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

Thursday, April 18, 2013  
6:00 p.m.  
Washington County Quorum Court Room

- 52.1 The Washington County Quorum Court met in regular session on Thursday, April 18, 2013. The meeting was called to order by County Judge Marilyn Edwards.
- 52.2 J. Mardis led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 52.3 **MEMBERS PRESENT:** Ron Aman, Rex Bailey, Harvey Bowman, Candy Clark, Rick Cochran, John Firmin, Barbara Fitzpatrick, Ann Harbison, Tom Lundstrum, Eva Madison, Jimmy Mardis, Joe Patterson, Butch Pond, Mary Ann Spears, and Bill Ussery.
- 52.4 **OTHERS PRESENT:** County Judge Marilyn Edwards, County Attorney George Butler, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 52.5 **ADOPTION OF THE AGENDA:** Judge Edwards asked if there were any additions or deletions to the agenda.
- 52.6 **A motion was made and seconded to adopt the agenda as distributed. The motion passed unanimously by voice vote. The agenda was adopted as distributed.**
- 52.7 **APPROVAL OF MINUTES:** Judge Edwards asked for approval of the minutes of the March 21 regular meeting of the Washington County Quorum Court.
- 52.8 **A motion was made and seconded to approve the minutes as distributed. The motion passed unanimously by voice vote. The minutes were approved.**
- 52.9 **A RESOLUTION AUTHORIZING BRYAN POWELL TO SOLEMNIZE THE MARRIAGE OF ZACHARIAH FOSTER AND STEPHANIE SALGADO ON MAY 18, 2013, IN WASHINGTON COUNTY, ARKANSAS:** B. Fitzpatrick introduced **A Resolution Authorizing Bryan Powell To Solemnize The Marriage Of Zachariah Foster And Stephanie Salgado On May 18, 2013, In Washington County, Arkansas,** and County Attorney George Butler read the resolution.

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- 53.1 Bryan Powell addressed the Quorum Court stating his appreciation for their adoption of this resolution.
- 53.2 **B. Fitzpatrick made a motion to adopt the resolution. E. Madison seconded.**
- 53.3 Citizen Comments: There were no citizen comments.
- 53.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 53.5 VOTING FOR: C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, and H. Bowman. **The motion passed unanimously. The resolution was adopted.**
- RESOLUTION NO. 2013-06, BOOK NO. 3, PAGE NO. 44**
- 53.6 FINANCE REPORT: C. Clark reported that the Finance and Budget Committee met on Tuesday, April 9 and there was one resolution and six appropriation ordinances on the agenda tonight forwarded from the Committee.
- 53.7 A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR THE SCAAP 2013 GRANT TO BE USED FOR CORRECTIONAL PURPOSES: C. Clark introduced **A Resolution Authorizing The Submittal Of An Application For The SCAAP 2013 Grant To Be Used For Correctional Purposes**, and County Attorney George Butler read the resolution.
- 53.8 **C. Clark made a motion to adopt the resolution. M. Spears seconded.**
- 53.9 In response to a question from J. Firmin, Grant Administrator Wayne Administrator Wayne Blankenship and County Attorney George Butler explained that the State Criminal Alien Assistance Program (SCAAP) is a grant program that provides financial reimbursement for some of the costs incurred for incarcerating illegal immigrants.
- 53.10 Citizen Comments: There were no citizen comments made.
- 53.11 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**

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- 54.1 **VOTING FOR:** R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, and H. Bowman. **VOTING AGAINST:** C. Clark. **The motion passed with fourteen members voting in favor and one member voting against the motion. The resolution was adopted.**

**RESOLUTION NO. 2013-07, BOOK NO. 3, PAGE NO. 45**

- 54.2 **AN ORDINANCE ADJUSTING CARRYOVER REVENUES IN VARIOUS FUNDS FOR 2013:** C. Clark introduced **An Ordinance Adjusting Carryover Revenues In Various Funds For 2013.**

- 54.3 **C. Clark made a motion to suspend the rules and read the ordinance by title only. R. Bailey seconded. The motion passed unanimously by voice vote.**

- 54.4 **County Attorney George Butler read An Ordinance Adjusting Carryover Revenues In Various Funds For 2013 by title only.**

- 54.5 **C. Clark explained that this is a housekeeping ordinance that they discussed at length at their committee meeting.**

- 54.6 **C. Clark made a motion to adopt the ordinance. R. Bailey seconded.**

- 54.7 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**

- 54.8 **VOTING FOR:** C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, and H. Bowman. **The motion passed unanimously. The ordinance was adopted.**

**ORDINANCE NO. 2013-20, BOOK NO. 9, PAGE NO. 181**

- 54.9 **AN ORDINANCE TRANSFERRING MONIES OF \$25,165 WITHIN THE BUILDINGS & GROUNDS BUDGET IN THE GENERAL FUND FOR 2013:** C. Clark introduced **An Ordinance Transferring Monies Of \$25,165 Within The Buildings & Grounds Budget In The General Fund For 2013,** and County Attorney George Butler read the ordinance.

- 54.10 **C. Clark made a motion to adopt the ordinance. B. Fitzpatrick seconded.**

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- 55.1 B. Fitzpatrick explained that this was for the purchase of a new truck for the Buildings & Grounds Department.
- 55.2 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 55.3 **VOTING FOR:** C. Clark, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, and H. Bowman. **VOTING AGAINST:** R. Cochran. **The motion passed with fourteen members voting in favor and one member voting against the motion. The ordinance was adopted.**

**ORDINANCE NO. 2013-21, BOOK NO. 9, PAGE NO. 182**

- 55.4 **AN ORDINANCE APPROPRIATING \$40,000 FROM THE GENERAL FUND TO THE ENVIRONMENTAL AFFAIRS BUDGET FOR 2013:** C. Clark introduced **An Ordinance Appropriating \$40,000 From The General Fund To The Environmental Affairs Budget For 2013**, and County Attorney George Butler read the ordinance.
- 55.5 **C. Clark made a motion to adopt the ordinance. R. Bailey seconded.**
- 55.6 In response to a question from B. Fitzpatrick, G. Butler replied that this appropriation was related to the Illinois River Project.
- 55.7 R. Aman inquired as to the projections that this study would cost around \$600,000.
- 55.8 Rob Smith with the Northwest Arkansas Council addressed the Quorum Court stating that he works with the Illinois Water Group (IWG) members on a regular basis. He addressed R. Aman, stating that the figure of \$600,000 came from Marty Matlock who is a professor and ecologist at the University of Arkansas who has done this type of research, and this is a ballpark figure on what they believe the study will cost.
- 55.9 J. Mardis asked if the \$600,000 was a "not to exceed" number; to which Mr. Smith responded that he would not call it a not to exceed contract and this would not be run by the IWG who was one contributor to this project. He explained that IWG agreed to send \$100,000 that has already gone out and would like to send another \$100,000 with the other money coming from private, hopefully state government. He stated that there are a lot of ways that this money will come together and in a perfect world, it will come from about twenty different entities.

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- 56.1 R. Aman stated that it just seems like this has been a long, ongoing thing with no answers. He is not in support of the project, noting that Oklahoma has determined what the limit is on phosphorous. He stated that it seems to him that there would already be a number set from a sewer plant.
- 56.2 Mr. Smith responded stating that it is true that wastewater treatment plants do discharge and there was an agreement in 2003 that required cities to meet 1 milligram per liter, so it is a number far higher than .037. He states what happens is phosphorous dissipates and falls out as it gets the state line and that level has to be reached at the state line and it is not there yet, but is about ten times that amount. Therefore, he explained that the expectation is that a lot of improvements will continue to have to occur in the watershed to achieve that number. Mr. Smith stated that one of the expectations that Arkansas has is that this study will show that .037 is not necessary, but they do not know what that number is but that some amount higher than .037 is a much more achievable number. Many in Arkansas would say that .037 is not achievable in a watershed with so many people and so much industry.
- 56.3 R. Aman asked whether the legal costs have been paid for by the State as he had heard that the cost of litigation was extremely high; to which Mr. Smith responded that this was a complicated question, but that there is no lawsuit between the State and the State of Oklahoma currently. He stated that the only pending litigation currently was between the State of Oklahoma and poultry companies based in Arkansas which is a separate issue and that lawsuit is not about .037.
- 56.4 R. Aman stated that it just seems to him like if the issue was to reduce litigation, that the person being sued would be the one interested in paying for that; and Mr. Smith responded that one of the issues is that they would like to avoid litigation as would the cities, and Arkansas has said that .037 is not fair and Oklahoma says it is which has been a debate for 20 years. He stated to Oklahoma's credit, they have really come around and said that it is worth having science determine what this number should be and frankly, he believes that they should be commended for allowing Arkansas to do this in a way that is not litigation.
- 56.5 E. Madison stated that she respects that R. Aman is trying to save money, but she believes that this is money that they have to contribute. She stated that they have all heard about the issue with watershed and the challenges they have been having with Oklahoma for a long time, the County has contributed in the past, and thanks to their Attorney General, they have finally reached an agreement where they can have these new tests done, but they have to pay

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for them and nobody is going to pay for them if the counties and municipalities within the watershed do not. E. Madison stated that the phosphorus level that goes into Oklahoma is critically important to industry and business in Washington County. She stated that it has been set at an unrealistic level and they all want to do better with the phosphorous levels in the watershed, but it is just unattainable right now. She stated that the \$40,000 seems like a lot, but not in the grand scheme of things with how much is at stake as Washington County needs to show that they will contribute, so she will support the ordinance and hopes that they will pass it to help solve this problem for Northwest Arkansas.

57.1 J. Mardis stated that he is very skeptical about where this will end up three years from now, but the one thing he knows is if they do not agree and do this study, that the cities in Northwest Arkansas will be affected directly and they will have to challenge the permits and have lawsuits with everyone paying for litigation and nothing getting done. He stated that this will buy them three years to do this study and he believes that it is critical to go forward with this and they need to pay their part because it will have a major impact on Washington County.

57.2 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**

57.3 **VOTING FOR: C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, and H. Bowman. The motion passed unanimously. The ordinance was adopted.**

**ORDINANCE NO. 2013-22, BOOK NO. 9, PAGE NO. 183**

57.4 **AN ORDINANCE CREATING ADDITIONAL PERSONNEL POSITIONS IN THE CIRCUIT CLERK'S BUDGET AND IN THE JUVENILE DETENTION BUDGET; AND APPROPRIATING THE TOTAL AMOUNT OF \$57,660 FROM THE GENERAL FUND FOR SAID POSITIONS FOR 2013: C. Clark introduced **An Ordinance Creating Additional Personnel Positions In The Circuit Clerk's Budget And In The Juvenile Detention Budget; And Appropriating The Total Amount Of \$57,660 From The General Fund For Said Positions For 2013**, and County Attorney George Butler read the ordinance.**

57.5 C. Clark stated that they discussed both of these positions in the Personnel and Finance Committees.

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- 58.1 **C. Clark made a motion to adopt the ordinance. M. Spears seconded.**
- 58.2 R. Bailey stated as a rule he would not support this request because out in the "real world" they are not hiring but letting go, but they have convinced him that they need these two positions, so he will support the ordinance.
- 58.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 58.4 **VOTING FOR:** C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Bailey, and H. Bowman. **VOTING AGAINST:** R. Aman. **The motion passed with fourteen members voting in favor and one member voting against the motion. The ordinance was adopted.**

**ORDINANCE NO. 2013-23, BOOK NO. 9, PAGE NO. 184**

- 58.5 **AN ORDINANCE RECOGNIZING AND APPROPRIATING REVENUES IN THE DRUG ENFORCEMENT-STATE AND DRUG ENFORCEMENT-FEDERAL FUNDS FOR 2013:** C. Clark introduced **An Ordinance Recognizing And Appropriating Revenues In The Drug Enforcement-State And Drug Enforcement-Federal Funds For 2013**, and County Attorney George Butler read the ordinance.
- 58.6 **C. Clark made a motion to adopt the ordinance. R. Bailey seconded.**
- 58.7 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 58.8 **VOTING FOR:** C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, and H. Bowman. **The motion passed unanimously. The ordinance was adopted.**

**ORDINANCE NO. 2013-24, BOOK NO. 9, PAGE NO. 185**

- 58.9 **AN ORDINANCE RECOGNIZING REVENUES OF \$4,000 IN THE DEM GRANT FUND; AND, APPROPRIATING THE AMOUNT OF \$4,000 FROM THE DEM GRANT FUND TO THE MRC 2013 GRANT BUDGET:** C. Clark introduced **An Ordinance Recognizing Revenues Of \$4,000 In The DEM Grant Fund; And, Appropriating The Amount Of \$4,000 From The DEM Grant Fund To The MRC 2013 Grant Budget**, and County Attorney George Butler read the ordinance.

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- 59.1 **C. Clark made a motion to adopt the ordinance. A. Harbison seconded.**
- 59.2 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 59.3 **VOTING FOR: C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, and H. Bowman. The motion passed unanimously. The ordinance was adopted.**

**ORDINANCE NO. 2013-25, BOOK NO. 9, PAGE NO. 187**

- 59.4 **COUNTY JUDGE'S REPORT: Judge Edwards introduced Teddy Cardwell of the Animal Concerns Advisory Board who would be providing the Advisory Board's annual report to the Quorum Court.**
- 59.5 Teddy Cardwell, Chairman of the Animal Concerns Advisory Board, addressed the Quorum Court to report on the Board's activities in 2012. She stated that they monitor the Spay/Neuter Program for Washington County and in 2012, there were 557 vouchers issued for low income pet owners to take advantage of this program and so far in 2013, there have been 223 vouchers issued. She explained that with these vouchers, the county charges a \$10 non-refundable application fee because at the end of every year in October, they had to stop issuing vouchers to the low-income residents because they ran out of money and the \$10 fee has allowed them to go throughout the entire year.
- 59.6 Ms. Cardwell further reported on the Pet Wellness Program that in 2012 they started doing in conjunction with the Animal League of Washington County, a non-profit organization working for the animals of Washington County. She explained that the Animal League can receive grants for their Pet Wellness Program which the Animal Concerns Advisory Board or Animal Shelter are unable to receive and in 2012, the grant funded the entire project. She reported in 2012, they did 344 microchips, 433 rabies vaccinations for dogs, 383 canine booster shots, 77 feline boosters, and 82 feline rabies vaccinations at a cost to the public of \$5 for each injection and microchip. She noted that they held this Pet Wellness Program at the Sheriff's Annex.
- 59.7 Ms. Cardwell reported that the Board also serves as an entity for the citizens of Washington County to provide a place where they can voice their concerns about animals in Washington County and have heard from several citizens around the county. She stated that in 2012, the Board also helped with the County Animal Shelter in getting this operation up and running.



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- 60.1 R. Bailey addressed Ms. Cardwell, publically apologizing for being a little too hard on her in the past. In response to a question from R. Bailey, Ms. Cardwell stated that the Animal Concerns Advisory Board currently plays no role with the County Animal Shelter. She stated that now that the Shelter is open, there are several things that the Advisory Board could do at the Shelter. The Board has members who are experienced in animal behavior and own businesses that deal with animals, including Veterinarians who can recognize different types of diseases or problems that the animals are having, and are absolutely willing to help them in anyway; to which R. Bailey responded that he thinks the Board should be involved with the Shelter.
- 60.2 Ms. Cardwell reported that plans for 2013 include joining with the Animal League of Washington County in distributing equipment received from grants to the Animal Control Officers in small cities in the county. She stated that they have contacted the Chief of Police or Mayor in every small city and offered them a \$1,000 grant to assist in animal control in their cities. They will presenting these grants to those requesting cities sometime in April. She stated that they are also assisting the Animal League sponsor an Animal Cruelty Training Class, Part 1 that will be held at the Sheriff's Annex at the end of June and will be assisting with grants to the small cities so that their Animal Control Officers can attend this training. Ms. Cardwell noted that they do not assist Fayetteville or Springdale unless asked, but are willing to do so. She further reported in the next two months, they will be bringing to the County Services Committee and then to the Quorum Court an ordinance pertaining to the microchipping of dogs in rural Washington County. She stated that Fayetteville, Springdale and Johnson already have a microchip ordinance and the Advisory Board believes that they should consider this for Washington County.
- 60.3 E. Madison publically thanked Ms. Cardwell and the Animal Concerns Advisory Board for all of the volunteer time they give to the County, noting that they could not have built the County Animal Shelter and be where they are now with animal issues in their county without them.
- 60.4 Judge Edwards addressed a meeting schedule distributed by Court Secretary Karen Beeks that set out special Quorum Court meeting dates that will be scheduled for the two cell tower CUP appeals. Let Karen know if you have any questions.
- 60.5 Judge Edwards also reported that after the matter was researched by the County Attorney, on March 19 she signed a court order reducing the number of Constable Districts in Washington County from 15 to 3.

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- 61.1 County Attorney George Butler explained that this change will be in effect for the 2014 Primary and General Elections for the offices to be held beginning in January 2015.
- 61.2 Judge Edwards stated that Constable District 1 will consist of JP Districts 1, 2, 3, 4 and 5; Constable District 2 will consist of JP Districts 6, 8, 9, 11, and 12; and, Constable District 3 will consist of JP Districts 7, 10, 13, 14, and 15.
- 61.3 E. Madison stated that she believes this will help a lot with their law enforcement in these districts.
- 61.4 Shawn Shrum with the County Road Department addressed the Quorum Court and reported that they are currently working through the rain on the Harvey Dowell Bridge. He noted that they have started to clean up the roads that they plan to reseal this year, explaining that when they get complaints, they clean up the sediment from ditches every seven years. He noted that a lot of people do not like this because it may make it to where people cannot mow their ditches, but are understanding once they explain the process.
- 61.5 Mr. Shrum reported that the County has recently had some flooding, but nothing major or large damage. He noted that they had a lot of rock washed out onto their paved roads that they removed.
- 61.6 Mr. Shrum provided a handout entitled 2013 Washington County Bridge Assessment which is a priority list for replacing certain bridges in Washington County over the next eight years, noting that this plan is a work in progress and subject to change at any time. He noted that he has ranked the Woolsey Bridge and Stonewall Road Bridge as top priority and explained the reason for this is that if they can get the State Highway Department to help with the Woolsey Bridge, Washington County can be building the Stonewall Road Bridge in house at the same time. He reported that Judge Edwards has sent a letter to the Arkansas Highway and Transportation Department requesting that we proceed with the replacement project for the Woolsey Bridge and this will get things in motion to start the process and notifies the State that they would like to request bridge replacement funds through them and get this work started. He noted that Washington County will be required to send an estimated amount of \$15,000 to the Highway Department to get the process started and if everything goes well and timing works out, the surveying could start this year, design the bridge over the 2013/2014 winter, put it out for bids in 2014 and possibly start construction in the fall of 2014. Mr. Shrum stated that the Road Department would plan to build the Stonewall Road Bridge in 2014 once they complete the Harvey Dowell Bridge. He noted that the remaining bridges have been ranked with planned year of construction and estimated cost as he earlier reported.

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- 62.1 Mr. Shrum noting that the second page of the Bridge Assessment handout reflected Woolsey Bridge traffic count data. He reported that they took these readings for ten days and averaged the totals out with an average of 196.1 cars per day at the bridge, an average of 171.8 cars per day on the west side of the railroad tracks west of the bridge, and an average of 422.9 cars per day at Winn Creek Road. He noted that this reflects how much of this traffic comes out of West Fork and on down Winn Creek Road and does not turn to go down Woolsey Road.
- 62.2 C. Clark asked whether the estimated cost to the County to replace these bridges was \$4.5 million; to which Mr. Shrum responded if they get bridge replacement funds as they are working on, the cost to the county would be less. He does not know how much bridge replacement funding is available as they have just started the process; however, there are other state aid funds that they are checking on.
- 62.3 C. Clark stated that she believes that these bridges merit repairing, but she wants to know a little more firmly where the money is going to come from because she knows that they can't get bids or start construction until they appropriate money.
- 62.4 Mr. Shrum responded to C. Clark stating as far as starting construction, they will hopefully let the State Highway Department get started on the Woolsey Bridge and are early in the process and not ready to appropriate money at this time.
- 62.5 C. Clark stated that she is a little concerned that they may be getting far ahead of themselves before they have some concrete data to base their decisions on and she is interested in where the \$15,000 is going to come from.
- 62.6 Mr. Shrum responded to C. Clark stating that each year, the Budget Committee appropriates money to the Road Department for this type of thing because each year, they do state aid jobs and that money they have to match. This year they are doing three state aid jobs.
- 62.7 C. Clark stated that she just wants them to line up the money so they can do this in a proficient, orderly fashion, and she does not want to be blindsided and told that they are doing this and need the money.
- 62.8 Judge Edwards noted that they will have to have an engineer look at the project in order to tell them what it will cost.

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- 63.1 C. Clark reiterated that she simply wants an overall plan of action or fiscal plan in place so that they can get this bridge done as quickly and proficiently as they can. She noted that it concerns her that \$15,000 is going out when they do not have a clue what this means in terms of county money and how they are going to fund it.
- 63.2 Mr. Shrum stated that he was at their last Quorum Court meeting and he feels like he has done what they asked him to do. He explained that just like with the Tilly Willy and Wyman Bridges, this is a process that they are now just starting and in order to get started, the State Highway Department requires \$15,000 as the county's commitment that they are going to go through with the project, and the State is not going to do all the engineering and draw up the plans for the bridge without a commitment. He further noted that once this goes out for bids, the \$15,000 goes towards the county's matching funds. Mr. Shrum stated that the County wanted a plan and this is the plan that is just getting started on the Woolsey Bridge and the County has to finish the Harvey Dowell Bridge this year. He stated that he is hopeful that when budget time comes around this year, he will be able to ask for money to do the Stonewall Bridge and is hopeful that if everything works out and they have the money, that each year they can do a bridge.
- 63.3 T. Lundstrum commended Shawn Shrum for his work on this issue and he likes the way that it is laying out over time until 2021 and is not a "break the bank" kind of thing. He stated that it makes perfect sense to him the way he is approaching Woolsey Bridge through the State. He stated that some of them have been concerned about these bridges because of city annexations and he has heard that a Bill has been passed at the State that makes it much more difficult for cities to annex now and requires that they provide city services within two years.
- 63.4 County Attorney George Butler responded to T. Lundstrum stating that he just received his list of Bills today and has started going through it. He has not yet gotten to that bill yet, but will be looking for it.
- 63.5 Judge Edwards stated that she knows that there are a lot of municipality county bills that will be very interesting to watch.
- 63.6 In response to B. Fitzpatrick's request for clarification, Mr. Shrum stated that outside of the Woolsey Bridge that is almost half of the cost of all bridges listed, the County Road Department plans to do these bridges in house as part of their yearly budgets and essentially plan on doing one bridge a year until done.

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- 64.1 A. Harbison stated that she does not believe that the numbers Mr. Shrum has shown are just pulled out of a hat, but they have had some consideration and the numbers represent an estimation of what it will cost to build the bridges. She stated that they have several years and she would like to see them put some money in contingency and maybe contract some of these bridges out or possibly hire additional personnel for the Road Department to build these bridges a little sooner. She noted that some of these bridges are old and hates to see it take them 10-12 years to complete them.
- 64.2 J. Patterson stated that it was his understanding from County Treasurer Roger Haney that with the new tax money coming in for roads to the county will be approximately \$1 million a year one way or the other, and it seems to him that some of this money could go towards bridges.
- 64.3 Judge Edwards stated that this new tax money will be for roads, bridges and transportation.
- 64.4 H. Bowman stated that he contacted the Association of Arkansas Counties in Little Rock and asked about making it more difficult for cities to incorporate areas where the County has spend road and bridge money, and he was told that this bill was passed and that cities will be required to provide complete service to these areas that they are going to annex with a very limited period of time and this will make it more difficult for them to justify annex in some of these perimeter areas unless they are prepared to go ahead and provide all city services.
- 64.5 M. Spears stated that she is in favor of utilizing the Road Department for building these bridges, but asked whether it was feasible to expect that the Whitehouse Road Bridge can wait several years for replacement; to which Mr. Shrum responded that is why he noted that this plan is subject to change at any time. He pointed out that the Wheeler Road Bridge would not have been on the list two years ago, but they now have a weight limit on this bridge, so based on traffic and the weight limit, this list may always be changing. He stated that those bridges at the bottom of the list may be able to wait longer for replacement, but that could definitely change. Mr. Shrum stated that on the Greasy Valley Road, they could do some pre-cast concrete boxes that would speed the process time up a lot and they could possibly replace two bridges that year.
- 64.6 J. Firmin stated from a dollar standpoint, he would be interested in seeing if they could get a traffic count for all of the bridges on this list to compare to the Woolsey Road Bridge so that there wouldn't be further deterioration on those bridges and to further explain for when they fund them.

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- 65.1 Mr. Shrum responded to J. Firmin that it is not a difficult thing to do these traffic counts and will plan on doing so on all of these bridges.
- 65.2 H. Bowman asked about the cost of traffic counters; to which Mr. Shrum responded that he was not sure, but noted that they were not terribly expensive and last a long time if they do not get stolen. He further asked if the County had an abundance of money, how many bridges could they replace per year; to which Mr. Shrum responded one per year on the larger bridges and possibly two per year on the smaller, shorter bridges. H. Bowman asked if the county's equipment was efficient to build bridges compared to contracting them out; to which Mr. Shrum responded that it would cost more money to contract them out because the Road Department employees on the bridge crew are paid to do something so it may as well be to build bridges. Mr. Shrum noted that they build their own precast concrete boxes up to a certain size and they do have their own equipment, so it is cheaper to build them ourselves. He noted that if the State lowers the weight limit on a bridge to say 3 tons and it is on one of their major roads, then in order to speed up the process, they may have to look at that. He recalled in 2004 a bridge washed out on Cold Creek and they replaced it with the precast concrete units which was a lot quicker, however, the largest size they can build are 5x8 and that is not large enough to handle the bridges that currently need to be replaced.
- 65.3 R. Cochran noted on the photo of the Woolsey Bridge, to the right of the bridge is a much narrower portion of the river and asked if the county planned to rebuild at the same location of this bridge, or would they move to the narrower location; to which Mr. Shrum responded that this is something that the State Highway Department has looked at and made the suggestion to move the bridge to the north and angling it on a skew. He further explained that his estimated cost for the Woolsey Bridge would not change that much and this is where the engineering and hydrology comes in as they cannot decrease an opening under a bridge because they may float someone up stream or down stream. He stated that the engineers usually try to keep the openings the same and base it off of hydrology and even if a bridge is relocated to a narrower spot, they still have the approaches, etc. Mr. Shrum noted that this cost estimates are a guess; however, they are based off of bridges they have built in the past and consulting with the State Highway Department Road and in the case of the Tilly Willy Bridge, he was right on with his estimate. He further pointed out when they go to bid this, there may be a lot of bridge work going on and things like that play into it and may affect the county's cost.

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- 66.1 E. Madison stated that H. Bowman discovered that the Woolsey Bridge is on the National Register of Historic Places and asked if they would therefore, just leave the old bridge intact if they move its location; to which Mr. Shrum stating that the Woolsey Bridge is on the historical record, but there is a 4-month process that they have to go through. If they can find someone who wants the bridge and can move it themselves, the County would give it to them which can speed the process up. He reported that he had a call this week from someone who wanted the old Woolsey Bridge and they are actually close by. He explained that after so much time has passed if no one wants a bridge, it can be demolished because the county would not want to leave it just for liability purposes.
- 66.2 COMMITTEE REPORTS: J. Patterson, Chairman of the County Services Committee, reported that this committee met on April 1 and received an update from Juliet Richey from the County Planning Department. She reported that at least two of the cell towers are being contested requiring hearings in May by the Quorum Court. Ms. Richey explained that these cell towers are an expensive investment and usually are built based on knowing that they have someone on line to lease space with all antennas that come later approved as long as structurally, the tower can handle the distribution of weight. Ms. Richey will be providing the Court with a synopsis sheet listing things that the Court can and cannot look at when it comes to the tower appeals. They discussed the cul-de-sac in east Fayetteville at the Buffington subdivision and were told that when they are in the growth areas of the city, even though they control and we set to their standards, the County's requirements control when it comes to road standards.
- 66.3 J. Patterson stated that they heard a report from Director Angela Ledgerwood on the County Animal Shelter and at the time of their committee meeting, there were 134 animals in the shelter. They discussed the cost of transport with the majority being done by volunteers. He reported that for a small sum of \$200, the Animal League of Washington County will have donor's animal's picture made into a tile and placed on the wall at the Animal Shelter; and it was suggested that they put a link on the website to allow people to donate in smaller recurring amounts. There was discussion about equipping the shelter to take different kinds of animals, other than dogs and cats.
- 66.4 E. Madison, Chair of the Public Works Committee, reported that the committee met on April 1 following the County Services Meeting. She stated that they heard a brief report from Ron Wood, County Building Superintendent, on county properties and buildings with an item of note being that the Sheriff's Annex Project was expected to go to bid. She stated that

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they then heard a report from a SWEPCO partner about some of the energy saving measures that the County has been doing, including water reduction methods and replacement of light bulbs already in 2012 has shown \$22,000 in savings and energy costs, as well as 1.2 million gallons of water per year. These energy saving efforts are continuing with SWEPCO helping the County assess where lights can be replaced and what other energy saving measures can be implemented.

- 67.1 E. Madison reported that the committee had a lively and lengthy discussion about county bridges which they saw concluded in some respect tonight. A motion to move this issue onto Finance Committee failed due to a desire to hear more information which Mr. Shrum provided tonight with his bridge assessment showing timing and estimates and this issue can return to Public Works for further discussion as needed. She noted that they heard public comments from some residents of West Fork about the bridges which is definitely a topic of interest.
- 67.2 B. Pond, Chairman of the Personnel Committee, reported that this Committee met on April 8 and heard an informative report from Salary Consultant Blair Johanson who answered questions for those new members on the Court. He noted that they had a request from Juvenile Detention Center Director Jeane Mack for the addition of a Social Worker Position in the JDC budget and they voted to pass it onto the Finance Committee with a do-pass recommendation. The Committee further had a request from Circuit Clerk Kyle Sylvester for the addition of a Domestic Relations Specialist in the Recorder's Cost budget which was also sent onto the Finance Committee with a do-pass recommendation.
- 67.3 T. Lundstrum, Chairman of the Jail/Law Enforcement/Courts Committee, reported that they met on April 8 and heard a report from Jeane Mack, Director of the Juvenile Detention Facility and from the Sheriff's Office on enforcement and adult detention with numbers running about the same and everything running normal. He thanked Sheriff Helder and Major Hoyt for reporting on the cost of new uniforms which was \$85,000. He noted in 2011, \$160,000 was budgeted; in 2012, \$183,000 was budgeted; with the budgeted amount for 2013 significantly less with \$120,000 budgeted and the cost of patrol uniforms decreasing \$54 per uniform and the cost of jail uniforms increasing slightly. He explained that they have gone from embroidered badges and patches back to metal badges and name plates making it a lot easier to change.
- 67.4 C. Clark, Chairman of the Finance and Budget Committee stated that she had nothing further to report from this committee.



- 68.1 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 second reading and is being recommended by the County Services Committee.
- 68.2 County Attorney George Butler stated that most of the cities have gone ahead and passed this ordinance; however, he has not received a letter back from the Attorney General, but should have this by next month's meeting. He stated that the ordinance would automatically be on third and final reading next month; people have been billed and are paying their money into the County Treasury.
- 68.3 J. Patterson explained that they are basically moving some equipment around and changed how the leadership of HAZMAT will work with just Washington County instead of two counties as it used to be. It does not change anything for the average citizen one way or the other.
- 68.4 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**, and County Attorney George Butler read the ordinance. The County Planning Board approved CUPs for Summers Tower Site on March 7, and B&R Meat Processing on April 4. The ordinance contains an emergency clause and will be in effect immediately upon passage.
- 68.5 County Attorney George Butler noted that the time has run for the Summers Tower appeal and they have had no complaints.
- 68.6 **J. Patterson made a motion to adopt the ordinance. T. Lundstrum seconded.**
- 68.7 Citizen Comments: There were no citizen comments made.
- 68.8 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 68.9 VOTING FOR: C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, M. Spears, B.

Ussery, R. Aman, R. Bailey, and H. Bowman. **The motion passed unanimously. The ordinance was adopted.**

**ORDINANCE NO. 2013-26, BOOK NO. 9, PAGE NO. 188**

- 69.1 AN ORDINANCE AMENDING ORDINANCE NO. 2013-12 ESTABLISHING COMMITTEES OF THE QUORUM COURT; AND OTHER MATTERS RELATED THERETO: B. Fitzpatrick introduced **An Ordinance Amending Ordinance No. 2013-12 Establishing Committees Of The Quorum Court; And Other Matters Related Thereto**, and County Attorney George Butler read the ordinance. This ordinance is on first reading and being brought to the Quorum Court by JP Barbara Fitzpatrick.
- 69.2 B. Fitzpatrick stated that one thing that was pointed out very clearly at their training session is that there is a difference between Budget Committee and Finance Committee. She explained that the Finance Committee is a standing committee that deals with issues of this year's money and meets every month before the Quorum Court meeting; whereas the Budget Committee is a special committee, has a variable number of meetings to get the budget put together and deals solely with next year's money. She stated she believes these two committees should be separated because their function, as while both deal with money, are not the same. She noted when they are working on the budget for next year's money, she would feel a lot more comfortable if nothing from this year's finances was going to be brought into it or topics from each should be mixed. B. Fitzpatrick stated that she does not want to change anything else in the ordinance, but will leave it to the Attorney General to decide whether a Finance Committee can meet as a committee of the whole.
- 69.3 J. Patterson stated that he finds it hard to believe that, "the general health, safety and welfare of the citizens are affected . . ." as set out by the emergency clause in this ordinance; to which County Attorney George Butler responded to J. Patterson that the emergency clause was put on the ordinance in error, will be stricken, and the ordinance will be on second reading next month.
- 69.4 E. Madison stated as she was responsible for the proposal to combine the Budget and Finance Committees. Her rationale was that she believes that the topics of the two committees are extremely similar and inter-related, and the work of the two committees are very consistent; but apart from that, the goal was to make the committee process more efficient by having one meeting to discuss multiple things. She noted last year there were many instances where the Finance Committee met and then shut down to convene the

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Budget Committee to discuss just a few things that were very related, so her goal was for efficiency and scheduling sake and to the extent that they can have fewer meetings that cost the county less money on topics that are harmonious.

- 70.1 H. Bowman stated that when he called the Association of Arkansas Counties in Little Rock, one of his questions pertained to the Attorney General's ruling on the Committee of the Whole issue and he was told that there has been a new law passed in regard to this. He stated that they did not expect the Attorney General to come out with a significant finding on this as far as the Committee of the Whole ruling, but they did say effective in September, a new law passed that comments on this and he would like County Attorney George Butler to check into this and get the details of the new regulations so that they can move forward with current information from Little Rock.
- 70.2 R. Bailey stated that he also received a call from State Representatives who said that they voted for this new regulation, but did not know what was in it. He stated that they have gone over and over this and he would hope for a healing process as he does not want to fight with the County Judge because they are all doing a good job. He stated that his point is that the 15 JPs on this Quorum Court are over the finances of this county and he will vote for this because he wants to wait until September and hopes that they can kill some "difference of opinion" on this issue. He pointed out that many of them will not be on this court in a couple of years and the new members need to know some of these things and it could take them two years to find out where they are in the budget. He has never been able to figure out how they can have millions of dollars in the Judge's and Sheriff's budgets and have to take money out of reserves to balance the budget which he never has or will vote for. He is hopeful that they can work this out with the County Judge, keep the Committee of the Whole and heal some wounds.
- 70.3 B. Fitzpatrick addressed R. Bailey, stating that she is not asking to change anything about Committee of the Whole, but is just saying that Budget is a special committee and they may meet twice a week for three months whereas Finance is a standing committee that meets once a month and her reason for proposing separation of the two is that they have two different timing functions.
- 70.4 R. Bailey stated that he knows that it is two different committees and does not believe that he needs to vote on an ordinance for something that he and everyone else knows.

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- 71.1 **E. Madison made a motion to table the ordinance indefinitely. R. Bailey seconded.**
- 71.2 **With no further discussion, Judge Edwards called for a vote on E. Madison's motion to table the ordinance.**
- 71.3 **VOTING FOR: C. Clark, R. Cochran, J. Firmin, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, and H. Bowman. VOTING AGAINST: B. Fitzpatrick. **The motion passed with fourteen members voting in favor and one member voting against the motion. The ordinance was tabled indefinitely.****
- 71.4 **OTHER BUSINESS: T. Lundstrum stated that one of the things that he has been concerned about since he has been on the Quorum Court is being the recipient of good, sound, dependable numbers. While he has always felt like he got that, he has really struggled with how much money needs to be held in reserve which seems to be an unknown mysterious number that no one can explain. Recently, County Treasurer Roger Haney has stated that 10% of their revenues or \$7.8 million is an appropriate amount to have in reserves and he has supported his previous assumption that they needed \$15 million in reserve or 90 days revenue to cover slow receipt of taxes, etc., but in the newspaper, Mr. Haney denies having ever said that. T. Lundstrum stated that he is not bringing this up to cast any dispersion on Mr. Haney because he really respects and likes him and thinks he does a great job with the vast responsibility that he is faced with. He reported from the last year, the Budget Subcommittee comprised of himself, C. Clark, and E. Madison, submitted a list of questions to County Treasurer Roger Haney and Comptroller Cheryl Bolinger. One of the questions concerned reserves which they broke down into three categories; working capital reserves, repair and replacement reserves, and emergency reserves. He noted that Mr. Haney responded with regard to the working capital reserves, that the County should have "more" than two months expenditures in reserve because of the long delay in collecting millage revenue; and if Washington County does not or can not increase the working capital reserve, than the baseline should be established at \$10.3 million as well as the other two reserves; and at the end of the conversation, the concept was that they need three months expenditures. T. Lundstrum was quoted in the paper as saying that he would like to see them obtain a reasonable reserve, stating that there is a number out there that they should establish as a Quorum Court which is reasonable. Mr. Haney responded in the paper denying that he said \$15 million and recommends the county keep 10% of its annual revenue which is only \$7.8 million or three months of its expenditures, so he said exactly the same thing in the paper**

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that he denied saying in their meeting. He stated that there is a lot of difference between \$7.8 and \$10.3 million and three months expenditures based on the numbers he assumes that the NWA Times got from the county, the first three months total \$16.9 million, so his \$15 million was not that far off.

- 72.1 T. Lundstrum reiterated that he is not bringing this up to demean Mr. Haney in anyway, but rather as they are approaching their budget process, is bringing it up to get this Quorum Court to start thinking about what a reasonable reserve is. He noted if it is \$15 million and they get \$30 million, that suggests to him that they are overtaxing; and if it is \$15 million and they cannot achieve that, then they are overspending or under-taxing, but it gives them as a court a number to begin to cause them to manage their money.
- 72.2 B. Pond stated if you go by Roger Haney's estimate as printed in the newspaper, the one conclusion you might come to is if they had \$16.3 million in reserves that might not be an indication that they did overtax; and on the other hand, if they had three months in reserves, they might not be over-spending.
- 72.3 T. Lundstrum responded to B. Pond, stating that both of those are moot points on what he said. He stated the whole issue is that Roger Haney has given them two numbers; \$7.8 million and \$16.3 million, and he just wants to know which number is correct.
- 72.4 H. Bowman stated as a newcomer on this court he has asked a lot of questions and in his mind, he sees a very clear problem here and believes that there is a poor concept of what each one of these terminologies mean. He asked whether they are talking about reserves, reserves for the general fund or the total fund or multiple funds and so forth. He personally would like to have a really concise report on exactly what each one of these terms refer to so that they can all be sure they are on the same page as they talk about set asides and reserves, etc., and make that something very specific so that they can embrace specific terms about exactly what numbers they are dealing with. He noted that he has requested County Comptroller Cheryl Bolinger to prepare something along those lines for them and possibly hold a complete meeting where they do nothing but discuss the specifics of these terms and exactly what they are talking about.
- 72.5 J. Patterson stated that they need to know just how they are figuring these reserves because at \$6.3 million, if they are holding back the 10% if he is counting that they are not supposed to spend unless in an emergency. He concurred with T. Lundstrum that they need to know more about this and he appreciates him bringing it to light.

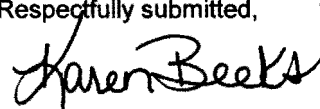
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- 73.1 R. Cochran stated that he is glad that the Judge Edwards has started closing the books so that they can have this discussion.
- 73.2 Judge Edwards asked what kind of reserves bankers keep; to which County Attorney George Butler responded that they are required by regulation to have a certain amount of reserves.
- 73.3 C. Clark suggested that next month during the Finance and Treasurer's Reports, that they cover some of these terms and have a discussion on reserves.
- 73.4 J. Patterson commented on Judge Edwards' question, stating if they all went to their banks today to get their money, it would not be there. He further stated that he used to work in a bank and they are required to hold a certain percentage of reserves of the money that is invested in the bank, so they are not going on their operations, but rather on their holdings of other people's money.
- 73.5 M. Spears stated that ultimately T. Lundstrum is wanting them to come to a consensus of what they want that reserve number to be which is a number that based on their budget, they would agree on annually and then determine the excess; to which T. Lundstrum stated that he agrees with Roger Haney's estimates of three months expenditures because sometimes it can take two months to get money on property tax and that is logical because they are at about \$13 million now.
- 73.6 C. Clark stated that budget assumptions for this year was \$10 or \$11 million in general fund of unappropriated funds which they have met because they have \$13 million, but that is just in the general fund unappropriated reserves and does not count the 10% holdback that the county by law has to hold as well. She concurs with T. Lundstrum that they have contingencies or unappropriated funds in several different places which is a good thing because it means that the county is incredibly solvent.
- 73.7 R. Bailey stated that a lot of people do not even know that they cut taxes last year.
- 73.8 Judge Edwards stated that a lot of people never saw a dime out of the tax cut that the county made last year and some of the people who needed the cuts are not the ones that got it and this bothers her the most.
- 73.9 R. Bailey stated that if the county has that much in reserves, the way he figures it, they need to cut taxes again and try to get to those people.

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- 74.1 Judge Edwards responded to R. Bailey that they cannot cut anything until they see all of the legislative bills because counties may have a lot more expenses dumped on them.
- 74.2 H. Bowman stated that one of the things that he believes is very important about this is that their budget is based on income for the entire year and he has heard that they have that much money in the bank, which they do not from what he understands from Cheryl Bolinger because this is money that will be coming in over a 12-month period. He stated that they keep talking about this budget like they have it in the bank which is not the case and that is why he would like to see them come up with terminology that is specific so when they make a reference to hold backs or budgets, etc., they have a clear perspective about exactly what that person is talking about and if they do not know, correct them.
- 74.3 Judge Edwards stated the way that county government operates and the way that they collect their money, fees, etc., they will never have the money in the bank because it is a revolving door. She stated that they are not private, but they are county and that makes all the difference in the world.
- 74.4 CITIZEN COMMENTS: There were no citizen comments made.
- 74.5 ADJOURNMENT: The meeting adjourned at 7:35 p.m.

Respectfully submitted,



Karen M. Beeks  
Quorum Court Coordinator/Reporter