of the Department; and,

WHEREAS, if the levy of the dues is approved, the dues shall be listed annually on the property tax statements and collected by the Washington County Collector in the same time and manner as real property taxes and personal property taxes in accordance with A.C.A. § 14—20-108; and,

WHEREAS, the purpose of this Ordinance is to call a special election on the question of the levy of the Boston Mountain Fire Department dues on each residence or business having an occupiable structure in the area for which Department provides fire protection.

42
43 **NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM**
44 **COURT OF WASHINGTON COUNTY, ARKANSAS:**
45

46 **ARTICLE 1.** That there be, and there is hereby called, a
47 special election to be held on July 13, 2021, at which election there shall be submitted to
48 the electors of Washington County, Arkansas (“County”) living in the area in which
49 Department provides fire protection, the question of the levy of annual Fire Department
50 dues on each residence or business having an occupiable structure within such area.
51

52 **ARTICLE 2.** That the question of the Boston Mountain Fire
53 Department dues shall be placed on the ballot for the election in substantially the following
54 form:
55

56 Whether or not the dues of the Boston Mountain Fire Department
57 shall be levied against each residence and each business, having an
58 occupiable structure, in the area so served to be listed on real
59 property tax statements and collected by the Washington County Tax
60 Collector in the same manner as ad valorem taxes and collected
61 beginning with the 2020 taxes due and payable in 2021.
62

63 FOR the levy.

64 AGAINST the levy.
65
66

67 If the levy of the volunteer fire department dues is approved, the dues shall
68 be listed annually on real property tax statements and collected at the same
69 time and in the same manner as real property taxes.
70

71 **ARTICLE 3.** That the election shall be held and conducted
72 and the vote canvassed and the results declared under the law and in the manner now
73 provided for county elections and only qualified voters of the County living in the area in
74 which the Boston Mountain Fire and Rescue VFD provides fire protection shall have the
75 right to vote at the election.
76

77 **ARTICLE 4.** That a copy of this Ordinance shall be given to
78 the Washington County Board of Election Commissioners so that the necessary election
79 officials and supplies may be provided.
80

81 **ARTICLE 5.** That the County Judge and County Clerk, for
82 and on behalf of the County, be and they are hereby authorized and directed to do any
83 and all things necessary to call and hold the special election as herein provided.
84

85 **ARTICLE 6.** That the costs of the election shall be borne by
86 the Boston Mountain Fire and Rescue VFD.

87
88 **ARTICLE 7.** That the Department shall annually submit a
89 sufficient list to the Collector reflecting dues owed so that she may property bill such.

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

94
95 **ARTICLE 9.** That the County Collector is hereby designated
96 as the county official to collect the annual dues levied if approved by a majority of those
97 voting on the issue at the election; and the County Treasurer is hereby designated as the
98 county official to remit the annual dues collected by the Collector if approved by a majority
99 of those voting on the issue at the election.

100
101 **ARTICLE 10. EMERGENCY CLAUSE.** That because this
102 concerns a matter affecting life, health, safety, and property of the people, specifically fire
103 protection services in the designated Boston Mountain Fire and Rescue Volunteer Fire
104 Department service area, an emergency is hereby declared to exist and this ordinance
105 shall be in full force and effect from and after the date of its passage and approval.

106
107
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110
111 _____
112 JOSEPH K. WOOD, County Judge

DATE

113
114
115 _____
116 BECKY LEWALLEN, County Clerk

117
118 Introduced by: **JP Jim Wilson**
119 Date of Adoption:
120 Members Voting For:
121 Members Voting Against:
122 Members Abstaining:
123 Members Absent:

124
125
126 Committee History:
127 Quorum Court History:

ORDINANCE NO. 2021-

EMERGENCY ORDINANCE

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

**AN EMERGENCY ORDINANCE CALLING A
SPECIAL ELECTION ON THE QUESTION OF
THE LEVY OF THE ANNUAL DUES OF THE
SUNSET VOLUNTEER FIRE DEPARTMENT
FOR FIRE PROTECTION SERVICES; AND
PRESCRIBING OTHER MATTERS
PERTAINING THERETO.**

WHEREAS, the Sunset Volunteer Fire Department ("Department") has requested that the Washington County Quorum Court call a special election for the levy of annual dues for each residence and commercial property having an occupiable structure for which Department provides fire protection in the area served by Department; and,

WHEREAS, the request has been signed by the fire chief and all other required officers of the Board and has been duly filed with the Washington County Clerk; and,

WHEREAS, pursuant to A.C.A. § 14-20-108, the Quorum Court is required to call the election which shall be at the expense of the Department; and,

WHEREAS, if the levy of the dues is approved, the dues shall be listed annually on the property tax statements and collected by the Washington County Collector in the same time and manner as real property taxes and personal property taxes in accordance with A.C.A. § 14—20-108; and,

WHEREAS, the purpose of this Ordinance is to call a special election on the question of the levy of the Sunset Volunteer Fire Department dues on each residence or business having an occupiable structure in the area for which Department provides fire protection.

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

45 **ARTICLE 1.** That there be, and there is hereby called, a
46 special election to be held on July 13, 2021, at which election there shall be submitted to
47 the electors of Washington County, Arkansas (“County”) living in the area in which
48 Department provides fire protection, the question of the levy of annual Fire Department
49 dues on each residence or business having an occupiable structure within such area.
50

51 **ARTICLE 2.** That the question of the Sunset Volunteer Fire
52 Department dues shall be placed on the ballot for the election in substantially the following
53 form:
54

55 Whether or not the dues of the Sunset Volunteer Fire Department
56 shall be levied against each residence and each business, having an
57 occupiable structure, in the area so served to be listed on real
58 property tax statements and collected by the Washington County Tax
59 Collector in the same manner as ad valorem taxes and collected
60 beginning with the 2020 taxes due and payable in 2021.
61

62 FOR the levy.

63 AGAINST the levy.
64

65
66 If the levy of the volunteer fire department dues is approved, the dues shall
67 be listed annually on real property tax statements and collected at the same
68 time and in the same manner as real property taxes.
69

70 **ARTICLE 3.** That the election shall be held and conducted
71 and the vote canvassed and the results declared under the law and in the manner now
72 provided for county elections and only qualified voters of the County living in the area in
73 which the Sunset VFD provides fire protection shall have the right to vote at the election.
74

75 **ARTICLE 4.** That a copy of this Ordinance shall be given to
76 the Washington County Board of Election Commissioners so that the necessary election
77 officials and supplies may be provided.
78

79 **ARTICLE 5.** That the County Judge and County Clerk, for
80 and on behalf of the County, be and they are hereby authorized and directed to do any
81 and all things necessary to call and hold the special election as herein provided.
82

83 **ARTICLE 6.** That the costs of the election shall be borne by
84 the Sunset VFD.
85

86 **ARTICLE 7.** That the Department shall annually submit a

87 sufficient list to the Collector reflecting dues owed so that she may property bill such.
88

89 **ARTICLE 8.** That the Department of Emergency Services,
90 the County Clerk, and the County Assessor shall assist in the preparation of a map and
91 other information needed to effectuate said election.
92

93 **ARTICLE 9.** That the County Collector is hereby designated
94 as the county official to collect the annual dues levied if approved by a majority of those
95 voting on the issue at the election; and the County Treasurer is hereby designated as the
96 county official to remit the annual dues collected by the Collector if approved by a majority
97 of those voting on the issue at the election.
98

99 **ARTICLE 10. EMERGENCY CLAUSE.** That because this
100 concerns a matter affecting life, health, safety, and property of the people, specifically fire
101 protection services in the designated Sunset Volunteer Fire Department service area, an
102 emergency is hereby declared to exist and this ordinance shall be in full force and effect
103 from and after the date of its passage and approval.
104

105
106
107
108
109 _____

110 JOSEPH K. WOOD, County Judge

111 _____
112 DATE
113

114 BECKY LEWALLEN, County Clerk

115 Introduced by: **JP Jim Wilson**

116 Date of Adoption:

117 Members Voting For:

118 Members Voting Against:

119 Members Abstaining:

120 Members Absent:
121
122

123 Committee History:

124 Quorum Court History:
125



WASHINGTON COUNTY, ARKANSAS

County Courthouse

FINANCE & BUDGET COMMITTEE REPORT – APRIL

JP Patrick Deakins - Chairman

The Finance & Budget Committee met Tuesday, April 6, 2021. There were reports given on the Treasurer, Employees' Insurance, and Comptroller. Judge Joseph Wood welcomed JP Bill Ussery to the Quorum Court; Governor Hutchinson appointed JP Ussery for District 4. Judge Wood also gave an update and answered questions on his Press Release about the CARES Act funding. The Committee heard a budget review presentation from Treasurer Bobby Hill and received updates on the rental assistance disbursement from Fayetteville and Springdale Housing Authorities. The Committee approved six ordinances and discussed the CARES Act funding with regard to Judge Wood's Press Release.



WASHINGTON COUNTY, ARKANSAS

County Courthouse

JAILS/LAW ENFORCEMENT/COURTS COMMITTEE REPORT – APRIL

JP Lance Johnson - Chair

The Jails/Law Enforcement/Courts Committee met on Monday, April 5, 2021. There were Statistic Reports given on the Juvenile Detention Center, Sheriff's Enforcement, and Detention. The Committee heard a presentation on Magdalene Serenity House. The Committee also approved an ordinance to be forwarded to the Finance & Budget Committee in support of Returning Home, Inc. The Ordinance will fund the program for one year with the intent it becomes self-funding.



WASHINGTON COUNTY, ARKANSAS
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PERSONNEL COMMITTEE REPORT – APRIL

JP Lisa Ecke - Chairwoman

The Personnel Committee met on Monday, April 5, 2021. The Committee approved one request from Circuit Clerk Kyle Sylvester.