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

Thursday, March 21, 2013  
6:00 p.m.  
Washington County Quorum Court Room

- 34.1 The Washington County Quorum Court met in regular session on Thursday, March 21, 2013. The meeting was called to order by County Judge Marilyn Edwards.
- 34.2 H. Bowman led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 34.3 MEMBERS PRESENT: Ron Aman, Rex Bailey, Harvey Bowman, Candy Clark, Rick Cochran, John Firmin, Barbara Fitzpatrick, Ann Harbison, Tom Lundstrum, Eva Madison, Joe Patterson, Butch Pond, Mary Ann Spears, and Bill Ussery.
- 34.4 MEMBER ABSENT: Jimmy Mardis.
- 34.5 Judge Edwards reported that J. Mardis was out of town.
- 34.6 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 34.7 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 34.8 J. Patterson stated that they needed to add Ordinance #17.1 to the agenda, the Whitehouse Fire Department Election of the Levy of Annual Dues.
- 34.9 **A motion was made and seconded to add Ordinance #17.1 to the agenda. The motion passed unanimously by those present by voice vote.**
- 34.10 **A motion was made and seconded to adopt the agenda as amended. The motion passed unanimously by voice vote by those present. The agenda was adopted as amended.**
- 34.11 APPROVAL OF MINUTES: Judge Edwards asked for approval of the minutes of the February 21 regular meeting of the Washington County Quorum Court.
- 34.12 **A motion was made and seconded to approve the minutes as distributed. The motion passed unanimously by voice vote by those present. The minutes were approved.**

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- 35.1 **A RESOLUTION HONORING JERRY FRIEND:** A. Harbison introduced **A Resolution Honoring Jerry Friend**, and read the resolution.
- 35.2 A. Harbison addressed Jerry Friend commending him for all he has done for the Juvenile Court and the kids of Washington County. She noted that before Jerry came on board they had a few alternative programs, but many have been added since and the county has since added a line item to their budget to hire a person to direct the alternative programs. She stated that since the inception of these programs they now have half the number of kids in the Juvenile Detention Program and she thanked Mr. Friend for his service to the children and families of Washington County.
- 35.3 Judge Edwards stated that she has known Jerry Friend for a long time and it has been an honor and privilege to work with him.
- 35.4 **A. Harbison made a motion to adopt the resolution. B. Fitzpatrick seconded.**
- 35.5 Citizen Comments: There were no citizen comments.
- 35.6 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 35.7 **VOTING FOR:** H. Bowman, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, and R. Bailey. **The motion passed unanimously by those present. The resolution was adopted.**

**RESOLUTION NO. 2013-05, BOOK NO. 3, PAGE NO. 43**

- 35.8 **FINANCE REPORT:** C. Clark reported that the Finance and Budget Committee met on Tuesday, March 12. She was nominated Chair and T. Lundstrum was nominated as Vice-Chairman. The Committee voted to meet nine days prior to the regular Quorum Court meetings, and they reviewed the Committee's responsibilities. She reported that on Thursday, April 4, at 5:30 p.m., they would have a separate meeting to educate the new members of the Court on the duties of the Budget and Finance Committee, noting that everybody was welcome to attend.
- 35.9 C. Clark stated that County Treasurer Roger Haney and Comptroller Cheryl Bolinger gave financial reports wherein Mr. Haney reported that sales tax was up 4.55%, the ¼-cent dedicated sales tax was up 4.97%, noting that these numbers reflect sales in December 2012 and are up from this time last year.

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She stated that they should start getting new road sales tax money in September 2013 instead of July according to Mr. Haney and Ms. Bolinger reported that all budgets were doing a-okay so far and they have \$10,390,553 in reserve without closing the books and carryover. C. Clark stated that Prosecuting Attorney John Threet also gave his report on the Hot Check Fund which is doing great.

- 36.1 COUNTY JUDGE'S REPORT: Judge Edwards introduced Joel Gardner, new General Manager of Ozark Regional Transit.
- 36.2 Joel Gardner addressed the Quorum Court stating that he was the new resident manager for Ozark Regional Transit. He stated that he was there to recommit to the County his efforts to continue to grow and develop public transportation within Washington County. He stated that he understands that there is a need for rural public transportation in the area and that this will be one of his focuses. Staff is already working towards retasking some of the assets that they currently have to improve those services. Mr. Gardner reported in the last two months, an average of 198 rural public transit and 988 public transit main response trips were denied due to a lack of adequate resources which he noted were mostly there, but just not being used effectively. He stated that he is already retasking their resources and vehicles and making sure that they can do what they are supposed to be doing to provide fixed route public transportation safely on time as well as rural transportation and working with the State of Arkansas on 5311F Intercity, Rural and Urban Public Transportation connections where they can connect Farmington, Prairie Grove, and Elkins with daily or weekly service depending on the demand in the communities. In closing, Mr. Gardner stated that he is recommitting the resources of ORT to make sure that the Northwest Arkansas area has the public transportation services it deserves.
- 36.3 Judge Edwards announced that Shawn Shrum with the County Road Department would be now report to the Quorum Court.
- 36.4 Shawn Shrum stated that the weather has been pretty cooperative and the Road Department has been working on several roads and getting ready for the new construction; adding the base to get ready to pave. He noted that they cannot start to chip seal until April 15 when the weather is warm enough at night and but are getting several roads ready including Wyman and CR612 north of Lincoln. He stated last year during the budget process, he talked to the court about the 65 miles that the county has to reseal this year, noting that they are on a 7-year cycle on chip-seals, and this can vary anywhere from 35 to 70 miles a year. He reported that the 65 miles to be chip sealed this year will require about 260,000 gallons of asphalt oil at \$2.30 per gallon (compared

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to \$2.14/gallon last year and \$1.50/gallon when he started) for an estimated cost of \$700,000. He reported that new construction this year of around 8-10 miles will cost about \$200,000 for a total of just over \$900,000. Mr. Shrum stated that just like everything else, the cost of their fuel, parts, tires, etc. continues to increase and it is getting tougher to get these roads done.

- 37.1 Mr. Shrum addressed a handout on the Washington County Road Department Bridge Assessment, stating that there he is using two different ways to evaluate the replacement needs of Washington County's bridges, including the lowest required posting limits/condition of bridge and the replacement needs based on traffic volume. He noted that the first group of bridges are all the bridges in Washington County with at least one vehicle type code weight rating of ten tons or less which includes the Woolsey Road Bridge on CR35 with the lowest rating that they have with 3 tons for each code. He explained that once you go below 3 tons they have to close the bridge. He stated that the Orr Road Bridge on CR67 south of Fayetteville is next on the list at 4 and 5 tons. He explained that both the Woolsey and Orr Road Bridges are steel through truss bridges, similar to the Harvey Dowell Bridge that they are currently replacing. He stated that the next bridge is Stonewall Road Bridge on CR64 just outside of Prairie Grove at 9 to 11 tons which is heavily travelled and one of their major collector roads and the next is Greasy Valley Road on CR8 at 9 to 15 tons. He noted that the cost estimate to replace each bridge as follows: Woolsey Road Bridge at \$2,121,000; Orr Road Bridge at \$792,000; Stonewall Road Bridge at \$409,000; and Greasy Valley Road Bridge at \$105,000.
- 37.2 Mr. Shrum next addressed bridge replacement needs on Washington County's 17 major arterial roads based on traffic volume or functional classification and list any bridge from these 17 roads that has a posted weight rating of 30 tons or less, noting that it is very important to keep these major arterial roadways usable and accessible for all types of vehicles. This list of bridges included Illinois Chapel Bridge on CR20 with a replacement cost of \$493,500; two Whitehouse Road Bridges on CR43 with replacement costs of \$120,000 and \$144,000; Stonewall Road Bridge on CR64 with replacement cost of \$409,500; Wheeler Road Bridge on CR84 with replacement cost of \$234,000; and Jackson Highway Bridge on CR669 with replacement cost of \$171,000.
- 37.3 Mr. Shrum stated that these two lists do not include the numerous smaller bridges (less than 20 feet in length) and culverts throughout the county which are being replaced as they can and are not major projects like the bridges he has listed which is where he feels they should start replacing bridges if they had the time and money to do so.

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- 38.1 With regard to their progress on the Harvey Dowell Bridge, Mr. Shrum reported that in January they tore this bridge down and since then have been working on the footings getting up out of the water and will be pouring the last footings this week.
- 38.2 T. Lundstrum noted that the total cost of replacement for bridges on the first list should be \$3,427,000; to which Mr. Shrum concurred.
- 38.3 A. Harbison stated that the Woolsey Bridge has been a concern of hers for several years and in the last six years, other projects such as the parking deck, Courts Building, and renovation of the Historic Courthouse have taken precedence, but she thinks that it is time now for them to look at bridges and roads in the county and go forward because they will take time. She asked Mr. Shrum whether they planned to do the Woolsey Bridge replacement in-house or would they contract it out; to which he responded that he has talked to the State numerous times regarding the Woolsey Bridge and although the Road Department could do this bridge, it would be best to do it like the Tilly Willy Bridge and work through the State to do the bid processing, engineering, hydrology, etc.
- 38.4 A. Harbison stated that since the Woolsey Bridge is across the White River, the hydrology will be pretty expensive and she inquired as to how long it would take them to get this done; to which Mr. Shrum responded that this would be up to the State and they would be at their mercy time wise. He noted that when they started the hydrology, it was about two years prior to the bid letting before they got started on the Tilly Willy Bridge.
- 38.5 Judge Edwards stated that at the time she just wanted some explanation on the issue of their bridges and at the time that they really start to get involved in this, she feels like they will need to call a special meeting for further discussion.
- 38.6 B. Fitzpatrick pointed out at the time that they start to look at bridge replacement in the County, they are looking at under \$5 million to do the entire list and of course, would not be doing them all at the same time. She pointed out with regard to the bridges over the White River, it feeds into Beaver Lake and they drink that water, so they need the hydrology to be very sound on it.
- 38.7 In response to a question from R. Aman regarding the numbers listed under each code, Mr. Shrum stated that those are total tons per axel.

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- 39.1 A. Harbison noted that there were several citizens present tonight from the West Fork and Woolsey areas to speak later in the meeting to the issue of why the Woolsey Bridge is so important to south Washington County and West Fork.
- 39.2 COMMITTEE REPORTS: J. Patterson, Chairman of the County Services Committee, reported that this committee met on March 4 at the Historic Courthouse. He stated that they received an update from Juliet Richey on county planning and a report on the County Animal Shelter. He reported that they received requests from Volunteer Rural Fire Departments for adoption of ordinances calling for special elections on the question of the levy of annual dues for six volunteer rural Fire Departments which they would address tonight. He stated that several rural Fire Departments in the County have done this and he sees it as a win-win situation because it generates revenue for the Fire Departments, may produce upgrading in fire ratings which can lower home owners insurance. J. Patterson reported that the committee voted to forward an ordinance to the full Quorum Court with a do pass recommendation approving an Interlocal Agreement between Washington County and the incorporated cities therein to provide hazardous materials incident response services.
- 39.3 E. Madison, Chairman of the Public Works Committee, reported that the committee met on March 4 following the County Services Meeting. She stated that they heard a report from Ron Wood, County Building Superintendent, on the list of county properties and buildings. Mr. Wood hopes to have a report from SWEPCO on some of the energy saving measures that the county is currently implementing at their next committee meeting that will be held at the Courthouse Annex, formerly known as the Terminella Building, which they will tour as well as the Emergency Operations Center. E. Madison reported that following their meeting, those committee members who stayed were given a complete tour of the Historic Courthouse which was fascinating.
- 39.4 E. Madison suggested that the Public Works Committee meetings would be a good place to conduct more extensive discussions about the county's bridges.
- 39.5 B. Pond, Chairman of the Personnel Committee, reported that this Committee met on March 11 where they heard an update from HR Director Lindsy Huffaker on the full time employees that did not receive an additional salary increase at the beginning of 2013 due to being above the cap for their position grade. He noted that the committee voted to forward proposed amendments to the Employee Handbook to the full Quorum Court with a do-pass recommendation. B. Pond reported that the committee heard a report

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from Blair Johanson, Salary Consultant for Washington County and he gave them some information on the history of JESAP.

- 40.1 **AMENDMENTS TO THE EMPLOYEE HANDBOOK:** County Attorney George Butler explained that the Personnel Committee is recommending proposed amendments pertaining to the Family & Medical Leave Policy with regard to the examples given as their premiums had increased; and to the Arkansas Public Employee Retirement System (APERS) Policy with the language stricken that (Covered employment means employment of 80 or more hours per month.) because it contradicts what APERS says. He stated that changes to the Employee Handbook must be approved by a majority vote of the full Quorum Court.
- 40.2 R. Aman noted when he was comparing these, he thought that he saw an adjustment in the days available to be off of like one-half year; to which Judge Edwards and G. Butler responded that this language did not have anything to do with the revision.
- 40.3 **B. Pond made a motion to approve amendments to the Employee Handbook, #9.3-A and #9.3B. A. Harbison seconded. The motion passed with thirteen members voting in favor and one member voting against the motion by voice vote. The amendments were approved.**
- 40.4 T. Lundstrum, Chairman of the Jail/Law Enforcement/Courts Committee, reported that they met on March 11 and heard a report from Jeane Mack, Director of the Juvenile Detention Facility, noting that the numbers are remaining low. Ms. Mack did state that she is anticipating the need for additional personnel at the JDC and they will be hearing more on that at a later date. He stated that they also heard a report from Detention Major Randall Denzer from the Sheriff's Office on Enforcement and Adult Detention, which numbers remain about the same. Further, it was noted that that their association with Tontitown will end on Monday, March 25 which they see as being a smooth transition.
- 40.5 C. Clark, Chairman of the Finance and Budget Committee stated that she had nothing further to report from this committee.
- 40.6 **AN EMERGENCY ORDINANCE RATIFYING CONDITIONAL USE PERMITS GRANTED BY THE PLANNING AND ZONING BOARD:** J. Patterson introduced **An Emergency Ordinance Ratifying Conditional Use Permits Granted By The Planning And Zoning Board.** The County Planning Board approved CUPs for Modern Mission, Jackson Highway Tower Site, and Summers Tower Site on March 7, 2013. The ordinance contains an emergency clause and will be in effect immediately upon passage.

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- 41.1 Planning Director Juliet Richey addressed the Quorum Court stating that they approved three towers at the Planning Board meeting. She further noted that they had indications that the East Prairie Grove tower would be appealed, so they didn't include it, but since that time, they have been advised that the Summers Tower Site will also be appealed, so that will need to be removed from the ordinance. Ms. Richey stated that there was no opposition to the CUPs for Modern Mission and Jackson Highway Tower Site. For clarification, she explained that just because the Quorum Court ratifies CUPs does not keep people from appealing before April 8. She noted that an appeal to the East Prairie Grove tower CUP was filed that morning.
- 41.2 **J. Patterson made a motion to strike the Summers Tower Site from the ordinance. B. Pond seconded. The motion passed unanimously by those present by voice vote. The Summers Tower Site was stricken from the ordinance.**
- 41.3 E. Madison stated since this will be her first cell tower appeal and she has already received a call on the Prairie Grove tower, she requested a briefing before their next meeting on the criteria.
- 41.4 County Attorney George Butler stated that there was Federal law involved on what the county can and cannot consider, as well as deadlines that they need to comply with.
- 41.5 Ms. Richey stated that the Planning Office has a synopsis that she wrote for the Planning Board that is general to all cell towers that she will provide to Court Secretary Karen Beeks to give to all court members.
- 41.6 County Attorney George Butler read **An Emergency Ordinance Ratifying Conditional Use Permits Granted By The Planning And Zoning Board** as amended.
- 41.7 **J. Patterson made a motion to adopt the ordinance. C. Clark seconded.**
- 41.8 Citizen Comments: There were no citizen comments made.
- 41.9 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 41.10 VOTING FOR: H. Bowman, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Patterson, B. Pond, M. Spears, B.



Ussery, R. Aman, and R. Bailey. **The motion passed unanimously by those present. The ordinance was adopted.**

**ORDINANCE NO. 2013-13, BOOK NO. 9, PAGE NO. 156**

- 42.1 AN ORDINANCE APPROVING AN INTERLOCAL AGREEMENT BETWEEN WASHINGTON COUNTY AND THE INCORPORATED CITIES THEREIN TO PROVIDE HAZARDOUS MATERIALS INCIDENT RESPONSE SERVICES: J. Patterson introduced **An Ordinance Approving An Interlocal Agreement Between Washington County And The Incorporated Cities Therein To Provide Hazardous Materials Incident Response Services**, and County Attorney George Butler read the ordinance. This ordinance is on first reading and is being recommended by the County Services Committee.
- 42.2 J. Patterson explained that this is reorganizing HAZMAT for this part of the County in Northwest Arkansas.
- 42.3 County Attorney George Butler stated that they would need to leave this ordinance on first reading because he forwarded it to the Attorney General about ten days ago for his approval and he has 60 days to respond. He stated that the ordinance would be on second reading next month.
- 42.4 AN ORDINANCE CALLING A SPECIAL ELECTION ON THE QUESTION OF THE LEVY OF THE ANNUAL DUES OF STRICKLER VOLUNTEER FIRE DEPARTMENT AND PRESCRIBING OTHER MATTERS PERTAINING THERETO: J. Patterson explained that the next six ordinances were those calling for a special election on the question of the levy of annual dues for rural fire departments in the county. He stated since these ordinances were lengthy he would have County Attorney George Butler read them one at a time by title only.
- 42.5 **J. Patterson made a motion to suspend the rules and read Ordinance #12.1 by title only. B. Fitzpatrick seconded. The motion passed unanimously by those present by voice vote.**
- 42.6 J. Patterson introduced **An Ordinance Calling A Special Election On The Question Of The Levy Of The Annual Dues Of Strickler Volunteer Fire Department And Prescribing Other Matters Pertaining Thereto**, and County Attorney George Butler read the ordinance by title only.
- 42.7 County Attorney George Butler explained that A.C.A. §14-20-108 requires the Quorum Court to call a special election when they receive a request from a volunteer fire department, held before August 1 and all special elections must

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be held on the second Tuesday. He reported that when these requests started coming in, they got together with the Election Coordinator and decided that July 9, 2013 would be the best date and give plenty of time for all the mapping that has to occur between now and the election, coordination between the Emergency Services Office and the County Clerk to map the areas in terms of who needs to vote in the election and setting up what they call "dummy precincts" because this is completely off the radar in terms of their regular election maps. He noted that they must pass these ordinances no later than next month to hold the election on July 9<sup>th</sup> and each one has different dues for different things with some being the same for residences and businesses and some different.

- 43.1 T. Lundstrum stated that they probably should go ahead and suspend the rules and do all three readings tonight so the residents can vote on this in July. He noted that these were good for the county and the voters in those districts will decide whether they pass or not while they are just giving the Fire Departments the right to do this process.
- 43.2 **J. Patterson made a motion to suspend the rules and read Ordinances #13.1 through #17.1 by title only. B. Fitzpatrick seconded.**
- 43.3 **Judge Edwards called for a roll call vote on the motion.**
- 43.4 **VOTING FOR: H. Bowman, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, and R. Bailey. ABSENT: J. Mardis, and T. Lundstrum. The motion passed unanimously by those present.**
- 43.5 **J. Patterson introduced An Ordinance Calling A Special Election On The Question Of The Levy Of The Annual Dues Of Morrow Volunteer Fire Department And Prescribing Other Matters Pertaining Thereto, and County Attorney George Butler read the ordinance by title only.**
- 43.6 **J. Patterson introduced An Ordinance Calling A Special Election On The Question Of The Levy Of The Annual Dues Of Prairie Grove-Farmington Rural Fire Association; And Prescribing Other Matters Pertaining Thereto, and County Attorney George Butler read the ordinance by title only.**
- 43.7 **J. Patterson introduced An Ordinance Calling A Special Election On The Question Of The Levy Of The Annual Dues Of Lincoln Rural Fire Association And Prescribing Other Matters Pertaining Thereto, and County Attorney George Butler read the ordinance by title only.**

- 44.1 J. Patterson introduced **An Ordinance Calling A Special Election On The Question Of The Levy Of The Annual Dues Of Tontitown Area Fire Department And Prescribing Other Matters Pertaining Thereto**, and County Attorney George Butler read the ordinance by title only.
- 44.2 J. Patterson introduced **An Ordinance Calling A Special Election On The Question Of The Levy Of The Annual Dues Of The Whitehouse Fire Department And Prescribing Other Matters Pertaining Thereto**, and County Attorney George Butler read the ordinance by title only.
- 44.3 J. Patterson made a motion to suspend the rules and place Ordinances #12.1 through #17.1 on second reading by title only. C. Clark seconded.
- 44.4 Judge Edwards called for a roll call vote on the motion.
- 44.5 VOTING FOR: H. Bowman, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, and R. Bailey. ABSENT: J. Mardis. **The motion passed unanimously by those present.**
- 44.6 County Attorney George Butler read **An Ordinance Calling A Special Election On The Question Of The Levy Of The Annual Dues Of Strickler Volunteer Fire Department And Prescribing Other Matters Pertaining Thereto**, by title only.
- 44.7 County Attorney George Butler read **An Ordinance Calling A Special Election On The Question Of The Levy Of The Annual Dues Of Morrow Volunteer Rural Fire Department And Prescribing Other Matters Pertaining Thereto**, by title only.
- 44.8 County Attorney George Butler read **An Ordinance Calling A Special Election On The Question Of The Levy Of The Annual Dues Of Prairie Grove-Farmington Rural Fire Association; And Prescribing Other Matters Pertaining Thereto**, by title only.
- 44.9 County Attorney George Butler read **An Ordinance Calling A Special Election On The Question Of The Levy Of The Annual Dues Of Lincoln Rural Fire Association And Prescribing Other Matters Pertaining Thereto**, by title only.
- 44.10 County Attorney George Butler read **An Ordinance Calling A Special Election On The Question Of The Levy Of The Annual Dues Of Tontitown Area Fire Department And Prescribing Other Matters Pertaining Thereto**, by title only.

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- 45.1 County Attorney George Butler read **An Ordinance Calling A Special Election On The Question Of The Levy Of The Annual Dues Of The Whitehouse Fire Department And Prescribing Other Matters Pertaining Thereto**, by title only.
- 45.2 **M. Spears made a motion to suspend the rules and place Ordinances #12.1 through #17.1 on third and final reading by title only. B. Fitzpatrick seconded.**
- 45.3 **Judge Edwards called for a roll call vote on the motion.**
- 45.4 **VOTING FOR: H. Bowman, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, and R. Bailey. ABSENT: J. Mardis. The motion passed unanimously by those present.**
- 45.5 County Attorney George Butler read **An Ordinance Calling A Special Election On The Question Of The Levy Of The Annual Dues Of Morrow Volunteer Rural Fire Department And Prescribing Other Matters Pertaining Thereto**, by title only.
- 45.6 County Attorney George Butler read **An Ordinance Calling A Special Election On The Question Of The Levy Of The Annual Dues Of Prairie Grove-Farmington Rural Fire Association; And Prescribing Other Matters Pertaining Thereto**, by title only.
- 45.7 County Attorney George Butler read **An Ordinance Calling A Special Election On The Question Of The Levy Of The Annual Dues Of Lincoln Rural Fire Association And Prescribing Other Matters Pertaining Thereto**, by title only.
- 45.8 County Attorney George Butler read **An Ordinance Calling A Special Election On The Question Of The Levy Of The Annual Dues Of Tontitown Area Fire Department And Prescribing Other Matters Pertaining Thereto**, by title only.
- 45.9 County Attorney George Butler read **An Ordinance Calling A Special Election On The Question Of The Levy Of The Annual Dues Of The Whitehouse Fire Department And Prescribing Other Matters Pertaining Thereto**, by title only.
- 45.10 **J. Patterson made a motion to adopt Ordinances #12.1 through #17.1. M. Spears seconded.**

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- 46.1 Citizen Comments: There were no citizen comments made.
- 46.2 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinances.**
- 46.3 VOTING FOR: H. Bowman, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, and R. Bailey. ABSENT: J. Mardis. **The motion passed unanimously by those present. The ordinances were adopted.**

**ORDINANCE NO. 2013-14, BOOK NO. 9, PAGE NO. 163**  
**ORDINANCE NO. 2013-15, BOOK NO. 9, PAGE NO. 166**  
**ORDINANCE NO. 2013-16, BOOK NO. 9, PAGE NO. 169**  
**ORDINANCE NO. 2013-17, BOOK NO. 9, PAGE NO. 172**  
**ORDINANCE NO. 2013-18, BOOK NO. 9, PAGE NO. 175**  
**ORDINANCE NO. 2013-19, BOOK NO. 9, PAGE NO. 178**

- 46.4 OTHER BUSINESS: E. Madison reported that she attended the Association of Arkansas Counties meeting in Little Rock on March 16 at which 54 of the 75 counties were in attendance. She reported that the date for their organizational meeting when they begin a new term no longer has to be within five days; the County Judge has the flexibility to leave that on their regular meeting day or earlier. She further reported that there has been an increase in 9-1-1 funding with an additional 40 cents added to landlines that will help some of the rural areas with 9-1-1 costs. E. Madison stated that of interest has been the issue of the Circuit Clerk's Office taking fees for foreclosures and this has been eliminated with Act 291 and those fees will now go into the County General Revenue Fund. She further noted that Act 154 changes the Quorum Court's limits on the Drug Enforcement Fund that they can establish for the Sheriff's Office with the limit going from \$10,000 to now being \$50,000, giving counties more flexibility with creating that fund.
- 46.5 E. Madison stated that some concerns discussed included HB1387 which the AAC voted to oppose which deals with dry areas of counties or cities wherein applicants for private club liquor permits would have to come to the city council or Quorum Court for approval, and most folks do not want to be responsible for deciding on those issues. She reported that they discussed SB367 which is Senator Hendren's Bill that Planning Director Juliet Richey has been very concerned about as it would impair zoning considerably. She explained that if a county or city regulation alters the fair market value of property by 10% or more, that governmental entity can be sued and would have to then decide whether to leave that regulation in place or buy that property. She stated that this has passed the Senate and is still in House

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Judiciary. E. Madison further noted that HB1995 changes the split in how District Courts are funded and is pretty significant because rather than just being 50/50 between city/county, it would be apportioned more in the way of what work they are actually doing. She stated that there was discussion of opposition there, but not necessarily a declaration.

- 47.1 E. Madison noted some other matters of interest. SB307 is anticipated to be a final fix for the case coordinator issue with the lack of funding in the AOJ fund. There had previously discussed how loss of this funding may impact counties, but it looks like that will not happen and this bill is hopefully a fix for that. There was talk about how some of the tax cuts that are being considered in Little Rock could have an impact on County General revenues and the money that they are getting back. She stated that there were not a lot of specifics shared, but they all should be in tune with how these tax cuts are being discussed could impact the money that they are getting.
- 47.2 E. Madison stated that a good bit of information was that the anticipated increase for APERS is going to be very minor from 14.64% to 14.68%.
- 47.3 E. Madison reported that the AAC is pushing very hard for all county offices to go non-partisan. There was some discussion and then it seemed to die down. This issue has several components, starting with the Sheriff's Office being proposed to be non-partisan which has been proposed in the past several sessions, but hasn't passed; however, this week there was a bill that made some progress to make the Prosecutor's Office non-partisan and now other counties are looking at this as well. She noted that most of those offices are executive offices which she doesn't know whether it has the same application to a legislative office like they do, but part of that package is not only to make them non-partisan, but to make them 4-year terms. She reported some uneasy reception among the JPs there and she felt at a disadvantage not knowing how the Quorum Court all felt about this. E. Madison stated that the Pulaski County representative raised the issue of confusion with the Justice of the Peace title and at some point in the past Pulaski County just started referring to themselves as County Commissioners. She reported that the Pulaski County representative made a motion to adopt the 4-year term and change their titles which would almost be like a new Amendment 55, a comprehensive overhaul of county government; and this was rejected by AAC because they said that it didn't fit neatly in what every other association has done. She reported voting no on this issue feeling that it was a little early and very rushed to make a decision like that where she hadn't been able to talk to other JPs in Washington County to get their input; however, surprisingly with 54 counties present, they reported that 22 for votes were 75% in favor and there were 8 no votes which didn't add up.

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She reported requesting that the abstentions be recorded and they were made to stand and vote which made no sense. She stated that with 22 of the 54 counties present voting and 22 of the 75 counties in total, the AAC is going to go forward and say that the Association of Quorum Courts with the 75% support, supported the initiative to make 4-year terms and non-partisan elections for JPs, but it didn't include the commissioner part since it didn't fit the bill.

- 48.1 E. Madison reported that they heard from Mike Rainwater who is with the firm that does a lot of work for the Risk Management Fund and knows a lot about county government. She stated that they talked about the County Attorney position which has a lot of interest, noting that statutorily there is not a position and they have one created by ordinance. She stated in the event that they do not have anybody, the Prosecuting Attorney is designated as the Quorum Court's attorney. She reported that almost every county is making use of a civil attorney outside of the Prosecuting Attorney in some manner, but it sounded like there were only about 3 counties doing like Washington County with a full-time person.
- 48.2 E. Madison stated that one issue that occurred to her as they were talking about the bridges in the county and planning, Mike Rainwater recommended that counties think about is that although they tend to think in terms of 2-year terms and they cannot bind themselves past one budget year, he recommended that the Quorum Courts pull back and start to do some long-range planning. She noted that the Pike County Representative reported that they actually have a long-range planning committee and even though they realize that they can only bind that year's budget and that terms court, they do attempt to meet and have a five-year working plan for their county and then start to set aside money as the years go to fund those projects.
- 48.3 E. Madison noted that they did talk some about Committees of the Whole and reported that their debate is happening elsewhere with a handful of counties, such as Sebastian, Pulaski and Benton Counties have used them in the past or made use of them as needed. She noted from the comments she heard on committees, the way counties are using committees is very divergent and wide range and several counties expressed trouble getting members to come to the committee meetings. She noted that it sounded to her that counties needed flexibility and that is what she advocated for.
- 48.4 E. Madison reported that they had a very productive day with a lot of discussion and she would be happy to share any of it in more detail. She noted at the conclusion of the meeting, a new board was elected and she was

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elected as one of the third congressional district representatives and will serve on the 12-member board for the Association of Quorum Courts. She reported that they held their board meeting after that and announced that the annual Association of Counties meeting will be held in August in Hot Springs.

- 49.1 H. Bowman asked E. Madison what seemed to be driving the issue of non-partisan designations to the Quorum Court to which she responded that it sounded like the Sheriffs have always pushed for the 4-year terms and the reason for the push this year is that the Judges are going non-partisan and the notion that Sheriffs and Prosecutors are part of that law enforcement arm, there should be party neutrality. She further stated that some of the other county offices looked at this and showed interest and there were a lot of sentiments expressed that were shared from the AAC's perspective that people sometimes feel that their local parties didn't help them very much and that they did it on their own. She reported that a couple of people questioned whether this was a reaction to what has happened in the last few election cycles and some people really expressed a concern about where filing fees would go because they currently go to the local parties and with this they would go into some sort of continuing education fund for counties. E. Madison stated that she knows why the Sheriffs have started the discussion because of the notion that party affiliation doesn't matter in law enforcement, but now it applies to the Quorum Courts, she doesn't necessarily know because a legislative branch might be a little different.
- 49.2 CITIZEN COMMENTS: Doyle Baker, lifetime resident of West Fork and Woolsey, addressed the Quorum Court stating that he would like to speak on the Woolsey Bridge. He stated that he has put in 50 years in education in this part of the County and this bridge has been a concern most of those years. He noted that he was the High School Principal the first time that the bridge was condemned and would not let them haul kids across the bridge, but they could drive the bus across and the kids would walk across the bridge. Later, they allowed them to drive the bus across the bridge with the kids, but now, the bus has to drive an extra six miles to go around the bridge. Mr. Baker further noted if there is a fire or accident on Hwy. 71 at Brentwood, in order to get to that site, they would have to go to I-540 to Highway 74 and back through Winslow. He stated that he owns the land where the current bridge is located and he is there every day to feed his cattle, noting that during the day there isn't much traffic, but from 6:00 to 8:00 a.m. and 4:00 to 7:00 p.m., they have to wait to get on this bridge one way or the other due to the amount of traffic. He urged the Quorum Court and County Judge to really seriously consider taking care of the Woolsey bridge problem.
- 49.3 LaJoyce Duncan, resident of West Fork, addressed the Quorum Court in favor of replacing the Woolsey Bridge as she is concerned with the safety of



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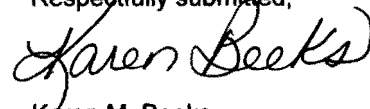
the people, EMS and fire equipment availability, school bus travel, Post Office delivery, logging business in the area, construction heavy equipment, personal travel and the importance of people traveling to their jobs in the mornings and home in the afternoons, picking up their students at school. She further requested that they improve their county roads as well.

- 50.1 Mitch McCorkle, Fire Chief at West Fork for 53 years, addressed the Quorum Court stating that his biggest concern is probably getting the ambulance to that area and back to the hospital because the way the bridge is now, they only have one brush truck that they can drive across it. He noted that during the time that the school is starting and ending, they have a terrific traffic problem; and both West Fork and Winslow mail routes use this bridge. Regarding the Fire Department, people on I-540 or Highway 71 with cell phones call 9-1-1 when they see a fire and when they do that, the fire department has a hard time figuring out whether they are seeing a fire on Winn Creek Road, or McKnight Street, or Highway 71 and this creates a problem. He stated that the area south between there and Highway 74, is joint response between West Fork and Boston Mountain Fire Departments and if they have a structure fire on Winn Creek Road, they can only use tank truck water and Winslow can make a lot better time with their tank trucks on a level road coming around that way and crossing the bridge than on Winn Creek. He further noted that there is a butcher house and people cannot pull their stock trailers across the bridge requiring them to travel an additional 7 miles; and there are several people farming on both sides of the river that have to come through West Fork with racks, hay bailers, etc. to get to that area.
- 50.2 Gary Scott, resident of Prairie Grove, addressed the Quorum Court stating that he is in the process of appealing the Prairie Grove cell tower. He stated that he appreciates members of the Quorum Court that he has been in touch with and have come out and visited this site. He stated that they were in no way, shape or form interested in preventing cell tower construction or it being used, but they do object to the location of this one. He stated that the Quorum Court would be hearing from them on this in the future and he encouraged those who had not done so to visit this site and hear both sides of the issue.
- 50.3 Jack Cunningham, resident west of West Fork, addressed the Quorum Court stating that the Woolsey Bridge is quite a ways from him; however, he raises horses and in order for him to go to Brentwood or Woolsey, the way the bridge is currently constructed, he has to go right through downtown West Fork, hit Hwy. 71 and go south which is a long way around. He noted that there is a bar built across the bridge to eliminate anything above 9 feet which include his horse trailers, trailers, tractors, etc. and they all have to travel through downtown West Fork.

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- 51.1 In response to a question from Judge Edwards, Mr. Cunningham stated that he has to take his vehicle and travel through the area of the Elementary School.
- 51.2 Mr. Cunningham stated that he concurs with Mr. Baker and Mr. McCorkle that there needs to be something done about the Woolsey Bridge.
- 51.3 Judge Edwards thanked everyone in attendance and appreciates their patience and comments made.
- 51.4 A. Harbison reported that they will be coming to the Public Works Committee meeting next month with a more detailed presentation.
- 51.5 B. Pond suggested that members of this court needed to drive down to West Fork, turn left at McKnight Street, and drive down in front of the school and imagine pulling a stock trailer down that narrow street with no shoulder while school is in session or letting out. He noted that it was not just the 7 mile inconvenience, but the traffic that has to travel in front of that school, that they need to consider in the importance of having a more modern bridge to cross the river at Woolsey.
- 51.6 ADJOURNMENT: The meeting adjourned at 7:20 p.m.

Respectfully submitted,



Karen M. Beeks  
Quorum Court Coordinator/Reporter