



WASHINGTON COUNTY, ARKANSAS
County Courthouse

REGULAR MEETING OF THE
WASHINGTON COUNTY QUORUM COURT

Thursday, February 16, 2023
6:00 p.m.
Washington County Quorum Court Room

A G E N D A

1. **CALL TO ORDER AND WELCOME** **JUDGE PATRICK DEAKINS**
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 Quorum Court Meeting on January 19, 2023.
7. **COUNTY JUDGE'S REPORT** (7.1) **JUDGE DEAKINS**

UNFINISHED BUSINESS

8. **AN ORDINANCE ENACTING A CODE OF ORDINANCE FOR THE COUNTY OF WASHINGTON, STATE OF ARKANSAS; REVISING, AMENDING, RESTATING, CODIFYING, AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE POLITICAL SUBDIVISION DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES, AND DECLARING AN EMERGENCY** item 23-O-006(8.1) **JP DENNIS**

NEW BUSINESS

9. **SHOP SOLUTIONS CUP APPEAL** (9.1-9.2)
Location: Section 11, Township 17, Range 29
Applicant: Bryan Jesse
Location Address: 2254 Wildcat Creek Blvd. Springdale, AR 72762
JP District: Kyle Lyons, District 5
Approximately: +/- 25.11 acres / 1 parcel Project #: 2022-377

10. **APPEAL HEARING DISCUSSION BY QUORUM COURT** –SHOP SOLUTIONS CUP

11. **QUORUM COURT ACTION ON SHOP SOLUTIONS APPEAL**
ITEM 23-O-028 OR ITEM 23-O-029 (11.1-11.2) JP LYONS

12. **MALLY WAGNON SELF STORAGE CUP APPEAL** (12.1-12.2)
Location: Section 29, Township 16, Range 29
Applicant: McClelland Consulting Engineers (MCE)
Location Address: 2100 Block of S Mally Wagnon, Fayetteville, AR 72701
JP District: District 14 – Gary Ricker
Approximately: +/- 10.09 acres / 1 parcel Project #: 2022-426

13. **APPEAL HEARING DISCUSSION BY QUORUM COURT** –MALLY WAGNON CUP

14. **QUORUM COURT ACTION ON MALLY WAGNON SELF STORAGE APPEAL**
Item 23-O-026 OR ITEM 23-O-027 (14.1-14.2) JP RICKER

15. **CONSENT AGENDA**
 1. **A RESOLUTION DESIGNATING THE PERSONS IN SUCCESSION TO FILL THE VACANCY IN THE OFFICE OF SHERIFF ON AN INTERIM BASIS UNTIL SUCH TIME AS THE VACANCY IS FILLED PURSUANT TO ARKANSAS LAW** ITEM 23-R-002 (15.1) JP ECKE

 2. **A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE ARKANSAS RURAL COMMUNITY GRANT PROGRAM TO ASSIST THE BOSTON MOUNTAIN FIRE DEPARTMENT-DISTRICT 8 IN THE PURCHASE OF NEW BUNKER GEAR AND AN EXTRACTOR** ITEM 23-R-004 (15.2) JP RICKER

 3. **AN ORDINANCE CREATING THE SEPTEMBER 11TH EXHIBIT FUND (6410) FOR 2023** ITEM 23-O-022 (15.3) JP ECKE

 4. **AN ORDINANCE APPROPRIATING THE TOTAL AMOUNT OF \$14,938.24 FROM THE UNAPPROPRIATED RESERVES IN THE GENERAL FUND TO VARIOUS LINE ITEMS IN THE COMPTROLLER’S BUDGET FOR 2023** ITEM 23-O-024(15.4) JP ECKE

5. AN EMERGENCY ORDINANCE CALLING A SPECIAL ELECTION ON THE QUESTION OF THE LEVY OF THE ANNUAL DUES OF THE TONTITOWN VOLUNTEER FIRE DEPARTMENT (A/K/A TONTITOWN AREA FIRE DEPARTMENT) FOR FIRE PROTECTION SERVICES; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO ITEM 23-O-010 (15.5) JP RICKER
6. AN ORDINANCE RECOGNIZING REVENUE AND APPROPRIATING EXPENDITURES IN THE AMOUNT OF \$1,701,407.13 IN THE 3526 RENTAL ASSISTANCE-ERA2 GRANT FUND (35260528) FOR 2023 ITEM 23-O-011 (15.6) JP DENNIS
7. AN ORDINANCE APPROPRIATING THE AMOUNT OF \$6,517.41 FROM THE UNAPPROPRIATED RESERVES IN THE COUNTY LIBRARY FUND TO VARIOUS LINE ITEMS IN THE COUNTY LIBRARY BUDGET FOR 2023 ITEM 23-O-015 (15.7) JP ECKE
8. AN ORDINANCE DISSOLVING ONE POSITION IN THE ROAD DEPARTMENT BUDGET AND CREATING ONE POSITION IN THE ROAD DEPARTMENT BUDGET FOR 2023 ITEM 23-O-023(15.8) JP ECKE
9. AN ORDINANCE ANTICIPATING ADDITIONAL REVENUE IN THE AMOUNT OF \$100,000 IN THE PUBLIC SAFETY GRANT FUND; AND, APPROPRIATING SAID \$100,000 TO THE PUBLIC SAFETY GRANT BUDGET FOR 2023 ITEM 23-O-012 (15.9) JP ECKE
10. AN ORDINANCE CORRECTING CLERICAL ERRORS IN THE SHERIFF'S BUDGET AND THE JAIL BUDGET FOR 2023 ITEM 23-O-016 (15.10) JP ECKE
11. AN ORDINANCE APPROPRIATING THE TOTAL AMOUNT OF \$619,342 TO VARIOUS LINE ITEMS IN THE SHERIFF'S BUDGET AND THE JAIL BUDGET FOR 2023 ITEM 23-O-017(15.11) JP RICKER
12. AN ORDINANCE APPROPRIATING THE TOTAL AMOUNT OF \$337,734 FROM UNAPPROPRIATED RESERVES TO THE MOBILE VIDEO RECORDERS LINE ITEM IN THE SHERIFF AND JAIL BUDGETS FOR 2023 ITEM 23-O-019(15.12) JP RICKER
13. AN ORDINANCE APPROPRIATING THE AMOUNT OF \$534,214 FROM THE UNAPPROPRIATED RESERVES IN THE GENERAL FUND AND ~~\$190,045~~ 95,761 FROM THE UNAPPROPRIATED RESERVES IN THE JAIL FUND TO THE VEHICLES LINE ITEMS IN THE SHERIFF BUDGET AND JAIL BUDGET FOR 2023 ITEM 23-O-20 (15.13) JP ECKE

14. AN ORDINANCE APPROPRIATING ADDITIONAL REVENUE IN THE AMOUNT OF \$58,180 FROM THE UNAPPROPRIATED RESERVES IN THE GENERAL FUND TO VARIOUS LINE ITEMS IN THE SHERIFF'S BUDGET FOR 2023 ITEM 23-O-021(15.14) JP LEMING
15. AN ORDINANCE APPROPRIATING THE TOTAL AMOUNT OF \$6,352.55 TO THE GRANTS BUDGET FOR 2023 ITEM 23-O-25(15.15) JP ECKE
16. AN ORDINANCE APPROPRIATING THE AMOUNT OF \$50,000 FROM THE UNAPPROPRIATED RESERVES IN THE GENERAL FUND (1000) TO THE VEHICLES LINE ITEM IN THE COUNTY CORONER BUDGET FOR 2023 ITEM 23-O-014 (16.1) JP ECKE
17. AN ORDINANCE RECOGNIZING ADDITIONAL REVENUE IN THE AMOUNT OF \$121,746 IN THE LAW ENFORCEMENT GRANT FUND; AND, APPROPRIATING SAID \$121,746 FROM THE LAW ENFORCEMENT GRANT FUND TO THE SCAAP FY2021 BUDGET FOR 2023 ITEM 23-O-013(17.1) JP LEMING
18. AN ORDINANCE APPROPRIATING THE AMOUNT OF \$554,210 FROM THE UNAPPROPRIATED RESERVES IN THE JAIL FUND TO THE JAIL BUDGET FOR THE JAIL MEDICAL CONTRACT FOR 2023 ITEM 23-O-018(18.1) JP ECKE
19. A RESOLUTION EXPRESSING SUPPORT FOR THE TUNNEL TO TOWERS FOUNDATION'S 9/11 NEVER FORGET MOBILE EXHIBIT TO VISIT WASHINGTON COUNTY ITEM 23-R-003 (19.1) JP ECKE
20. COMMITTEE REPORTS:
 - o COUNTY SERVICES (NO MEETING)
 - o FINANCE & BUDGET (20.1)
21. ADJOURNMENT

47 Court from 12-15-2022 with a missing vote for JP Rios Stafford. With no further
48 corrections, a voice vote was called and passed to adopt minutes.

49
50 Judge Deakins gave County Attorney Lester time to go over Basic FOIA rules and
51 Roberts Rules 12th Edition. Judge Deakins thanked the public, the new Justice of the
52 Peace along with returning court. Judge made a commitment to work with the JP's and
53 challenged them to do the same to respect one another with order and robust debates.
54 Judge then gave updates on some flooding which occurred on Christmas Eve Day and
55 thanked the departments on the floor for their patience as cleanup work is being done.
56 Judge welcomed and thanked Chief of Staff, Lance Johnson for the role he will be
57 playing in the County. Washington County was recognized for and awarded one of the
58 topmost transparent counties in the state of Arkansas by the Arkansas Center for
59 Research in Economics (ACRE) at the University of Central Arkansas. Judge also
60 appointed members for Rural Development Authority Board as follows: Mike Overton,
61 Steve Gunderson, Jim Wilson, Jeff Hawkins, Larry Walker. There were appointments
62 made for the Washington Water Authority Board as follows: John Everett, David
63 Bolinger, Bo Speed, Larry Delozier, Doug Chambers, Nathan Prince and Mick Wagner.
64 JP Simons made a motion to accept appointments with a second from JP Dennis and
65 passed with a voice vote.

66
67 Item 8 was introduced by JP Ecke with Assessor Russell Hill recognizing Dan Cypert for
68 receiving the Marvin C Russell Award and his excellent contribution to the state of
69 Arkansas. JP Ecke also thanked the Washington County Extension office for the
70 snacks.

71
72 Judge introduced item 9 which is the review of the Prosecuting Attorney's Hot Check
73 Fee Report for 2022 by Prosecuting Attorney Matt Durrett.

74
75 Judge Deakins introduced agenda item 10 AN ORDINANCE DENYING A CONDITIONAL
76 USE PERMIT RECOMMENDED FOR DENIAL BY THE PLANNING AND ZONING BOARD
77 - J&J Concrete item 22-O-114 (10.1) ordinance is on third reading, JP Lyons made a motion
78 to pass the ordinance. There was discussion among the court and public comments were
79 heard. JP Pond made a motion to allow JP Coger to speak for a third time with a second by
80 JP Highers and passed with a voice vote. County Attorney Lester read ordinance by title
81 only and JP Lyons made a motion and JP Anderson with a second. A roll call vote was
82 taken and tallied as follows:

83 JP Wilson-Yes
84 JP Simons-Yes
85 JP Anderson-Yes
86 JP Lyons-Yes
87 JP Ecke-No
88 JP Dean-Yes
89 JP Washington-No
90 JP Coger-No
91 JP Dennis-Yes
92 JP Highers-No

93 JP Rios Stafford-No
94 JP Leming-Abstain
95 JP Ricker-Yes
96 JP Pond-Yes
97 Motion passed and **AN ORDINANCE DENYING A CONDITIONAL USE PERMIT**
98 **RECOMMENDED FOR DENIAL BY THE PLANNING AND ZONING BOARD - J&J**
99 Concrete item 22-O-114 (10.1) was ADOPTED as **ORD 2023-001**

100
101 Judge Deakins introduced item 11 and County Attorney Lester read by title only, A
102 RESOLUTION OF THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS
103 EXPRESSING APPRECIATION TO THE VOTING CENTER FACILITIES IN
104 WASHINGTON COUNTY Item 22-R-018 (11.1). JP Washington introduced the resolution
105 and made a motion to pass with a second from JP Leming, public comments from Jennifer
106 Price, director over Election Commission also wanted to thank Prairie Grove Telephone
107 Company as well. A roll call vote was taken and passed unanimously and **A RESOLUTION**
108 **OF THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS EXPRESSING**
109 **APPRECIATION TO THE VOTING CENTER FACILITIES IN WASHINGTON COUNTY**
110 Item 22-R-018 (11.1) was ADOPTED as **RES 2023-001**

111
112 Agenda item 12 was read by title only by County Attorney Lester, A RESOLUTION
113 DECLARING A VACANCY IN QUORUM COURT DISTRICT 1 Item 23-R-001 (12.1) JP
114 Simons introduce the resolution and made a motion to move to Governor Sanders to
115 appoint with a second by JP Leming. Discussion was heard among the board and public
116 comments were heard by Sarah Hampton, Lou Reed Sharp, Annie Langston, Leah Garrett,
117 Gideon and Dawn Cannon. A roll call vote was taken and passed unanimously and **A**
118 **RESOLUTION DECLARING A VACANCY IN QUORUM COURT DISTRICT 1** Item 23-R-
119 001 (12.1) was ADOPTED as **RES 2023-002**

120
121 Judge Deakins introduced item 13 and County Attorney Lester read ordinance by title only,
122 AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR
123 APPROVAL BY THE PLANNING AND ZONING BOARD Henderson Project CUP Item 23-
124 O-009 (13.1-13.2) JP Ricker introduced ordinance and made motion to suspend rules and
125 move to second reading with second by JP Leming this was passed with a voice vote and
126 County Attorney Lester read by title only. JP Ricker made a motion to suspend rules and
127 move to the third and final reading with second by JP Lyons passing with a voice vote.
128 Attorney Lester read ordinance by title only and JP Ricker made a motion to pass ordinance
129 with second by JP Lyons there was comments heard by JP Cogger and JP Highers along
130 with public comments. A roll call vote was taken and tallied as follows:

131 JP Wilson-Yes
132 JP Simons-Yes
133 JP Anderson-Yes
134 JP Lyons-Yes
135 JP Ecke-Yes
136 JP Dean-Yes
137 JP Washington-Yes
138 JP Cogger-Yes
139 JP Dennis-Yes

140 JP Highers-Yes
141 JP Rios Stafford-Yes
142 JP Leming-Abstain
143 JP Ricker-Yes
144 JP Pond-Yes
145 Motion passed and **AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT**
146 **RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING BOARD**
147 **Henderson Project CUP** Item 23-O-009 (13.1-13.2) was ADOPTED as **ORD 2023-002**
148

149 Agenda item 14 was introduced by Judge and read by title only by Attorney Lester, AN
150 EMERGENCY ORDINANCE ESTABLISHING STANDING COMMITTEES OF THE
151 QUORUM COURT; AND, REPEALING ORDINANCES 2017-01 AND 2021-01
152 Item 23-O-001 JP Simons made a motion to adopt ordinance with second by JP Dennis.
153 Comments were heard from court and public. A roll call vote was called and passed
154 unanimously and **AN EMERGENCY ORDINANCE ESTABLISHING STANDING**
155 **COMMITTEES OF THE QUORUM COURT; AND, REPEALING ORDINANCES 2017-01**
156 **AND 2021-01** Item 23-O-001 (14.1) was ADOPTED as **ORD 2023-003**
157

158 Agenda item 15 was introduced by Judge and Attorney Lester read by title only, AN
159 ORDINANCE AUTHORIZING THE COUNTY JUDGE TO ENTER INTO A CONTRACT
160 FOR SERVICES WITH THE ASSOCIATION OF ARKANSAS COUNTIES; AND
161 APPROPRIATING \$6,517 TO BE PAID FOR MEMBERSHIP THEREIN Item 23-O-002
162 (15.1) Judge requested JP Ecke to introduce ordinance and a motion was made to pass
163 ordinance with a second by JP Lyons. Discussion was heard from JP Cogger and JP
164 Anderson, there were no public comments. A roll call vote was taken and passed
165 unanimously. **AN ORDINANCE AUTHORIZING THE COUNTY JUDGE TO ENTER INTO A**
166 **CONTRACT FOR SERVICES WITH THE ASSOCIATION OF ARKANSAS COUNTIES;**
167 **AND APPROPRIATING \$6,517 TO BE PAID FOR MEMBERSHIP THEREIN** Item 23-O-
168 002 (15.1) was ADOPTED as **ORD 2023-004**
169

170 Judge introduced item 16 and Attorney Lester read by title only, AN ORDINANCE
171 AMENDING ORDINANCE 1982-07 TO CHANGE THE WASHINGTON COUNTY SEAL
172 Item 23-O-003 (16.1-16.2) JP Simons introduced ordinance and made a motion to suspend
173 the rules and move to the second reading with a second made by JP Lyons a voice vote
174 was called and a roll call vote was taken and tallied as follows:

175 JP Wilson-Yes
176 JP Simons-Yes
177 JP Anderson-Yes
178 JP Lyons-Yes
179 JP Ecke-Yes
180 JP Dean-Yes
181 JP Washington-No
182 JP Cogger-No
183 JP Dennis-Yes
184 JP Highers-No
185 JP Rios Stafford-No
186 JP Leming-Yes

187 JP Ricker-Yes
188 JP Pond-Yes
189 Motion passed to suspend the rules and read AN ORDINANCE AMENDING ORDINANCE
190 1982-07 TO CHANGE THE WASHINGTON COUNTY SEAL_Item 23-O-003 (16.1-16.2) for
191 a second reading. Attorney Lester read the ordinance by title only for second reading. JP
192 Simons made a motion to suspend the rules and be read for third and final reading with
193 second by JP Anderson. A roll call vote was taken and tallied as follows:

194 JP Wilson-Yes
195 JP Simons-Yes
196 JP Anderson-Yes
197 JP Lyons-Yes
198 JP Ecke-Yes
199 JP Dean-Yes
200 JP Washington-No
201 JP Cogger-No
202 JP Dennis-Yes
203 JP Highers-No
204 JP Rios Stafford-No
205 JP Leming-Yes
206 JP Ricker-Yes
207 JP Pond-Yes

208 Motion passed to suspend the rules and read for third and final time. Attorney Lester read
209 by title only, AN ORDINANCE AMENDING ORDINANCE 1982-07 TO CHANGE THE
210 WASHINGTON COUNTY SEAL_Item 23-O-003 (16.1-16.2). JP Simons made a motion to
211 adopt ordinance with a second by JP Lyons. Court heard comments from JP Ecke, JP
212 Highers, JP Dennis, JP Leming and JP Cogger. JP Ecke called a Point of Order. Discussion
213 was continued among the court by JP Cogger, and JP Ecke called Point of Order a second
214 time. JP Washington, JP Ricker. JP Simons made a motion to end debate and call the
215 question. A roll call vote was taken and tallied as follows:

216 JP Wilson-Yes
217 JP Simons-Yes
218 JP Anderson-Yes
219 JP Lyons-Yes
220 JP Ecke-Yes
221 JP Dean-Yes
222 JP Washington-No
223 JP Cogger-No
224 JP Dennis-Yes
225 JP Highers-No
226 JP Rios Stafford-No
227 JP Leming-Yes
228 JP Ricker-Yes
229 JP Pond-Yes

230 Motion passed and ended debate and call the question. Public comments were heard by
231 Sarah Moore, Evelyn Rios Stafford, Dawn Cannon, Sarah Hampton and Debbie Dean. With
232 motion to adopt by JP Simons on the floor and a second, a roll call vote was taken and
233 tallied as follows:

234 JP Wilson-Yes
235 JP Simons-Yes
236 JP Anderson-Yes
237 JP Lyons-Yes
238 JP Ecke-Yes
239 JP Dean-Yes
240 JP Washington-No
241 JP Cogger-No
242 JP Dennis-Yes
243 JP Highers-No
244 JP Rios Stafford-No
245 JP Leming-Yes
246 JP Ricker-Yes
247 JP Pond-Yes

248 Motion passed and **AN ORDINANCE AMENDING ORDINANCE 1982-07 TO CHANGE**
249 **THE WASHINGTON COUNTY SEAL**_Item 23-O-003 (16.1-16.2) was **ADOPTED as ORD**
250 **2023-005**

251
252 Agenda item 17 was introduced and Attorney Lester read by title only, AN ORDINANCE
253 CREATING THE POSITION OF DIRECTOR OF COMMUNICATIONS IN THE COUNTY
254 JUDGE'S BUDGET FOR 2023 Item 23-O-005 (17.1) JP Dennis introduced ordinance and
255 made a motion to pass with JP Pond making a second. Discussion was heard among the
256 court and public comments were heard. A roll call vote was taken and passed unanimously
257 and **AN ORDINANCE CREATING THE POSITION OF DIRECTOR OF**
258 **COMMUNICATIONS IN THE COUNTY JUDGE'S BUDGET FOR 2023** Item 23-O-005
259 **(17.1) was ADOPTED as ORD 2023-006**

260
261 Judge Deakins introduced item 18 and Attorney Lester read by title only AN ORDINANCE
262 ENACTING A CODE OF ORDINANCE FOR THE COUNTY OF WASHINGTON, STATE OF
263 ARKANSAS; REVISING, AMENDING, RESTATING, CODIFYING, AND COMPILING
264 CERTAIN EXISTING GENERAL ORDINANCES OF THE POLITICAL SUBDIVISION
265 DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES, AND
266 DECLARING AN EMERGENCY Item 23-O-006 (18.1). JP Dennis made a motion to amend
267 and take out the Emergency Clause, JP Highers made a second and passed with a voice
268 vote. Ordinance will be amended and moved to the February Quorum Court.

269
270 Judge Deakins introduced item 19 and Attorney Lester read by title only AN ORDINANCE
271 CREATING THE POSITION OF 911 DEPUTY DIRECTOR IN THE EMERGENCY 911
272 BUDGET FOR 2023 Item 23-O-007 (19.1) JP Leming introduced ordinance and made a
273 motion to pass with a second by JP Ecke, there was no discussion or public comments. A
274 roll call vote was taken and passed unanimously and **AN ORDINANCE CREATING THE**
275 **POSITION OF 911 DEPUTY DIRECTOR IN THE EMERGENCY 911 BUDGET FOR 2023**
276 **Item 23-O-007 (19.1) was ADOPTED as ORD 2023-007**

277
278 With no further business meeting was adjourned at 8:06PM
279

280 *Myra Collins*

281 Myra Collins
282 Quorum Court Coordinator
283
284

Patrick Deakins
County Judge



Jousy Facundo
Fixed Asset Manager

WASHINGTON COUNTY, ARKANSAS
Purchasing Department Disposal of County Property

January, 2023

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 January, 2023.

Court Order	File Date	Description
2023-008	1/05/23	I05000115,I041600494, I041600350 Prosecuting Attorney, 224 hardbound books, 105 paperbacks, 220 dvds Dell Optiplex 7040 Computer

Item 23-O-006

Requested by: County Judge Patrick W. Deakins
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

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

AN ORDINANCE ENACTING A CODE OF ORDINANCE FOR THE COUNTY OF WASHINGTON, STATE OF ARKANSAS; REVISING, AMENDING, RESTATING, CODIFYING, AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE POLITICAL SUBDIVISION DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the ordinances of Washington County, Arkansas, are inadequately classified to such an extent as to render them non-conducive to searches by either County Officials or the general public; and,

WHEREAS, Arkansas Code Annotated (A.C.A.) § 14-14-903 empowers and authorizes Washington County, Arkansas, to revise, amend, restate, codify, and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one unified code in book form; and,

WHEREAS, the Quorum Court of Washington County, Arkansas, has authorized a general compilation, revision, and codification of the ordinances of Washington County, Arkansas, of a general and permanent nature and the publication of such ordinance in book form; and,

WHEREAS, the codification of the ordinances of Washington County, Arkansas is necessary to provide for the usual daily operation of Washington County, Arkansas and for the immediate preservation of the public peace, health, safety, and general welfare of Washington County, Arkansas, that this Ordinance shall be in full force and effect from and after the date of its passage; and,

WHEREAS, this code of ordinances for Washington County has been filed in the County Clerk’s Office and available for inspection a minimum of thirty (30) days prior to its adoption as required by A.C.A. § 14-14-909.

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

43
44 **ARTICLE 1.** The general ordinances of Washington County,
45 Arkansas, as revised, amended, restate, codified, and compiled in book form are hereby
46 adopted as and shall constitute the “Code of Ordinances of Washington County,
47 Arkansas.”

48
49 **ARTICLE 2.** Such Code of Ordinances as adopted in Section 1
50 shall consist of the following Chapters:

- 51
52 Chapter 1: General Provisions
53 Chapter 2: Administration
54 Chapter 3: Law Enforcement
55 Chapter 4: Taxes
56 Chapter 5: Public Records
57 Chapter 6: Agriculture and Livestock
58 Chapter 7: Animals
59 Chapter 8: Community Services
60 Chapter 9: Emergency Services
61 Chapter 10: Human Services
62 Chapter 11: Public Works
63 Chapter 12: Roads and Transportation
64 Chapter 13: Urban / Rural Development
65 Chapter 14: Other County Services

66
67 **ARTICLE 3. REPEALER.** All prior ordinances pertaining to the
68 subjects addressed in the Code of Ordinances are hereby repealed from the effective date
69 of this Ordinance unless they are included and re-ordained, in whole or in part, in this
70 Code; provided, such repeal shall not affect any offense committed or penalty incurred or
71 any right established prior to the effective date of this Ordinance. Nor shall such repeal
72 affect ordinances which levy taxes, appropriate funds, annex or detach territory, establish
73 franchises, or grant special rights to persons, authorize public improvements, authorize
74 the issuance of bonds, or borrowing of money, authorize the purchase or sale of real or
75 personal property, grant or accept easements, plat or dedication of land to public use,
76 vacate or set the boundaries of streets or other public places. Nor shall such repeal affect
77 any other ordinance of a temporary or special nature or pertaining to subjects not
78 contained in or covered by the Code.

79
80 **ARTICLE 4.** Such Code shall be deemed published as of the day
81 of its adoption and approval by the County Judge of Washington County, Arkansas. The
82 County Clerk of Washington County, Arkansas is hereby authorized and ordered to file a
83 copy of such Code of Ordinances in the Office of the County Clerk.

84
85 **ARTICLE 5. EMERGENCY CLAUSE.** ~~This Ordinance is~~
86 ~~declared to be an emergency measure necessary for the immediate preservation of the~~
87 ~~peace, health, safety, and general welfare of the people of Washington County, Arkansas~~
88 ~~and therefore this Ordinance shall be in full force and effect from and after the date of~~

89 **passage.**

90

91

92

93

94

95 _____
PATRICK W. DEAKINS, County Judge

_____ **DATE**

96

97

98

99 _____
BECKY LEWALLEN, County Clerk

100

101 **Introduced by:** JP Robert Dennis

102 **Date of Adoption:**

103 **Members Voting For:**

104 **Members Voting Against:**

105 **Members Abstaining:**

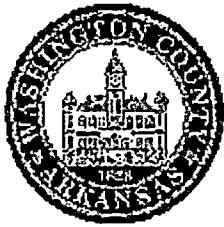
106 **Members Absent:**

107

108

109 **Committee History:**

110 **Quorum Court History: Quorum Court (1-19-23); Amend and move to Feb QC**



WASHINGTON COUNTY PLANNING OFFICE

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

PLANNING BOARD/ZBA DECISION APPEAL

9.1

2022 DEC 2 AM 9:55
BECKY LEWALLEN
CO. & PROB. MGR. CLERK
WASHINGTON COUNTY, AR

FILED

I, Bobby Ray Hufhines

name

20039 Santa Rosa Drive Springdale AR 72764

address

479-263-8745 / ray_hufhines@hotmail.com

phone/email

I am hereby filing an appeal of a recent decision of the Washington County Planning Board/Zoning Board of Adjustment (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 11/03, 2022 meeting of the Washington County Zoning Board of Adjustment, 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 11, Township 17, Range 29, in Washington County.

My understanding of the decision of the Washington County ZBA & Planning Board is as follows:
2022-377 Shop Solutions CUP (Parcel number 001-14895-002)

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

Traffic problems and safety issues

Compatibility and property value issues

Storm water drainage

Application Questions

Light, noise, and other pollution issues

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.)

Bobby Ray Hufhines
(signature)

12/01/2022

date

Shop Solutions Conditional Use Permit

The Planning Board/Zoning Board of Adjustment Approved Shop Solutions CUP, with conditions, request on November 3, 2022 (4 members voted “in favor”, 1 members voted “against”, 2 members were absent, 0 members abstained).

Property located solely in the County

Shop Solutions CUP

Conditional Use Permit Request

Location: Section 11, Township 17, Range 29

Applicant: Bryan Jesse

Location Address: 2254 Wildcat Creek Blvd. Springdale, AR 72762

JP District: Patrick Deakins, District 5

Approximately: +/- 25.11 acres / 1 parcel

Project #: 2022-377

CONDITIONS OF APPROVAL

Utilities

Utility Conditions

1. Any damage or relocation of existing facilities will be at the owner’s or developer’s expense.
2. All offsite easements that are needed for utility service to the property/properties must be obtained by the developer and easement documentation may be required by the utility company.
3. All onsite easements must be shown on the plat and recorded with the County.
4. It is the owner/developer’s responsibility to contact each utility provider to determine what permits and/or easements will be required.

Springdale Water Utilities

- 1) Submit detailed plans to Springdale Water Utilities for review and approval prior to submitting to the Arkansas Department of Health.
- 2) 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.
- 3) Field locate and verify the location of all existing water and sanitary sewer facilities. Indicate the location of these facilities on the drawing and provide adequate easements, on-site and off-site, acceptable to the Springdale Water Utilities. Easements shall be established such that a minimum 10-foot space shall be provided between the utility and any permanent structure and easements shall be provided such that a minimum 10-foot is between the utility and easement line. Easement widths shall be greater for facilities of excess depth. For utilities with depths greater than 7.5-feet, an additional 1-foot of easement either side of the utility will be required for every 1-foot of additional depth.
- 4) Please be advised that permanent structures, buildings, footings, air conditioning units or pads, signs, retaining walls, awnings, covered walkways, or other items shall not be erected or constructed within utility easements.
- 5) If perimeter walls, fences, or signs are proposed for the development, detailed drawings will need to be submitted for approval to this office prior to their construction.
- 6) The Springdale Water Utilities will not allow the planting of trees on water or sewer mains. Please utilize shrubs or smaller plantings within utility easements. The Springdale Water Utilities will not be

responsible for the replacement of any planting that may be removed during the course of water and sewer line maintenance.

7) Please be advised that private water meter and sewer service lines, including services from septic systems, cannot cross adjacent properties in order to access service or be located and run parallel within a public utility easement.

8) Verify the elevation and location of the existing water and sanitary sewer lines. Please be advised that there shall be no net decrease in cover allowed. If the cover is below the minimum standard or if the existing water or sanitary sewer lines are damaged due to construction activity, then the Owner/Developer shall be responsible for replacing the existing water and sanitary sewer lines within the proposed project area at the Owner/Developer's expense.

9) Please be advised that requests for meter services larger than a 5/8-inch meter setter for irrigation or larger than 1-inch meter setter for potable water will have to be approved in writing by the Engineering Director of Springdale Water Utilities. Appropriate request forms are available at Springdale Water Utilities Engineering Department.

10) Please be advised that if any new water meter or sewer service taps are needed in the future from existing facilities, they will be installed by Springdale Water Utilities at the owner/developer's expense should capacity exist.

11) Please be advised that both the existing and proposed fire hydrants and meters must be located in a green space a minimum of 4' behind any curb and gutter, 4' behind any sidewalk, and 10' from any permanent structure.

12) Water system capacity in this area is very limited whereby maximum meter sizing for new installations in this area has been limited to individual 5/8-inch meter sets per tract for new construction. Before any additional connections to the water system are allowed, the developer/engineer will be required to submit a detailed water system analysis for this proposed development showing the adequacy of the existing water system to support this type of development.

13) Please be advised that public sanitary sewer does not appear to be contiguous to or directly available for these tracts.

Ozarks Electric Conditions

General Comments:

1. Any relocation of existing facilities or extension of line that has to be built specifically to feed this project will be at full cost to the developer.
2. All property corners and easements must be clearly marked before construction will begin.
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. All conduits placed at road crossings by developer must have 48 inch of cover at final grade and marked with post to identify end of conduits. (3 – 4 inch schedule 40 conduits to be used for electric only at all road crossings, conduits must extend past the edge of any obstructions so that they are accessible during construction.) There must be minimum separation of 12 inches between conduits for electric and conduits for other utilities. This is NESC code 354. All conduits for road crossings and specific widths of U.E. must be shown on final plat before Ozarks Electric will sign the final plat.
5. Transformer must have a minimum of 30 feet clearance from any structure. Any variation of this requirement must have written approval from an Ozarks representative.
6. Developer will need to contact Ozarks Electric and provide them with electrical load information before any cost to developer can be determined.
7. Developer to provide all trench and PVC conduits including PVC sweeps in accordance with Ozarks specifications. No metal conduit or metal sweeps are to be used.

8. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat as well as a hard copy.
9. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
10. Developer or contractor must apply for temporary construction service and permanent service before any design and cost is determined by Ozarks.
11. Please contact Ozarks Electric when construction begins on this project and again when construction is within three months of completion. Call Wes Mahaffey at (479)263-2167
wmahaffey@ozarksecc.com

Additional Comments:

12. 30FT. U.E. ALONG ALL OVERHEAD OZARK LINES

Telephone

1. Please contact AT&T phone provider to determine requirements.

Fire/Safety Conditions

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

Road Conditions

1. A permit from the Washington County Road Department or the Arkansas Department of Transportation may be required prior to any work being completed in the right-of-way.
2. Need permit consisting of \$1500 bond per driveway.
3. There is to be no parking in the Washington County roadway at any time.

Addressing Conditions

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

Sewer/Septic Conditions

1. Please contact the Arkansas Department of Health and adhere to their regulations on septic sewer systems.
2. No parking is allowed on any portion of the septic system.

Environmental Conditions

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

Signage

1. No signage is allowed within Washington County's road right-of-way (ROW).
2. Signage is limited to 36 square feet in signage with an approximate height of no more than 8 feet. The sign must not be lit from within, but can utilize "up" lighting.

Lighting

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

Screening Conditions

1. All outdoor storage and dumpsters must be screened with opaque material (gates must be opaque also).

Planning Conditions

1. Any further additions in terms of expanding the current developed structure or building new structures for either the business or for gathering purposes must come before the Planning Office and potentially the Planning Board.
2. Tenants not engaged in retail as primary business.
3. No heavy machinery, industrial size storage or manufacturing on premises.
4. No storage or use of toxic chemicals on premises.
5. Number of units (24) is a maximum, and may need to be reduced if septic system does not support demand.
6. Driveway entrance(s) maximum 60' in width.

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. Final inspection approval is required prior to issuance of CUP approval letter.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. 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.
8. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

Item 23-O-028

Requested by:

Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

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 ZONING BOARD OF ADJUSTMENTS.

WHEREAS, at the November 3, 2022 meeting of the Zoning Board of Adjustments, the board was presented with a Conditional Use Permit request for the Shop Solutions project; 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 recommended for approval by the Zoning Board of Adjustments.

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

ARTICLE 1. That the Conditional Use Permit for **Shop Solutions** is hereby denied.

PATRICK W. DEAKINS, County Judge

DATE

BECKY LEWALLEN, County Clerk

42
43 **Introduced by:** JP Kyle Lyons
44 **Date of Adoption:**
45 **Members Voting For:**
46 **Members Voting Against:**
47 **Members Abstaining:**
48 **Members Absent:**
49
50
51 **Committee History:** Planning (11-3-22)
52 **Quorum Court History:**

Item 23-O-029

Requested by:

Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

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 ZONING BOARD OF ADJUSTMENTS.

WHEREAS, at the November 3, 2022 meeting of the Zoning Board of Adjustments, the board was presented with a Conditional Use Permit request for the Shop Solutions project; 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 recommended for approval by the Zoning Board of Adjustments.

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

ARTICLE 1. That the Conditional Use Permit for **Shop Solutions** is hereby ratified.

PATRICK W. DEAKINS, County Judge

DATE

BECKY LEWALLEN, County Clerk

42
43 **Introduced by:** JP Kyle Lyons
44 **Date of Adoption:**
45 **Members Voting For:**
46 **Members Voting Against:**
47 **Members Abstaining:**
48 **Members Absent:**
49
50
51 **Committee History:** Planning (11-3-22)
52 **Quorum Court History:**

TIME RECEIVED
January 18, 2023 at 12:32:54 PM CST

REMOTE CSID
4794446667

DURATION PAGES
611 17

STATUS
Received

01/18/2023 12:53 4794446667

WOODRUFF LAW FIRM

PAGE 01/17

CC 2023-3

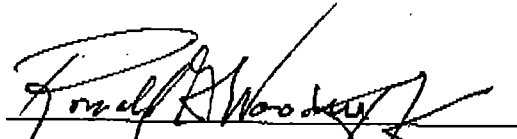
NOTICE OF APPEAL TO COUNTY JUDGE

RE: Conditional Use Project #22-426

2023 JAN 18 PM 2:41
FILED
BECKY LEWALLEY
CO. & PROBATE CLERK
WASHINGTON CO. AR

Comes now Ronald G. Woodruff, individually, and on behalf of many of my neighbors on and around the area of S. Mally Wagnon Road and we respectfully appeal to Washington County Judge Patrick Deakins the decision of the Planning Commission on 1/12/23 which approved the conditional use project use Numbered 22-426.

Attached are various statements by interested parties who live near the proposed project.



Ronald G. Woodruff, Retired Attorney
2303 S. Mally Wagnon Road
Fayetteville, AR 72702
(479) 841-8790 cell phone



WASHINGTON COUNTY PLANNING OFFICE

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

10

BECHY LEWALLEH
CLERK
CO. & PROBATE
WASHINGTON, AR

2023 JAN 18 PM 2:41

FILED

I, Ronald Woodruff AND on behalf of neighbors
name
2303 S. MALLY WAGON
address
479-841-8790 ronwoodruff40@gmail.com
phone/email

am hereby filing an appeal of a recent decision of the Washington County Planning Board. My appeal is being filed within ten (10) days of the decision as required by Section 11-107, "Appeal Procedures" in "Chapter 11-Planning and Development, Article IV-Land Development in Unincorporated Land, Division 3-Design Standards" in Washington County, Arkansas.

During the JANUARY 12, 2023 meeting of the Washington County Planning Board, a plat/LSD plan was presented for approval. The plat/LSD plan was for a (circle one) Subdivision / Minor Subdivision / Large Scale Development, located in Section 29, Township 16, Range 29, in Washington County. PARCEL: 001-10972-000

My understanding of the decision of the Washington County Planning Board is as follows:
Approved Conditional Use project # 2022-426

I am appealing this decision to the County Judge for the following reasons:
BOARD FAILED TO PROPERLY CONSIDER ENVIRONMENTAL ISSUES
GROUND WATER - SURFACE WATER - TRAFFIC / ROAD HAZARDS
SEE ATTACHED COMMENTS FROM NEIGHBORS

I understand pursuant to Section 11-107 (1) b., the County Judge may affirm, modify or reverse any finding or decision of the Planning Board or may refer the proposed development back to the Planning Board for additional study. The County Judge may refuse to approve the proposed improvement for any of the above specified reasons. The decision of the County Judge may be appealed to Circuit Court. I certify the above statements are correct to the best of my knowledge. (If extra room is needed please attach additional sheets.)

Ronald Woodruff
(signature)

1/18/2023
date

From: Evan House evan.house@yahoo.com
Subject: Re: Storage Facility
Date: Dec 8, 2022 at 10:42:13 AM
To: bsexson@live.com, Pete Reagan preagan14@gmail.com

This is very nice. Thank you!

On Thu, Dec 8, 2022 at 10:34 AM, bobbye sexson
<bsexson@live.com> wrote:

October 8, 2022

Jimmie
Sexson

1824 S Mally Wagon Road
Fayetteville, Arkansas 72701

Planning Office
Washington County, Arkansas
2615 S Brink Drive
Fayetteville Arkansas 72701

RE: 2022-426 Mally Wagon Self Storage Conditional Use Permit

Dear Members of the Washington County Planning Commission and Staff:

I was born on the property that adjoins the property owned by Carolyn Baggett. I returned to Fayetteville after serving in the Army and built our home at our current address in 1968. I have very real concerns about the CUP application. I have several personal reasons for objecting to this CUP because it borders on two sides of my property, but I also have valid reasons for objecting that I would like to share.

First, Mally Wagon is a very narrow, no shoulder, road that is often used by walkers and bikers. Turning from Huntsville Road (Highway 16 East) is a struggle that every resident on this road has encountered. The entrance is very narrow and when drivers fail to pull fully to the right there isn't room for another car to pull into the road. Several times I have seen cars turn into White River Nursery's business lot and cut through rather than try to turn into Mally Wagon Road. Once you have turned into the road it is very narrow and generally drivers will pull over to allow only one car at a time for the first approximate 300 feet.

Second, this facility will alter the natural water flow from the mountain. The county has a large culvert under the road that allows for the flow of water to cross from the West side to the East side of the road and flowing into a branch that has been there

all my 83 years. This branch naturally flows across our property to the North where it crosses Carolyn Baggett's property. If this facility is allowed, it will divert the natural water-flow across the two properties. The water-flow will be diverted from flowing to the North to flowing to the East, causing the probable flooding on our property and the property of Evan House.

Finally, this neighborhood has been family owned, single family homes. We have tried to protect the green areas of the neighborhood while always welcoming new families. Several families have children that play in the yards. This facility will increase the traffic on this mountain.

We received the letter sent to you by Evan House and we totally support his objection to this CPU. Respectfully, we ask that you deny this CPU. There is already a storage facility on the North part of Mally Wagnon Road, there is property for sell there that is already zoned for this type of usage. Please, help us maintain our family-oriented neighborhood.

Thank you for your consideration,

Jimmie and Bobbye Sexson

Sent from Mail for Windows



Natural Flow CHANGE

My name is Diane Hudler and I live at 2271 S. Mally Wagnon Rd.

My husband and I join with all of our neighbors in vehement opposition to a storage facility being built in our neighborhood. I won't speak to the water runoff issue. That problem has already been well established. Our issues are safety and spoiling the land. This proposed site is across the street from, and just to the north of what we consider to be our forever home. We are located just as you start up the hill. What is now our view of a beautiful pasture will suddenly be of concrete and row after row of metal buildings with garage fronts. We bought this house in part because of the unspoiled nature of the surrounding property, but most importantly, because of we felt safe there.

Our house is where all of our family gatherings take place. We have children of all ages who play outside, and currently, we don't worry about their safety. We trust our neighbors. My 92 year old mother in law also lives with us. There are times when my husband and I have to go to town or run errands for two or three hours at a time and she is there by herself. With hundreds of storage units across the street, there is overwhelming potential for criminals of every form to have a view of our property and many others in our neighborhood. All it takes is for one person with evil intentions to seize an opportunity to take advantage of the defenseless. We would never again feel safe letting our grandchildren or elderly parents be at home or outside unattended.

Jody and Nathan Harris are business people. They want to build this facility strictly to make money. She claims that she is working toward a better Arkansas. Let them put a storage facility on the road where their children play and see if that makes their lives better. The quality of life that we enjoy in this neighborhood would be completely destroyed if this is approved. This is a neighborhood, made up of residential and agricultural properties. It is NOT an industrial area! If you want to build four, or maybe six houses on this property, please do so. I think I speak for all the neighbors when I say we would welcome more good neighbors. Make your money, and be done with it. Or better yet, build or buy a facility on the highway, not in our backyard.

Another very important issue is that if this is approved, the precedence is set for more industrial development to take place here. I am certain that everyone, without exception, would agree that this is the worst possible scenario for the use of this property. We are just inviting crime, decreased property values, increased traffic and flooding, destruction of the roadway, potential accidents, especially where the road narrows to one lane, and an overall decline in the quality of life that we currently enjoy.

Evan House
6073 E. Huntsville Rd
Fayetteville, AR 72701
January 4, 2023

Planning Office
Washington County, Arkansas
2615 S Brink Dr
Fayetteville, AR 72701

Dear Blake, Sam, and the Washington County Planning Staff:

Thank you for the opportunity to comment on the proposed CUP: 2022-426 Mally Wagnon Self Storage Conditional Use Permit. I'm writing this modified and updated letter to you today to respectfully and humbly ask that you consider the facts below to deny the request. I've included my original letter at the end of this one so you can review my original points if you like. I don't want to clutter my current points with the ones I've stated previously.

I will do my best to only discuss facts, as I'm well aware that it's not your duty to make judgements based on emotions and sympathy!

My initial concerns, as outlined in the letter dated December 5, 2022, were primarily: traffic, light pollution, water runoff, and general safety, followed by the impact on property value and general compatibility. As I've had more time to study the type of facility proposed, as well as consider the lasting effects of a development of this type, my concerns have slightly shifted and I feel convicted in a few key areas, listed below in order of increasing importance:

- 1) Water runoff - I live immediately Northeast of the subject property. My property receives the bulk of the water that passes through that corner. The subject property receives a large portion of water from the huge hillside immediately to the South. I think more engineering would be needed to consider the amount of water that enters the property. The engineering so far seems like it would be sufficient to contain the rainwater that falls on the roofs of the proposed buildings, but it doesn't seem to take into account the vast volume of water that would be redirected to the South and East when the level of the land is raised for the building pads.
- 2) Light pollution - Every morning, I'm up before daylight and my kitchen faces Southwest (directly towards the subject property). I've got an accurate and current view of the surroundings during daylight and night hours. There are currently no lights except a few sparse street lights (typically one per address, but not at every address). It's very dark except for when the moon is full. The storage facility would completely change the nature of the neighborhood at night. To address the applicant's comments about lighting, my presentation includes some pictures of his current lighting at night. These are the lights that are specifically designed to emit only "down light". Unfortunately, it just doesn't work in reality. As the pictures show, even with the special lights,

the entire area emits a bright glow that can be seen from a distance. The light reflects off the buildings, the gravel, and the concrete and asphalt.

- 3) General compatibility – After multiple detailed readings of the application for a CUP, I now understand the importance of the first item listed in the “findings of fact” section. This one simple section could almost serve as the entire application. It encompasses most aspects of avoiding potential future problems with developing an area. Compatibility affects the reasons that families move into an area as well as what type of development will happen in the future. It's why we don't have new homes and factories nested on the same street, or why jails aren't near schools, or why we don't have fast food restaurants and hotels inside residential neighborhoods. If only one point is conveyed from my letter, let it be this:

The proposed development is simply not compatible with the surrounding area.

The applicant states that the proposed project is compatible with the area. This is not an accurate statement. Please consider the short video clips I've included in my presentation. These are taken within the last week and from a street view along the stretch of Mally Wagnon Rd from Hwy 16 to the proposal site. Clearly, the entire area is made only of a mixture of single-family homes on large lots and agricultural farm land. Every resident in the area has spoken and they unanimously agree that they would like the area to remain that way. Many of the neighbors live to the South, elevated above the property. You'll hear their personal stories of moving to the area because of the view below. A storage facility is a large amount of reflective metal roofing in a sea of gravel or asphalt. This is not preferable to a few houses, barns, and pastures! I think it's safe to assume that this would have a negative impact on property sales. Future families moving to the area might be deterred from buying a house next to a storage facility, let alone paying a fair and current market price.

The applicant uses his existing storage facility (which is 2.5 miles - 5 minutes - West on Hwy 16) as an example of how it improved the area. In this area, I think most people agree. However, that location borders a very old mobile home park to the West. They cleaned up the lot and added some open space. There's no doubt that the applicant has made a very nice storage facility. However - it is a very different situation at Mally Wagnon. Here, even the *niciest* storage facility diminishes the natural beauty of the area. So the high quality of the proposed facility is a moot point in this case. Even a very nice facility is strictly and by definition (according to the CUP application), not compatible with the area.

Lastly, the applicant identified 4 business to use as proof of compatibility (I'll use the term comparables or comps moving forward). On paper, these seem legitimate at first. However, the only grounds for comparison is that these are 4 current businesses in the general geographical area. My stance is that these comps are not comparable at all. Here are a few details for each business (from the letter enclosed in the application for this CUP dated November 04, 2022):

- 1) D&D Storage. I'm actually surprised that this is used as a comp. I mean no personal offense to the owner of this property, but it is a terrible eyesore according to anyone I've asked, including the applicant (Mr. Harris) himself. I assume it is “grandfathered in” to whatever standing it has. It would never be approved as-is today. I can't imagine that the applicant would want to be compared to this run-down, messy property. I assume he had no choice but to list it on his

- application due to a lack of better examples for compatible properties. Even so, this property is located across the highway and is partially within the city limits. The location isn't comparable.
- 2) Auto Garage. This is an old, small, block building across Hwy 16 and also within the Fayetteville City limits. The entire property consists of a single small building on a large lot. There's only one light at night (which isn't noticeable due to the other lights along the highway. Again, the location isn't comparable and the type of building and business is not comparable.
 - 3) White River Nursery. This one speaks for itself. It is a relatively small lot with a few greenhouses and sheds. Almost all of the open space is covered with beautiful trees and other plants. It actually adds a bit of natural beauty to the highway area. But again, this lies along Hwy 16 and is within the city limits. There is very little light emitted from this site.
 - 4) H&H Directional Boring. This isn't really a business in the same sense as the others. This is Mr. Haney's personal home and he parks his work trucks and equipment by his shop there. He has lived there my whole life. I don't think this is comparable to a large storage facility. It just happens to be the closest of the examples to the subject property

The big concern with using these comps is the door that it would open for future development. If this storage facility is allowed on the basis of these properties listed above, in the future, the storage facility could be used as a comp for another incompatible project, and so on. That type of seemingly incremental change would completely ruin the residential/agricultural feel of the area with just a few more projects.

To recap the comps: all 4 examples given by the applicant are along the Hwy 16 corridor and most are within the city limits. They also don't have much light pollution. They don't even have many buildings in total. The proposed storage facility is not in a similar location to the existing comps. It's down a small county road nestled among houses and small farms. It's not a similar type of building layout (excluding D&D listed above). The entire 4-5 mile stretch of Hwy 16 is set up like this from East Fayetteville to West Elkins. There are a few small businesses scattered along the highway (on the highway road frontage), with housing and small farms behind those businesses, but without any businesses back with the houses and farms.

We need to give this property a chance to be purchased by someone who wants to use it in a way that's compatible with the neighboring properties – to be used as someone's home and/or farm. Please consider the facts listed above and vote to deny the application. Thank you for the opportunity to be heard.

Sincerely,

Evan House

479-530-4614

evan.house@yahoo.com

Below is the letter dated December 5, 2022 that I submitted just before the initial hearing. Attached for reference purposes only.

Evan House
6073 E. Huntsville Rd
Fayetteville, AR 72701
December 5, 2022

Planning Office
Washington County, Arkansas
2615 S Brink Dr
Fayetteville, AR 72701

Dear Blake, Sam, and the Washington County Planning staff:

I am a lifelong Washington County resident. My home borders Carolyn Baggett's property where the storage facility is proposed. I'm writing today to respectfully ask you to deny the 2022-426 Mally Wagon Self Storage Conditional Use Permit. Aside from any personal reasons, I don't believe the project is compatible with the surrounding area, and therefore not eligible for a conditional use permit. I've outlined my reasons below:

1. In reference to item #3 on the CUP application, the project is injurious to the use and enjoyment of neighboring properties.
 - a. Traffic: Currently, the Mally Wagon and Van Hoose area (South of Hwy 16) is a rural, quiet neighborhood on a small and narrow road. Most mornings and evenings, it's common for residents to be out walking their dogs, playing with children, and riding bikes. The only traffic is from residents and visitors of those residents. The increased traffic from construction and patrons will impose a little more danger to those near the street.
 - b. Light pollution: I grew up here, and one of the many things I love is being able to have a clear view of the night sky, with no interference from man-made light. I know that the proposed lighting is designed with shields to help with this, but the light will reflect off the buildings and gravel to produce a glow that is visible to the surrounding properties. To be sure of this, I've looked at the East Side storage facility at night.
 - c. Water Runoff: My property receives the water runoff from this parcel. The water that flows to the Northeast passes through a corner of our field and into our pond. In the winter and spring, the ground is barely able to absorb the current runoff. Sometimes it's impassable. I understand that the retention pond on the plan is engineered for this reason, but I also know that water in equals water out. Once the pond is full, the water will flow out. This area has a high water table already. The vast amount of impervious

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- area caused by the buildings will result in much more stormwater runoff that will exacerbate the problems downstream.
- d. Safety: The residents in this area have a concern about general safety due to the unknown visitors to the storage facility. I've personally witnessed many people selling personal items via Craigslist and Facebook Marketplace and using storage facilities for the meeting location. Even if this is against the rules for the facility, I'm sure it will still happen.
2. In reference to item #4 on the CUP application, the project impedes normal and orderly development and improvement to the surrounding properties.
 - a. Residential property value will likely drop. If a storage facility is next door, I believe a home would be more difficult to sell at the market price. After a facility like this is built, the neighboring property is less likely to be sold for residential lots. The residents hope that development will continue in the same manner as it has so far, including modest homes with large yards as well as small farms.
 - b. The proposed plan would also open the door to other commercial properties in the area, which further devalues residential properties.
 3. Finally, and most importantly is item #1 from the CUP application. The project is simply not compatible with the surrounding area.
 - a. The surrounding properties are all homes and small farms. Many, even most of the properties consist of one home and one barn or shop. The storage facility does not blend in with the surroundings. The storage facility would consist of multiple metal buildings with unnatural colors within a large gravel lot, surrounded by tall chain link fence.
 - b. The examples used in the Letter of Intent are not comparable examples. All 3 businesses are along highway 16, which is the largest through road in the area. All 3 businesses are in the City of Fayetteville. The proposed site is down a small narrow residential street. Furthermore, if these businesses are allowed to be used as comparable examples to approve this project, then the future commercial applications would be able to use this one as an example, and so on.

Please deny the application and keep our little neighborhood quiet, safe, peaceful, and residential!
Please consider the points above and encourage more compatible growth in our area.

Sincerely,

Evan House
479-530-4614
evan.house@yahoo.com

January 12, 2023

Carol House
6215 E. Huntsville Rd.
Fayetteville, AR 72701

Planning Office
Washington County, AR
6215 S. Brinks Dr.
Fayetteville, AR 72701

Dear members of the Washington County Planning Commission,

I would like to add my letter to those of the other members of the Van Hoose—Mally Wagon community who will be at the meeting tonight and who have more eloquently and learnedly made their opposition to the storage unit facility (2022-426 Mally Wagon Self Storage CUP) much better than I possibly could.

I have lived in this area either on Van Hoose or on Highway 16 (about ½ mile from the Mally Wagon intersection) for 50 years. The area was and has remained a residential and small family farm community. This sense of community is what drew people here—the ability to have a quiet place to raise families and also be close to all that Fayetteville has to offer. The addition of the proposed facility would make no beneficial addition to the quality of life in this area and could open Mally Wagon to other commercial development that is not compatible with the community as it exists now, and could help erase the residential/agricultural feel of this area.

Evening walks, fireflies in the summer and community with friends and family would be affected by the lighting thought necessary for this facility. The traffic of renters would contribute to noise and road hazards for those walking or riding their bikes. From looking at grading requirements necessary to situate the buildings, I am sure runoff would become a problem from the additional impermeable surface. Most of the rainwater runoff already ends up running through the back of my small farm eroding dry creeks and making regular fence repairs necessary. The additional volume of water would compound the problem. Climate change is also making what used to be called 50 to 100 year floods more common.

Please consider all the concerns of all of the members of this community and deny the application for this facility.

Sincerely

Carol House
479.200.2561
Chouse4242@aol.com

Sent: Thursday, December 08, 2022 10:59 AM
To: Evan House <evan.house@yahoo.com>; bobbye sexson <bsexson@live.com>;
Don Cox <don@coxaccounting.com>
Subject: Fwd: Mally Wagnon Rd CUP comments

Peter T Reagan
Sent from my iPhone

Begin forwarded message:

From: Peter Reagan <preagan14@gmail.com>
Date: December 8, 2022 at 8:37:21 AM CST
To: bchapman@washingtoncountyar.gov
Cc: Tonya Patrick Taylor <tpatricklawfirm@yahoo.com>, "W. H. Taylor"
<whtaylor@taylorlawpartners.com>
Subject: Mally Wagnon Rd CUP comments

Proposed Mini Storage Comments

1. The Property line between our properties is lined with trees. Unable to determine exactly who the owner of each tree is. Would like to determine ownership prior to construction

2. Groundwater flows to both the Northeast and the Northwest.

Northwest : I have had rainwater runoff over the top of my 18' Culvert at Mally Wagnon Rd intersection. Have had to replace the sb2 gravel that was

washed downstream. With additional roofs being added will only get worse. Will all water from this project be directed west to the road or will some be directed towards my driveway culvert?

Northeast : My corral that is used in my cattle operation is located just south of the proposed retention pond. I have seen water 12" deep flowing rather quickly through my corral. This happens yearly between the months of March and July. What happens when the retention pond overflows on to me and my 2 neighbors. Who is the responsible party?

4. Lighting : I understand the "down Lighting" but there is still a reflection of light for all to see

5. Security Fence: Would like to see the V installed North property line with 3 strands of barbed wire on each side of the "V" for added security. Unable to determine location of proposed north fence line? Assuming it will be on the southside of the North property line but unable to determine from drawing.

6. Mally Wagon Rd condition

a. The current condition has very little "base" under this layer of "chip and seal" I have owned this property for 40+ years. I was involved in the widening of the road and the Chip and Seal Process. Rainwater has always run down the middle and sides of the road before eventually finding the ditch. This has been brought to several folk's attention at the road department but to date nothing has been done to alleviate this problem. This deteriorates the roadway as evidence of current condition. Additional traffic will only accelerate the deterioration of the roadway.

b. Mally Wagon Rd (South of Hwy 16 E) is dangerously narrow from the intersection south to the City/County Line, enough so that two vehicles cannot pass each other . Additional vehicle traffic will only add to the current unsafe roadway. For the reasons listed above, I ask that this CUP as submitted be voted down

Peter T Reagan
2086 S Mally Wagon Rd, Fayetteville AR

Evart House
6073 E. Huntsville Rd
Fayetteville, AR 72701

December 5, 2022

Planning Office
Washington County, Arkansas
2615 S Brink Dr
Fayetteville, AR 72701

Dear Blake, Sam, and the Washington County Planning staff:

I am a lifelong Washington County resident. My home borders Carolyn Baggett's property where the storage facility is proposed. I'm writing today to respectfully ask you to deny the 2022-426 Mally Wagnon Self Storage Conditional Use Permit. Aside from any personal reasons, I don't believe the project is compatible with the surrounding area, and therefore not eligible for a conditional use permit. I've outlined my reasons below:

1. In reference to Item #3 on the CUP application, the project is injurious to the use and enjoyment of neighboring properties.

- a. **Traffic:** Currently, the Mally Wagnon and Vari Hoose area (South of Hwy 16) is a rural, quiet neighborhood on a small and narrow road. Most mornings and evenings, it's common for residents to be out walking their dogs, playing with children, and riding bikes. The only traffic is from residents and visitors of those residents. The increased traffic from construction and patrons will impose a little more danger to those near the street.
- b. **Light pollution:** I grew up here, and one of the many things I love is being able to have a clear view of the night sky, with no interference from man-made light. I know that the proposed lighting is designed with shields to help with this, but the light will reflect off the buildings and gravel to produce a glow that is visible to the surrounding properties. To be sure of this, I've looked at the East Side storage facility at night.
- c. **Water Runoff:** My property receives the water runoff from this parcel. The water that flows to the Northeast passes through a corner of our field and into our pond. In the winter and spring, the ground is barely able to absorb the current runoff. Sometimes it's impassable. I understand that the retention pond on the plan is engineered for this reason, but I also know that water in equals water out. Once the pond is full, the water will flow out. This area has a high water table already. The vast amount of impervious area caused by the buildings will result in much more stormwater runoff that will exacerbate the problems downstream.
- d. **Safety:** The residents in this area have a concern about general safety due to the unknown visitors to the storage facility. I've personally witnessed many people selling

personal items via Craigslist and Facebook Marketplace and using storage facilities for the meeting location. Even if this is against the rules for the facility, I'm sure it will still happen.

2. In reference to item #4 on the CUP application, the project impedes normal and orderly development and improvement to the surrounding properties.
 - a. Residential property value will likely drop. If a storage facility is next door, I believe a home would be more difficult to sell at the market price. After a facility like this is built, the neighboring property is less likely to be sold for residential lots. The residents hope that development will continue in the same manner as it has so far, including modest homes with large yards as well as small farms.
 - b. The proposed plan would also open the door to other commercial properties in the area, which further devalues residential properties.
3. Finally, and most importantly is item #1 from the CUP application. The project is simply not compatible with the surrounding area.
 - a. The surrounding properties are all homes and small farms. Many, even most of the properties consist of one home and one barn or shop. The storage facility does not blend in with the surroundings. The storage facility would consist of multiple metal buildings with unnatural colors within a large gravel lot, surrounded by tall chain link fence.
 - b. The examples used in the Letter of Intent are not comparable examples. All 3 businesses are along highway 16, which is the largest through road in the area. All 3 businesses are in the City of Fayetteville. The proposed site is down a small narrow residential street. Furthermore, if these businesses are allowed to be used as comparable examples to approve this project, then the future commercial applications would be able to use this one as an example, and so on.

Please deny the application and keep our little neighborhood quiet, safe, peaceful, and residential!
Please consider the points above and encourage more compatible growth in our area.

Sincerely,

Evan House
479-530-4614
evan.house@yahoo.com

Mally Wagon Self Storage Conditional Use Permit

The Planning Board Approved Mally Wagon Self Storage CUP request on January 12, 2023 with conditions (6 members voted “in favor”, 1 members voted “against”, 0 members were absent, 0 members abstained).

Fayetteville Planning Area

Mally Wagon Self Storage CUP

Conditional Use Permit Request

Location: Section 29, Township 16, Range 29

Applicant: McClelland Consulting Engineers

Location Address: 2100 Block of S Mally Wagon, Fayetteville, AR 72701

Coordinates: 36.03879302, -94.07693038

Proposed Use: Commercial

JP District: District 14 - Jim Wilson

Approximately: +/- 10.09 acres / 1 parcel

Project #: 2022-426

A Conditional Use Permit is requested for the operation of a 14-building self-storage facility along with a 25'x25' office. Elven buildings are 30'x200' (6,000 sqft), one 30x179' (5,382 sqft), one 30'x136' (4,080 sqft) and one 30'x44' (1,318 sqft).

Project deviates from adjacent land uses. Adjacent uses are single family residential, agricultural and undeveloped.

Pursuant to Sec 11-204, Sec 11-71 (2a), and Sec 11-101b of the Washington County Code of Ordinances, notifications were sent by certified letter to all adjoining property owners within 300 feet.

To date, Staff has received at least 30 comments in objection and 4 comments in support to this CUP project, mainly citing issues with general compatibility, narrow road access, light pollution, and general safety.

CONDITIONS OF APPROVAL

Utilities

Utility Conditions

1. Any damage or relocation of existing facilities will be at the owner's or developer's expense.
2. All offsite easements that are needed for utility service to the property/properties must be obtained by the developer and easement documentation may be required by the utility company.
3. All onsite easements must be shown on the plat and recorded with the County.

4. It is the owner/developer's responsibility to contact each utility provider to determine what permits and/or easements will be required.

Ozarks Electric Conditions

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 OZARK ELECTRIC OVERHEAD LINE.

Telephone

1. Please contact provider to determine requirements.

Fire/Safety Conditions

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

Road Conditions

1. A permit from the Washington County Road Department or the Arkansas Department of Transportation may be required prior to any work being completed in the right-of-way.
2. \$1500 bond required
3. There is to be no parking in the Washington County roadway at any time.
4. Culvert 60' maximum
5. Must have 1% grade back from road

Addressing Conditions

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

Sewer/Septic Conditions

1. Please contact the Arkansas Department of Health and adhere to their regulations on septic sewer systems.
2. No parking is allowed on any portion of the septic system.

Environmental Conditions

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

Signage

1. No signage is allowed within Washington County's road right-of-way (ROW).
2. Signage is limited to 36 square feet in signage with an approximate height of no more than 8 feet. The sign must not be lit from within, but can utilize "up" lighting.

Lighting

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

Screening Conditions

1. All outdoor storage and dumpsters must be screened with opaque material (gates must be opaque also).

Planning Conditions

1. Provide screening to mitigate visibility to neighboring properties.
2. Any further expansion or other use not described here must come before the Planning Office and/or the Planning Board.

Engineering Conditions

1. Address engineering concerns at or before Preliminary LSD stage.

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 Adjustment.
4. All CUPs must be ratified by the Quorum Court.
5. Final inspection approval is required prior to issuance of CUP approval letter.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. 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.
8. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

Item 23-O-026

Requested by:

Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

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 ZONING BOARD OF ADJUSTMENTS.

WHEREAS, at the January 12, 2023 meeting of the Zoning Board of Adjustments, the board was presented with a Conditional Use Permit request for the Mally Wagon Self Storage project; 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 recommended for approval by the Zoning Board of Adjustments.

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

ARTICLE 1. That the Conditional Use Permit for the **Mally Wagon Self Storage** is hereby ratified.

PATRICK W. DEAKINS, County Judge

DATE

BECKY LEWALLEN, County Clerk

42
43 **Introduced by:** JP Gary Ricker
44 **Date of Adoption:**
45 **Members Voting For:**
46 **Members Voting Against:**
47 **Members Abstaining:**
48 **Members Absent:**
49
50
51 **Committee History:** Planning (1-12-23)
52 **Quorum Court History:**

Item 23-O-027

Requested by:

Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

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 ZONING BOARD OF ADJUSTMENTS.

WHEREAS, at the January 12, 2023 meeting of the Zoning Board of Adjustments, the board was presented with a Conditional Use Permit request for the Mally Wagon Self Storage project; 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 recommended for approval by the Zoning Board of Adjustments.

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

ARTICLE 1. That the Conditional Use Permit for the **Mally Wagon Self Storage** is hereby denied.

PATRICK W. DEAKINS, County Judge

DATE

BECKY LEWALLEN, County Clerk

42
43 **Introduced by:** JP Gary Ricker
44 **Date of Adoption:**
45 **Members Voting For:**
46 **Members Voting Against:**
47 **Members Abstaining:**
48 **Members Absent:**
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51 **Committee History:** Planning (1-12-23)
52 **Quorum Court History:**

Item 23-R-002

Requested by: Sheriff Jay Cantrell
Drafted by: County Attorney Brian R. Lester

RESOLUTION NO. 2023-

BE IT RESOLVED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, A RESOLUTION TO BE ENTITLED:

A RESOLUTION DESIGNATING THE PERSONS IN SUCCESSION TO FILL THE VACANCY IN THE OFFICE OF SHERIFF ON AN INTERIM BASIS UNTIL SUCH TIME AS THE VACANCY IS FILLED PURSUANT TO ARKANSAS LAW.

WHEREAS, A.C.A. § 14-14-1310 requires the County Sheriff to submit a Policy Statement addressing the succession plan for the office of Sheriff due to death or disability to the degree of inability to perform the duties of the office; and,

WHEREAS, County Sheriff Jay Cantrell has submitted his Policy Statement and established a succession plan for the office of Sheriff which must be adopted by Resolution of the Washington County Quorum Court.

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

ARTICLE 1. The Washington County Quorum Court hereby accepts and adopts the Policy Statement and succession plan submitted by County Sheriff Jay Cantrell, pursuant to A.C.A. § 14-14-1310, which is attached hereto.

PATRICK W. DEAKINS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: JP Lisa Ecke
Date of Adoption:
Members Voting For:
Members Voting Against:

43 **Members Abstaining:**
44 **Members Absent:**
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47 **Committee History: Finance & Budget (2-7-23); Passed to QC**
48 **Quorum Court History:**

Item 23-R-004

Requested by: County Judge Patrick W. Deakins
Drafted by: County Attorney Brian R. Lester

RESOLUTION NO. 2023-

BE IT RESOLVED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, A RESOLUTION TO BE ENTITLED:

A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE ARKANSAS RURAL COMMUNITY GRANT PROGRAM TO ASSIST THE BOSTON MOUNTAIN FIRE DEPARTMENT-DISTRICT 8 IN THE PURCHASE OF NEW BUNKER GEAR AND AN EXTRACTOR.

WHEREAS, the Washington County Quorum Court has determined that the community served by the Boston Mountain Fire District meets eligibility requirements necessary to apply for a grant under the Arkansas Rural Community Grant Programs; and,

WHEREAS, the Boston Mountain Fire Department-District 8 has presented plans to purchase 4 sets of bunker gear and an extractor; and,

WHEREAS, the Quorum Court of Washington County recognizes the need for the project, concurs its importance, and supports the Boston Mountain Fire Department-District 8 in its efforts to proceed with the same; and,

WHEREAS, the Boston Mountain Fire Department-District 8 has furnished proof that they have \$8,888.20 cash to be applied to the project as a local match; and,

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

ARTICLE 1. The County Judge of Washington County is hereby authorized to submit an application of formal request to the Arkansas Rural Development Commission for the purpose of securing state grant funds in the amount of \$8,888 to aid and assist the Boston Mountain Fire Department-District 8 in executing the proposed project described herein and that the County Judge or Treasurer of Washington County is further authorized to administer the grant funds for the same project.

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PATRICK W. DEAKINS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: JP Gary Ricker
Date of Adoption:
Members Voting For:
Members Voting Against:
Members Abstaining:
Members Absent:

Committee History: Finance & Budget (2-7-23); Passed to QC
Quorum Court History:

Item 23-O-022

Requested by: Treasurer Bobby Hill
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

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

AN ORDINANCE CREATING THE SEPTEMBER 11TH EXHIBIT FUND (6410) FOR 2023.

WHEREAS, Washington County desires to create a unique agency fund to accept donations to help fund the Tunnel to Towers Foundation’s 9/11 Never Forget traveling exhibit to be on display in Washington County; and,

WHEREAS, this fund will allow local citizens and businesses to donate funds that will help bring this unique and one of a kind traveling exhibit to Washington County for the benefits of our citizens and others within our area.

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

ARTICLE 1. There is hereby created the September 11th Exhibit Fund with a fund number of 6410 for 2023.

PATRICK W. DEAKINS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: JP Lisa Ecke
Date of Adoption:
Members Voting For:
Members Voting Against:
Members Abstaining:
Members Absent:

Committee History: Finance & Budget (2-7-23); Passed on to QC
Quorum Court History:

Item 23-O-024

Requested by: County Judge Patrick W. Deakins
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

APPROPRIATION ORDINANCE

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

AN ORDINANCE APPROPRIATING THE TOTAL AMOUNT OF \$14,938.24 FROM THE UNAPPROPRIATED RESERVES IN THE GENERAL FUND TO VARIOUS LINE ITEMS IN THE COMPTROLLER’S BUDGET FOR 2023.

WHEREAS, County Judge Patrick W. Deakins recently hired a new comptroller for Washington County; and,

WHEREAS, based on the individual’s experience in the field, the Judge offered the individual a starting salary higher than the base amount approved in the 2023 Budget, but within the scale allowed by the grade of the position; and,

WHEREAS, the Quorum Court desires to appropriate additional funds for the salary offered by the County Judge.

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

ARTICLE 1. There is hereby appropriated the total amount of \$14,938.24 from the unappropriated reserves in the General Fund (1000) to the following line items in the Comptroller’s Budget (10000113) for 2023:

Salaries, Full Time	10000113.1001	\$ 12,139.79
Social Security Matching	10000113.1006	928.69
Employer Retirement Contribution	10000113.1008	1,859.82
Workmen’s Compensation	10000113.1010	9.94

PATRICK W. DEAKINS, County Judge

DATE

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BECKY LEWALLEN, County Clerk

Introduced by: JP Lisa Ecke
Date of Adoption:
Members Voting For:
Members Voting Against:
Members Abstaining:
Members Absent:

Committee History: Finance & Budget (2-7-23); Passed to QC
Quorum Court History:

Item 23-O-010

Requested by: County Clerk Becky Lewallen
 Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

**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 TONTITOWN
 VOLUNTEER FIRE DEPARTMENT (A/K/A
 TONTITOWN AREA FIRE DEPARTMENT) FOR FIRE
 PROTECTION SERVICES; AND PRESCRIBING
 OTHER MATTERS PERTAINING THERETO.**

WHEREAS, the Tontitown Volunteer Fire Department a/k/a Tontitown Area 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 Tontitown Volunteer Fire Department a/k/a Tontitown Area Fire Department dues on each residence or business having an occupiable structure in the area for which Department provides fire protection.

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

ARTICLE 1. That there be, and there is hereby called, a special

43 election to be held on May 9, 2023, at which election there shall be submitted to the
44 electors of Washington County, Arkansas (“County”) living in the area in which
45 Department provides fire protection, the question of the levy of annual Fire Department
46 dues on each residence or business having an occupiable structure within such area.
47

48 **ARTICLE 2.** That the question of the Tontitown Area Fire
49 Department dues shall be placed on the ballot for the election in substantially the
50 following form:
51

52 Whether or not the annual dues, in an amount not to exceed seventy-
53 five dollars (\$75.00) per residence per year and two-hundred dollars
54 (\$200.00) per business per year of the Tontitown Volunteer Fire
55 Department a/k/a Tontitown Area Fire Department shall be levied
56 against each residence and each business, having an occupiable
57 structure, in the area so served to be listed on real property tax
58 statements and collected by the Washington County Tax Collector in
59 the same manner as ad valorem taxes and collected beginning with
60 the 2023 taxes due and payable in 2024.
61

62 FOR the levy of an amount not to exceed seventy-five dollars (\$75.00)
63 per residence per year and two-hundred dollars (\$200.00) per business
64 per year as annual fire dues of Tontitown Volunteer Fire Department
65 a/k/a Tontitown Area Fire Department on each residence and each
66 business having an occupiable structure in the service area of the
67 Tontitown Volunteer Fire Department a/k/a Tontitown Area Fire
68 Department.
69

70 AGAINST the levy of an amount not to exceed seventy-five dollars
71 (\$75.00) per residence per year and two-hundred dollars (\$200.00)
72 per business per year as annual fire dues of Tontitown Volunteer Fire
73 Department a/k/a Tontitown Area Fire Department on each residence
74 and each business having an occupiable structure in the service area of
75 the Tontitown Volunteer Fire Department a/k/a Tontitown Area Fire
76 Department.
77

78 FOR the levy

79 AGAINST the levy
80

81
82 If the levy of the Department dues is approved, the dues shall be listed
83 annually on real property tax statements and collected at the same time and in the same
84 manner as real property taxes.
85

86 **ARTICLE 3.** That the election shall be held and conducted and
87 the vote canvassed and the results declared under the law and in the manner now
88 provided for county elections and only qualified voters of the County living in the area in

89 which the Tontitown Volunteer Fire Department a/k/a Tontitown Area Fire Department
90 provides fire protection shall have the right to vote at the election.

91
92 **ARTICLE 4.** That a copy of this Ordinance shall be given to the
93 Washington County Board of Election Commissioners so that the necessary election
94 officials and supplies may be provided.

95
96 **ARTICLE 5.** That the County Judge and County Clerk, for and
97 on behalf of the County, be and they are hereby authorized and directed to do any and all
98 things necessary to call and hold the special election as herein provided.

99
100 **ARTILCE 6.** That the costs of the election shall be borne by the
101 Tontitown Volunteer Fire Department a/k/a Tontitown Area Fire Department.

102
103 **ARTICLE 7.** That the Department shall annually submit a
104 sufficient list to the Collector reflecting dues owed so that she may property bill such.

105
106 **ARTICLE 8.** That the Department of Emergency Services, the
107 County Clerk, and the County Assessor shall assist in the preparation of a map and other
108 information needed to effectuate said election.

109
110 **ARTICLE 9.** That the County Collector is hereby designated as
111 the county official to collect the annual dues levied if approved by a majority of those
112 voting on the issue at the election; and the County Treasurer is hereby designated as the
113 county official to remit the annual dues collected by the Collector if approved by a majority
114 of those voting on the issue at the election.

115
116 **ARTICLE 10. EMERGENCY CLAUSE.** That because this
117 concerns a matter affecting life, health, safety, and property of the people, specifically fire
118 protection services in the designated Tontitown Volunteer Fire Department a/k/a
119 Tontitown Area Fire Department service area, an emergency is hereby declared to exist
120 and this ordinance shall be in full force and effect from and after the date of its passage
121 and approval.

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127 _____
128 PATRICK W. DEAKINS, County Judge

127 _____
128 DATE

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134 _____
134 BECKY LEWALLEN, County Clerk

135
136 **Introduced by:** JP Gary Ricker
137 **Date of Adoption:**
138 **Members Voting For:**
139 **Members Voting Against:**
140 **Members Abstaining:**
141 **Members Absent:**
142
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144 **Committee History:** Finance & Budget (2-7-23); Passed to QC
145 **Quorum Court History:**

Item 23-O-011

Requested by: County Judge Patrick W. Deakins
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

APPROPRIATION ORDINANCE

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

AN ORDINANCE RECOGNIZING REVENUE AND APPROPRIATING EXPENDITURES IN THE AMOUNT OF \$1,701,407.13 IN THE 3526 RENTAL ASSISTANCE-ERA2 GRANT FUND (35260528) FOR 2023.

WHEREAS, Washington County has received an additional \$1,701,407.13 from the federal government to provide rental assistance to its citizens due to hardships created by the COVID-19 pandemic; and,

WHEREAS, will partner with the Excellerate Foundation which will construct an affordable housing project in Washington County that targets households consistent with ADFA guidelines issued for the Low Income Housing Tax Credit (LIHTC) program (i.e. 30-60% Median Family Income). Excellerate Foundation will leverage these funds with other dollars, which could include funding from the LIHTC program, philanthropic distributions, employer contributions, or other sources.

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

ARTICLE 1. There is hereby recognized revenue in the amount of \$1,701,407.13 in the 3526 Rental Assistance-ERA2 Grant Fund (35260528.7109) for 2023.

ARTICLE 2. There is hereby appropriated the amount of \$1,701,407.13 from the 3526 Rental Assistance-ERA2 Grant Fund (3526) to the Pass Through Payments line item in the Emergency Rental Assistance Grant Fund Budget (35260528.3014) for 2023.

PATRICK W. DEAKINS, County Judge

DATE

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BECKY LEWALLEN, County Clerk

Introduced by: JP Robert Dennis
Date of Adoption:
Members Voting For:
Members Voting Against:
Members Abstaining:
Members Absent:

Committee History: Finance & Budget (2-7-23); Passed to QC
Quorum Court History:

Item 23-O-015

Requested by: County Judge Patrick W. Deakins
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

APPROPRIATION ORDINANCE

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

**AN ORDINANCE APPROPRIATING THE AMOUNT
OF \$6,517.41 FROM THE UNAPPROPRIATED
RESERVES IN THE COUNTY LIBRARY FUND TO
VARIOUS LINE ITEMS IN THE COUNTY LIBRARY
BUDGET FOR 2023.**

WHEREAS, in late December of 2023, the County Library Board voted to
raise the part-time salaries of the County Library employees.

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

ARTICLE 1. There is hereby appropriated the amount of
\$6,517.41 from the unappropriated reserves in the County Library Fund (3008) to the
following line items in the County Library Budget for 2023:

Part-Time Salaries	30080600.1002	\$ 5,300.00
Social Security Matching	30080600.1006	405.45
Retirement Matching	30080600.1008	811.96

PATRICK W. DEAKINS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: JP Lisa Ecke
Date of Adoption:
Members Voting For:
Members Voting Against:

43 **Members Abstaining:**
44 **Members Absent:**
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47 **Committee History: Finance & Budget (2-7-23); Passed to QC**
48 **Quorum Court History:**

Item 23-O-023

Requested by: County Judge Patrick W. Deakins
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

APPROPRIATION ORDINANCE

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

AN ORDINANCE DISSOLVING ONE POSITION IN THE ROAD DEPARTMENT BUDGET AND CREATING ONE POSITION IN THE ROAD DEPARTMENT BUDGET FOR 2023.

WHEREAS, the County Road Department desires to dissolve one mechanic position and create the Parts Manager position in the Road Budget for 2023.

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

ARTICLE 1. There is hereby dissolved the Mechanic position, slot 0200311 in the Road Budget (20000200) for 2023.

ARTICLE 2. There is hereby created the Parts Manager position, slot 0200808, in the Road Budget (20000200) for 2023.

PATRICK W. DEAKINS, County Judge

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42 **BECKY LEWALLEN, County Clerk**

43

44 **Introduced by:** JP Lisa Ecke

45 **Date of Adoption:**

46 **Members Voting For:**

47 **Members Voting Against:**

48 **Members Abstaining:**

49 **Members Absent:**

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52 **Committee History:** Finance & Budget (2-7-23); Passed to QC

53 **Quorum Court History:**

Item 23-O-012

Requested by: County Judge Patrick W. Deakins
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

APPROPRIATION ORDINANCE

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

AN ORDINANCE ANTICIPATING ADDITIONAL REVENUE IN THE AMOUNT OF \$100,000 IN THE PUBLIC SAFETY GRANT FUND; AND, APPROPRIATING SAID \$100,000 TO THE PUBLIC SAFETY GRANT BUDGET FOR 2023.

WHEREAS, Washington County has been notified of a grant awarded in the amount of \$100,000 for the Public Safety Grant.

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

ARTICLE 1. There is hereby anticipated the amount of \$100,000 in the Public Safety Grant Fund (35081430.7010) for 2023.

ARTICLE 2. There is hereby appropriated the total amount of \$100,000 from the Public Safety Grant Fund to the Machinery and Equipment line item in the Public Safety Grant Fund Budget (35081430.4004) for 2023.

PATRICK W. DEAKINS, County Judge

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42 **BECKY LEWALLEN, County Clerk**

43

44 **Introduced by:** JP Lisa Ecke

45 **Date of Adoption:**

46 **Members Voting For:**

47 **Members Voting Against:**

48 **Members Abstaining:**

49 **Members Absent:**

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52 **Committee History: Finance & Budget (2-7-23); Passed to QC**

53 **Quorum Court History:**

Item 23-O-016

Requested by: Sheriff Jay Cantrell
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

APPROPRIATION ORDINANCE

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

AN ORDINANCE CORRECTING CLERICAL ERRORS IN THE SHERIFF’S BUDGET AND THE JAIL BUDGET FOR 2023.

WHEREAS, the 2023 Washington County Sheriff’s Budget and County Jail Budget were finalized and approved by the Quorum Court in December of 2022; however, some clerical errors were discovered after the final approval as to certain slot positions and their corresponding Grades and Steps; and,

WHEREAS, the Washington County Sheriff’s 2023 Budget (0400) incorrectly listed the total number of employee slot positions as 121; however, there are actually 122 slots. The true number of employee slot positions need to be corrected to 122 for Health Insurance and Life Insurance funding calculations.

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

ARTICLE 1. The following slots for the Sheriff’s Budget are hereby corrected to the following Grades or Steps:

<u>Slot Number</u>	<u>Title</u>	<u>Grade/Step</u>
0400017	Captain	Step
0400018	Captain	Step
0400022	Sergeant	S5
0400023	Sergeant	S5
0400099	Communication Specialist	CS2
0400107	Communication Specialist	CS2
0400302	Communication Specialist	CS2

ARTICLE 2. The following slots for the County Jail Budget (0317) are hereby corrected to the following Grades or Steps:

418109	Fiscal & Admin Manager	22
418113	Accounts Payable/Purchasing	13

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ARTICLE 3. There is hereby appropriated the total amount of \$6,346 from the unappropriated reserves in the General Fund (1000) to the following line items in the Sheriff's Budget (0400) for 2023:

Health Insurance Matching	10000400.1009	\$ 6,214
Life Insurance	10000400.1016	132

PATRICK W. DEAKINS, County Judge DATE

BECKY LEWALLEN, County Clerk

Introduced by: JP Lisa Ecke
Date of Adoption:
Members Voting For:
Members Voting Against:
Members Abstaining:
Members Absent:

Committee History: Finance & Budget (2-7-23); Passed to QC
Quorum Court History:

Item 23-O-017

Requested by: Sheriff Jay Cantrell
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

APPROPRIATION ORDINANCE

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

AN ORDINANCE APPROPRIATING THE TOTAL AMOUNT OF \$619,342 TO VARIOUS LINE ITEMS IN THE SHERIFF’S BUDGET AND THE JAIL BUDGET FOR 2023.

WHEREAS, the Washington County Quorum Court passed Ordinance No. 2022-065 on June 22, 2022 and said Ordinance provided that Detention and Dispatch Personnel are to receive a pay scale adjustment on odd numbered years consistent with the Federal COLA increase; and,

WHEREAS, the President of the United States of America signed an Executive Order on December 23, 2022 giving all Federal employees an average 4.6% pay increase for 2023; however, the 2023 Washington County Budget did not contain the 4.6% pay increase for Detention and Dispatch Personnel as ordained by Ordinance No. 2022-065.

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

ARTICLE 1. There is hereby appropriated the total amount of \$57,180 from the unappropriated reserves in the General Fund (1000) to the following line items in the Sheriff’s Budget (10000400) for 2023:

Salaries, Full Time	10000400.1001	\$ 46,498
Social Security Matching	10000400.1006	3,558
Noncontributory Retirement	10000400.1008	7,124

ARTICLE 2. There is hereby appropriated the total amount of \$562,162 from the unappropriated reserves in the Jail Fund (3017) to the following line items in the Jails Budget (30170418) for 2023:

Salaries, Full Time	30170418.1001	457,153
Social Security Matching	30170418.1006	34,973
Noncontributory Retirement	30170418.1008	70,036

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PATRICK W. DEAKINS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: JP Gary Ricker
Date of Adoption:
Members Voting For:
Members Voting Against:
Members Abstaining:
Members Absent:

Committee History: Finance & Budget (2-7-23); Passed to QC
Quorum Court History:

Item 23-O-019
Requested by: Sheriff Jay Cantrell
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

APPROPRIATION ORDINANCE

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

**AN ORDINANCE APPROPRIATING THE TOTAL
AMOUNT OF \$337,734 FROM UNAPPROPRIATED
RESERVES TO THE MOBILE VIDEO RECORDERS
LINE ITEM IN THE SHERIFF AND JAIL BUDGETS
FOR 2023.**

WHEREAS, in 2022 the Washington County Quorum Court approved the Sheriff's Office proposal to replace 30 Mobile Video Recorders (MVR) per year, until all MVRs have been replaced; and,

WHEREAS, the funding for the MVRs was inadvertently left out of the final approved budget for 2023; and,

WHEREAS, the Quorum Court desires to fund the replacement of said 30 MVRs in 2023.

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

ARTICLE 1. There is hereby appropriated the total amount of \$168,867 from the unappropriated reserves in the General Fund (1000) to the Mobile Video Recorders line item in the Sheriff's Budget (10000400.2016) for 2023.

ARTICLE 2. There is hereby appropriated the total amount of \$168,867 from the unappropriated reserves in the Jail Fund (3017) to the Mobile Video Recorders line item in the Jail Budget (30170418.2016) for 2023.

PATRICK W. DEAKINS, County Judge

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BECKY LEWALLEN, County Clerk

Introduced by: JP Gary Ricker
Date of Adoption:
Members Voting For:
Members Voting Against:
Members Abstaining:
Members Absent:

Committee History: Finance & Budget (2-7-23); Passed to QC
Quorum Court History:

Item 23-O-020

Requested by: Sheriff Jay Cantrell
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

APPROPRIATION ORDINANCE

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

AN ORDINANCE APPROPRIATING THE AMOUNT OF \$534,214 FROM THE UNAPPROPRIATED RESERVES IN THE GENERAL FUND AND \$190,045 95,761 FROM THE UNAPPROPRIATED RESERVES IN THE JAIL FUND TO THE VEHICLES LINE ITEMS IN THE SHERIFF BUDGET AND JAIL BUDGET FOR 2023.

WHEREAS, the Washington County Sheriff’s Office received approval to purchase, and ordered, multiple police vehicles in 2022; however, due to supply chain issues, the vehicles were not delivered or paid for in the 2022 fiscal year. Therefore, the Sheriff’s Office is requesting the Vehicles line item amounts be re-appropriated to the 2023 budgets; and,

WHEREAS, the Washington County Quorum Court desires to appropriate \$534,214 from the unappropriated reserves in the General Fund (1000) to the Vehicles line item in the Sherriff’s Budget (10000400.4005) for 2023; and,

WHEREAS, the Washington County Quorum Court desires to appropriate \$190,045 from the unappropriated reserves in the Jail Fund (3017) to the Vehicles line item in the Jail Budget (30170418.4005) for 2023.

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

ARTICLE 1. There is hereby appropriated the amount of \$534,214 from the unappropriated reserves in the General Fund (1000) to the Vehicles line item in the Sheriff’s Budget (10000400.4005) for 2023.

ARTICLE 2. There is hereby appropriated the amount of \$190,045 from the unappropriated reserves in the Jail Fund (3017) to the Vehicles line item in the Jail Budget (30170418.4005) for 2023.

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PATRICK W. DEAKINS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: JP Lisa Ecke
Date of Adoption:
Members Voting For:
Members Voting Against:
Members Abstaining:
Members Absent:

Committee History: Finance & Budget (2-7-23) Amended and Passed to QC
Quorum Court History:

Item 23-O-021

Requested by: Sheriff Jay Cantrell
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

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 ADDITIONAL REVENUE IN THE AMOUNT OF \$58,180 FROM THE UNAPPROPRIATED RESERVES IN THE GENERAL FUND TO VARIOUS LINE ITEMS IN THE SHERIFF'S BUDGET FOR 2023.

WHEREAS, the Washington County Sheriff's Office had two vehicles damages and declared a total loss by the insurance provider; and,

WHEREAS, the County has received insurance reimbursements for said vehicles in the amount of \$58,180 which was deposited into the General Fund.

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

ARTICLE 1. There is hereby appropriated the total amount of \$58,180 from the General Fund (1000) to the following line items in the Sheriff's Budget for 2023:

Computer/IT Equipment	10000400.2009	\$ 11,038
Vehicles	10000400.4005	47,142

PATRICK W. DEAKINS, County Judge

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42 **BECKY LEWALLEN, County Clerk**

43

44 **Introduced by: JP Willie Leming**

45 **Date of Adoption:**

46 **Members Voting For:**

47 **Members Voting Against:**

48 **Members Abstaining:**

49 **Members Absent:**

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52 **Committee History: Finance & Budget (2-7-23); Passed to QC**

53 **Quorum Court History:**

Item 23-O-025

Requested by: County Judge Patrick W. Deakins
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

APPROPRIATION ORDINANCE

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

AN ORDINANCE APPROPRIATING THE TOTAL AMOUNT OF \$6,352.55 TO THE GRANTS BUDGET FOR 2023.

WHEREAS, County Judge Patrick W. Deakins recently hired a new Grants Administrator for Washington County; and,

WHEREAS, based on the individual’s experience in the field, the Judge offered the individual a starting salary higher than the base amount approved in the 2023 Budget, but within the scale allowed by the grade of the position; and,

WHEREAS, the Quorum Court desires to appropriate additional funds for the salary offered by the County Judge.

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

ARTICLE 1. There is hereby appropriated the total amount of \$6,352.55 from the unappropriated reserves in the General Fund (1000) to the following line items in the Grants Budget (10000120) for 2023:

Salaries, Full Time	10000120.1001	\$ 5,162.50
Social Security Matching	10000120.1006	394.93
Employer Retirement Contribution	10000120.1008	790.89
Workmen’s Compensation	10000120.1010	4.23

PATRICK W. DEAKINS, County Judge

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BECKY LEWALLEN, County Clerk

Introduced by: JP Lisa Ecke
Date of Adoption:
Members Voting For:
Members Voting Against:
Members Abstaining:
Members Absent:

Committee History: Finance & Budget (2-7-23); Passed to QC
Quorum Court History:

Item 23-O-014

Requested by: County Coroner Roger Morris
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

APPROPRIATION ORDINANCE

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

AN ORDINANCE APPROPRIATING THE AMOUNT OF \$50,000 FROM THE UNAPPROPRIATED RESERVES IN THE GENERAL FUND (1000) TO THE VEHICLES LINE ITEM IN THE COUNTY CORONER BUDGET FOR 2023.

WHEREAS, during the 2023 budget process, the finance and budget committee approved a funding request by the County Corner for \$50,000 in his 2023 budget for additional vehicles; however, that funding was inadvertently left out of the 2023 budget filed with the County Clerk; and,

WHEREAS, the Quorum Court desires to amend the 2023 Budget to correct this mistake.

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

ARTICLE 1. There is hereby appropriated the amount of \$50,000 from unappropriated reserves of the General Fund (1000) to the Vehicles line item in the Corner Budget (10000419.4005) for 2023.

PATRICK W. DEAKINS, County Judge

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42 **BECKY LEWALLEN, County Clerk**

43

44 **Introduced by:** JP Lisa Ecke

45 **Date of Adoption:**

46 **Members Voting For:**

47 **Members Voting Against:**

48 **Members Abstaining:**

49 **Members Absent:**

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52 **Committee History: Finance & Budget (2-7-23); Passed to QC**

53 **Quorum Court History:**

Item 23-O-013

Requested by: County Judge Patrick W. Deakins
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

APPROPRIATION ORDINANCE

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

AN ORDINANCE RECOGNIZING ADDITIONAL REVENUE IN THE AMOUNT OF \$121,746 IN THE LAW ENFORCEMENT GRANT FUND; AND, APPROPRIATING SAID \$121,746 FROM THE LAW ENFORCEMENT GRANT FUND TO THE SCAAP FY2021 BUDGET FOR 2023.

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

WHEREAS, Washington County received a SCAAP FY2021 Grant award in the amount of \$121,746.

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

ARTICLE 1. There is hereby recognized additional revenue in the amount of \$121,746 in the Other Federal Grants Revenue line item of the Law Enforcement Grant Fund (35147109) for 2023.

ARTICLE 2. There is hereby appropriated the amount of \$121,746 from the Law Enforcement Grant Fund to the Small Equipment line item in the SCAAP FY2021 Budget (35141440.2002) for 2023.

PATRICK W. DEAKINS, County Judge

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BECKY LEWALLEN, County Clerk

Introduced by: JP Willie Leming

Date of Adoption:

Members Voting For:

Members Voting Against:

Members Abstaining:

Members Absent:

Committee History: Finance & Budget (2-7-23); Passed to QC

Quorum Court History:

Item 23-O-018

Requested by: Sheriff Jay Cantrell
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

APPROPRIATION ORDINANCE

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

AN ORDINANCE APPROPRIATING THE AMOUNT OF \$554,210 FROM THE UNAPPROPRIATED RESERVES IN THE JAIL FUND TO THE JAIL BUDGET FOR THE JAIL MEDICAL CONTRACT FOR 2023.

WHEREAS, the Washington County Sheriff's Office budgeted \$1,670,790 to cover the existing Jail Medical Contract for 2023 based on the 2022 contract; and,

WHEREAS, the 2022 Jail Medical Contract was not renewed and the County opened the 2023 Jail Medical Contract for public bid via RFP 2022-01; and,

WHEREAS, Karas Correctional Health PLLC was the winning bidder at \$2,225,000 leaving a difference of \$554,210 between the budgeted amount and the new contract amount.

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

ARTICLE 1. There is hereby appropriated the total amount of \$554,210 from the unappropriated reserves in the Jail Fund (3017) to the Jail Medical/Dental/Hospital line item in the Jail Budget (30170418.3006) for 2023.

PATRICK W. DEAKINS, County Judge

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42 **BECKY LEWALLEN, County Clerk**

43

44 **Introduced by:** JP Lisa Ecke

45 **Date of Adoption:**

46 **Members Voting For:**

47 **Members Voting Against:**

48 **Members Abstaining:**

49 **Members Absent:**

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52 **Committee History: Finance & Budget (2-7-23): Passed to QC**

53 **Quorum Court History:**

Item 23-R-003

Drafted by: County Attorney Brian R. Lester

RESOLUTION NO. 2023-

BE IT RESOLVED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, A RESOLUTION TO BE ENTITLED:

A RESOLUTION EXPRESSING SUPPORT FOR THE TUNNEL TO TOWERS FOUNDATION’S 9/11 NEVER FORGET MOBILE EXHIBIT TO VISIT WASHINGTON COUNTY.

WHEREAS, Washington County Judge Patrick W. Deakins recently announced a partnership between the County and citizens, organizations, and businesses in, and around, Washington County to bring the Tunnel to Towers Foundation’s 9/11 Never Forget Mobile Exhibit to Washington County; and,

WHEREAS, the Tunnel to Towers Foundation was established to honor the life of FDNY firefighter Stephen Siller, who laid down his life to save others when America was attacked. The mission of the Tunnel to Towers Foundation is to provide support to those men and women who continue to risk life and limb in the line of duty by providing mortgage free homes; and,

WHEREAS, the organization seeks to support catastrophically injured veterans and first responders, and Gold Star and fallen first responder families with young children.

WHEREAS, in 2022, the Tunnel to Towers Foundation established a national campaign aimed at eradicating veteran homelessness, to include providing comprehensive services (i.e., mental health, skills training, and addiction support). The organization is committed to sound fiscal management, with 94 cents of every dollar going to support programs and services; and,

WHEREAS, the 9/11 Never Forget Mobile Exhibit is a high-tech, 83 foot tractor trailer that transforms into a 1,100 sq. ft. interactive museum to educate people about September 11, 2001. Members of the FDNY, which lost 343 of its members on 9/11, provide first-hand accounts of the day and its aftermath. Visitors can hear audio recordings of first responder radio transmissions and see one-of-a-kind artifacts, including pieces of the World Trade Center steel, aluminum façade from the buildings and items recovered from the rubble after the Twin Towers collapsed.

NOW, THEREFORE, BE IT RESOLVED BY THE QUORUM

43 **COURT OF WASHINGTON COUNTY, ARKANSAS:**

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45 The Quorum Court of Washington County supports the fundraising
46 efforts and partnership between Washington County and citizens, organizations, and
47 businesses in raising \$25,000 in donations to bring the Tunnel to Towers Foundation's
48 9/11 Never Forget Mobile Exhibit to Washington County for the benefit of all county
49 citizens and visitors.

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56 PATRICK W. DEAKINS, County Judge

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56 DATE

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60 BECKY LEWALLEN, County Clerk

61 Introduced by: JP Lisa Ecke

62 Date of Adoption:

63 Members Voting For:

64 Members Voting Against:

65 Members Abstaining:

66 Members Absent:

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69 Committee History: Finance & Budget (2-7-23); Passed to QC

70 Quorum Court History:



WASHINGTON COUNTY, ARKANSAS

County Courthouse

FINANCE & BUDGET COMMITTEE REPORT – FEBRUARY

Judge Deakins

The Finance & Budget Committee met Tuesday, February 7, 2023 at 6:00PM. The Committee was chaired by Judge Deakins and members present were: David Wilson, Fred Anderson, Kyle Lyons, Lisa Ecke, Charles Dean, Shawndra Washington, Beth Coger, Robert Dennis, Suki Highers, Evelyn Rios Stafford, Willie Leming, Gary Ricker, Butch Pond. JP Wilson led prayer and pledge. The agenda was amended with 2 items being added. There was a discussion about the Committee Chairmanship Process and during this time it was the Courts pleasure to have Judge Deakins Chair the Committees. The County Services Committee will oversee policy driven items that doesn't touch money and Finance & Budget will handle other items that appropriate money and amends budget items. Because of the weather County Services did not meet so in the Finance & Budget meeting reports for the Juvenile Detention Center (JDC), Sheriff's Office and Criminal Justice Coordination Committee (CJCC) were heard along with Treasurer's, Employee's Insurance and Comptroller's reports. The Committee sent three Resolutions on to the Quorum Court, which will be included in the consent agenda. Sixteen ordinances were passed on to the Quorum court with thirteen of those being in a consent agenda. Public comments were heard and meeting adjourned at 8:29PM.