



MARILYN EDWARDS
County Judge

280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

September 13, 2013

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

Thursday, September 19, 2013
6:00 p.m.
Washington County Quorum Court Room

AGENDA

1. **CALL TO ORDER.** **JUDGE EDWARDS**
2. **PRAYER AND PLEDGE OF ALLEGIANCE.**
3. **ROLL CALL.**
4. **ADOPTION OF AGENDA.** At the beginning of each meeting, the agenda shall be approved. Any JP may request an item be added to the agenda subject to approval of the Quorum Court.
5. **APPROVAL OF MINUTES.** Approval of the minutes of the August 15 regular meeting of the Quorum Court. **(5.1)**
6. **FINANCE REPORT.** **CANDY CLARK**
 - 6.1 **A RESOLUTION ENDORSING THE PARTICIPATION OF AMERICAN TUBING, INC., IN THE SALES AND USE TAX REFUND PROGRAM AUTHORIZED BY THE CONSOLIDATED INCENTIVE ACT OF 2003 AND ARK. CODE ANN. §15-4-2706(D).**
 - 6.2 **APPROPRIATION ORDINANCE: AN ORDINANCE SUSPENDING BUDGET CONTROLS AND CREATING ADDITIONAL PERSONNEL POSITIONS IN THE ANIMAL SHELTER BUDGET; AND APPROPRIATING THE TOTAL AMOUNT OF \$37,763 FROM THE GENERAL FUND FOR SAID POSITIONS FOR 2013.**
This item was discussed last month and has been placed back on the agenda by JP Candy Clark.
 - 6.3 **APPROPRIATION ORDINANCE: AN ORDINANCE APPROPRIATING \$28,900 FROM THE GENERAL FUND TO THE CORONER'S BUDGET FOR 2013.**

6.4 APPROPRIATION ORDINANCE: AN ORDINANCE ANTICIPATING ADDITIONAL REVENUE OF \$10,000 IN THE ENVIRONMENTAL AFFAIRS GRANT FUND, AND APPROPRIATING \$10,000 FROM THE ENVIRONMENTAL AFFAIRS GRANT FUND TO ADEQ-BMT02-12 BUDGET FOR 2013.

6.5 APPROPRIATION ORDINANCE: AN ORDINANCE APPROPRIATING \$5,925 FROM THE COUNTY LIBRARY FUND TO THE COUNTY LIBRARY BUDGET FOR 2013.

7. COUNTY JUDGE'S REPORT.

JUDGE EDWARDS

8. COMMITTEE REPORTS. (8.1- 8.4)

9. AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD. The Planning Board granted a Conditional Use Permit on September 5 for Sassafras Springs Vineyard (SSV). This ordinance contains an emergency clause making it effective immediately upon passage. **(9.1, 9.2)**

JOE PATTERSON

10. OTHER BUSINESS.

11. CITIZEN'S COMMENTS. Fifteen-minute comment period with a three-minute limit for each individual to comment on items on the agenda or other items

12. ADJOURNMENT.

/kb

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

Thursday, August 15, 2013
6:00 p.m.
Washington County Quorum Court Room

- 191.1 The Washington County Quorum Court met in regular session on Thursday, August 15, 2013. The meeting was called to order by County Judge Marilyn Edwards.
- 191.2 T. Lundstrum led the Quorum Court in a prayer and C. Clark led them in the Pledge of Allegiance.
- 191.3 MEMBERS PRESENT: Ron Aman, Rex Bailey, Candy Clark, Rick Cochran, Barbara Fitzpatrick, Ann Harbison, Tom Lundstrum, Eva Madison, Joe Patterson, Butch Pond, MaryAnn Spears and Bill Ussery.
- 191.4 MEMBERS ABSENT: Harvey Bowman, John Firmin, and Jimmy Mardis.
- 191.5 It was noted that M. Spears would be arriving late to the meeting.
- 191.6 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 191.7 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 191.8 **A motion was made and seconded to adopt the agenda as distributed. The motion passed unanimously by voice vote by those present. The agenda was adopted as distributed.**
- 191.9 APPROVAL OF MINUTES: Judge Edwards asked for approval of the minutes of the July 18 regular meeting and the June 24 special meeting of the Washington County Quorum Court.
- 191.10 **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.**
- 191.11 FINANCE REPORT: C. Clark reported that there were two resolutions and seven appropriation ordinances on the agenda tonight that had been thoroughly discussed and forwarded from the Finance and Budget Committee.

- 192.1 A RESOLUTION AUTHORIZING THE WASHINGTON COUNTY JUDGE TO SUBMIT A GRANT REQUEST TO THE ARKANSAS RURAL DEVELOPMENT COMMISSION ON BEHALF OF THE SUNSET RURAL FIRE DEPARTMENT: C. Clark introduced **A Resolution Authorizing The Washington County Judge To Submit A Grant Request To The Arkansas Rural Development Commission On Behalf Of The Sunset Rural Fire Department**, and County Attorney George Butler read the resolution.
- 192.2 **C. Clark made a motion to adopt the resolution. A. Harbison seconded.**
- 192.3 R. Aman asked if the State is receiving this money from the federal government; to which Grants Administrator Wayne Blankenship replied no and clarified that this money is general improvement money approved from the State legislature.
- 192.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 192.5 Citizen Comments: There were no citizen comments.
- 192.6 VOTING FOR: E. Madison, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, and T. Lundstrum. **The motion passed unanimously by those present. The resolution was adopted.**
- RESOLUTION NO. 2013-13, BOOK NO. 3, PAGE NO. 53**
- 192.7 A RESOLUTION ENDORSING THE PARTICIPATION OF ORC PRODUCTS, INC., IN THE SALES AND USE TAX REFUND PROGRAM AUTHORIZED BY THE CONSOLIDATED INCENTIVE ACT OF 2003 AND ARK. CODE ANN. §15-4-2706(d): C. Clark introduced **A Resolution Endorsing The Participation Of ORC Products, Inc., In The Sales And Use Tax Refund Program Authorized By The Consolidated Incentive Act Of 2003 And Ark. Code Ann. §15-4-2706(d)**, and County Attorney George Butler read the resolution.
- 192.8 **C. Clark made a motion to adopt the resolution. R. Cochran seconded.**
- 192.9 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 192.10 Citizen Comments: There were no citizen comments.

193.1 VOTING FOR: E. Madison, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, and T. Lundstrum. **The motion passed unanimously by those present. The resolution was adopted.**

193.2 Lance Eads with the Springdale Chamber addressed the Quorum Court and thanked them for this opportunity, noting that ORC Products, Inc. would be adding 15 jobs now and more in the future.

193.3 C. Clark stated since she has been on the Quorum Court over the past five years, she has seen one of these resolutions come in from the City of Fayetteville and several from the City of Springdale. She stated that she is proud of the Springdale Chamber of Commerce as this is a great way to help extend their tax base and a great way to help the community.

RESOLUTION NO. 2013-14, BOOK NO. 3, PAGE NO. 54

193.4 AN ORDINANCE TRANSFERRING MONIES OF \$9,375 WITHIN THE BUILDINGS & GROUNDS BUDGET IN THE GENERAL FUND FOR 2013:
C. Clark introduced **An Ordinance Transferring Monies Of \$9,375 Within The Buildings & Grounds Budget In The General Fund For 2013**, and County Attorney George Butler read the ordinance.

193.5 C. Clark explained that this was for new fencing at the Animal Shelter.

193.6 **C. Clark made a motion to adopt the ordinance. E. Madison seconded.**

193.7 T. Lundstrum stated that this is not a lot of money; however, he will be opposing the ordinance because he believes that they can divide existing runs in two and acquire three new runs. He stated that they are also asking for three new employees in conjunction with this and he would have preferred them to bring this up at a later time.

193.8 B. Fitzpatrick stated that she will support this ordinance because these are runs for animals not yet through quarantine and that cannot mix with the other healthy animals.

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

193.10 VOTING FOR: B. Pond, B. Fitzpatrick, and A. Harbison. VOTING AGAINST: E. Madison, J. Patterson, B. Ussery, R. Aman, R. Bailey, C. Clark, R. Cochran, and T. Lundstrum. **The motion failed with three members voting in favor and eight voting against the motion.**

- 194.1 County Attorney George Butler stated that theoretically this could come back for a second and third reading, but it would require eight votes to pass.
- 194.2 AN ORDINANCE TRANSFERRING MONIES OF \$64,693 WITHIN THE BUILDINGS & GROUNDS BUDGET IN THE GENERAL FUND FOR 2013: C. Clark introduced **An Ordinance Transferring Monies Of \$64,693 Within The Buildings & Grounds Budget In The General Fund For 2013**, and County Attorney George Butler read the ordinance.
- 194.3 C. Clark explained that this was for the air exchange unit for the Courthouse.
- 194.4 **C. Clark made a motion to adopt the ordinance. R. Cochran seconded.**
- 194.5 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 194.6 VOTING FOR: E. Madison, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, and T. Lundstrum. **The motion passed unanimously by those present. The ordinance was adopted.**
- ORDINANCE NO. 2013-45, BOOK NO. 9, PAGE NO. 233**
- 194.7 AN ORDINANCE APPROPRIATING \$93,960 FROM THE GENERAL FUND TO THE PLANNING BUDGET FOR 2013: C. Clark introduced **An Ordinance Appropriating \$93,960 From The General Fund To The Planning Budget For 2013**, and County Attorney George Butler read the ordinance.
- 194.8 C. Clark explained that this was to update the software in the Planning Office.
- 194.9 **C. Clark made a motion to adopt the ordinance. R. Bailey seconded.**
- 194.10 T. Lundstrum stated that they have spent so much money on their IT Department and are still going outside to get this kind of work done while he was of the understanding that they would be doing this kind of work in house. He stated that he would personally like to see this brought before the Budget Committee for discussion and thought and as it stands tonight, he will oppose this ordinance.
- 194.11 R. Cochran stated that he has spoken with Planning Director Juliet Richey and IT Director John Adams about the issues that they have with the software being as old as it is and incompatible with the Microsoft packages that they currently have which has creating quite a burden for them to perform their

daily tasks. Unfortunately it was not discussed during the 2013 budget process but it hit their department blindsided as John has been doing the upgrading for all the basic platforms. He stated that while he would have liked to see this come before the Budget Committee and budgeted for the current year, he will be supporting the ordinance tonight from the standpoint that the inefficiencies that are present can be absolved. There is a discount available to them for this purchase because of other work they are doing, and this is something that they have to do and the sooner they do it, the better it will be for them. He explained that development of a package like this would take in-house staff a couple of years to do unless they hired more people. However, he stated that it is getting done in a fashion that they will have all source codes; therefore, they will be able to have future revisions, modifications, and they have the right to sell all or part of it to others. He stated that, with this package, they will have control over this whereas other packages that they looked at would require custom modifications at significant expense and time.

- 195.1 A. Harbison stated that she will support this ordinance as Juliet Richey does an excellent job in the Planning Office and this is compatible with new software that the Road Department is adopting and it will be better to implement both at the same time. Regarding why this was not before the Budget Committee, she stated that there are always things that come up now that they cannot foresee in the future and this is one of those things.
- 195.2 R. Bailey stated that no one has been harder on the IT Department and John Adams than he has, but Juliet Richey does not come to them unless she really needs it, so he will be supporting this ordinance.
- 195.3 T. Lundstrum stated that while he does not question Juliet Richey at all, he does have a problem with the discount conversation. He stated he has been in business long enough to know when someone offers you a 10% discount on a \$90,000 deal, it is built in to the deal to start with or they would not be giving it us and if we wanted to buy it at a later date and they had the alternative to either give us the discount or lose our business, he suspects that we would still get the discount.
- 195.4 T. Lundstrum asked why this does not have to through the bid process since it is in excess of \$20,000; to which George Butler responded that it is a part of a State bid.
- 195.5 B. Fitzpatrick stated that she agrees that the timing is not good as far as their budget cycle is concerned and it would have been nice if they could have waited. However, she stated that the Planning Department has needed this, but has been doing a miraculous job of disguising how bad it was needed.

- 196.1 She noted that the fact that her software needs to talk to the Road Department's software and the Road Department's software is being written currently by this same company which is the reason for the discount. She believes that the discount would be from the best use of their tax dollars and this is the right time to do this so she will be supporting the ordinance.
- 196.2 C. Clark stated that Juliet Richey's need is very clear cut, present and current and she will support this ordinance. She stated that she runs businesses that use proprietary software and they try not to upgrade until they absolutely have to. She concurred with R. Bailey that Juliet Richey does not ask for much and does a heck of a lot of work and with as fast as the county is growing, they need up-to-date software that can handle that task in an efficient and correct manner.
- 196.3 B. Pond stated that he will support this ordinance. He stated that it was his understanding that the vendor was offering a 10% discount because they are currently working with the Road Department, and it is more convenient for them to do the work at the Planning Office while they are there.
- 196.4 Juliet Richey, County Planning Director, addressed the Quorum Court stating she agrees that the timing is not the best and her intention was to bring this to them during the 2014 budget process. She stated that she has been researching this for almost a year, and since the Road Department is using the same team of developers who is offering the discount to work on both at the same time and keep their team deployed. It will be easier to tie the software together if they are working on them at the same time. She stated that she understands their reservations and wanting it during the regular budget process, but she does not feel like she asks for much; that it was her job to bring it to them if there was an opportunity to save \$10,000; and asks them to support this ordinance.
- 196.5 E. Madison stated that sometimes even Walmart with their vast IT Department has to go outside because they cannot run it all themselves, so sometimes it is cheaper and better to go outside when they cannot do it all themselves, even with a good team. She will be supporting this request.
- 196.6 R. Aman asked about a warranty on the product; to which Juliet Richey stated that they have a series of tests that they do on each module as they are delivered and completed on a monthly basis.
- 196.7 John Adams, IT Director, stated for the complete product there is a 90-day warranty for any bugs. The ninety days will begin after the completion date, which will be sometime in December. If the Planning or IT Department discover anything wrong within the code within this 90-day period, they will come in and fix it at no charge.

- 197.1 B. Ussery stated that it was his understanding that once this new software was installed, the County would be able to maintain it; to which Mr. Adams responded that that was correct. He then explained that it would take the IT department two years to complete this project, but due to the lack of data base administrators, they cannot build the foundation like this outside company can. He noted that once they own the source code, they can service it and will have the programmers to support it at that point. Mr. Adams further stated that Juliet Richey has been working with a lot of down programs and has been surprised at what she has been able to accomplish and it is the citizens that will suffer from the problems that they have as she cannot guarantee the integrity of the information.
- 197.2 R. Cochran noted that there is one other bonus to this in that when they take it over after the 90 days, we do not have an annual or monthly service contract which is an expense on many of the other packages that they have had, and he believes being able to handle it in-house is a good direction to go.
- 197.3 C. Clark stated that this is a one-time expense as opposed to any personnel issues that go on for years and years and they can sell it to any other planning department in the area who might be interested in it. She stated that this is one of the best software deals she has heard of in a long time. She encouraged everyone to approve this one-time expense from the General Fund.
- 197.4 Judge Edwards stated that they would be surprised at how often other counties call us to see what we are doing as far as procedures and will visit and believes that this will happen in this situation.
- 197.5 T. Lundstrum stated that both Juliet Richey and John Adams have provided more information on this and he understands that John will be able to maintain it past the upgrade time of five years.
- 197.6 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 197.7 VOTING FOR: E. Madison, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, and T. Lundstrum. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2013-46, BOOK NO. 9, PAGE NO. 234

- 198.1 AN ORDINANCE SUSPENDING BUDGET CONTROLS AND CREATING ADDITIONAL PERSONNEL POSITIONS IN THE ANIMAL SHELTER BUDGET; AND APPROPRIATING THE TOTAL AMOUNT OF \$69,406 FROM THE GENERAL FUND FOR SAID POSITIONS FOR 2013: C. Clark introduced **An Ordinance Suspending Budget Controls And Creating Additional Personnel Positions In The Animal Shelter Budget; And Appropriating The Total Amount Of \$69,406 From The General Fund For Said Positions For 2013,** and County Attorney George Butler read the ordinance.
- 198.2 **C. Clark made a motion to adopt the ordinance. B. Pond seconded.**
- 198.3 E. Madison stated that she cannot support this ordinance as it currently reads as she has several concerns about the shelter financing. She stated that this appropriation is premature as this is the absolute busiest time of the year for an animal shelter and they need to get through a full year to see what their employee needs are. She has concerns, and she has heard concerns voiced by others in the County as well, about the giving away of cats. She thought really hard about this when the Fayetteville Shelter started doing it. When you give away animals, you devalue them and the whole notion behind having adoption fees is to insure that the people adopting the animals are willing to financially pay for them and not be challenged when it comes time to pay veterinarian bills. She has had heard several friends who could more than afford the adoption fees say that they were going to run to the shelter to get a cat for \$10. She stated that the ASPCA and Humane Society of the United States says if they are having sales on animals, there needs to be a very targeted purpose behind it, such as senior cats that are incredibly hard to adopt. Pure and simple she stated that giving away cats is diverting revenue from the shelter.
- 198.4 E. Madison stated another issue that relates more directly to this in terms of the expenditures is that she is hearing that the Animal Shelter is not making very effective use of volunteers, and that very good volunteers who have devoted hours and hours to animals in the county do not want to go back to the shelter. She reiterated that they need to have a whole year regulated on how the shelter is running and this needs to go through the budget process.
- 198.5 **E. Madison made a motion to amend the ordinance to fund only the Veterinarian and Vet Tech/Kennel Supervisor positions and remove the full time Kennel Supervisor position. C. Clark seconded.**
- 198.6 B. Pond stated that he would respectfully not support this amendment. He has visited the shelter and talked to the folks at the shelter and believes that

- now that they have this animal shelter, they are going to have to be responsible for the animals that they keep there and trust the people who work there. With regard to E. Madison's comments about giving away animals, he stated that he has a very expensive house cat that was given to them because it was not doing very well in the home where it was staying; and it for some reason they had to find this cat a different home, he would not expect anyone to pay a penny.
- 199.1 T. Lundstrum stated that there is not anyone more opposed to growing this government than he is and he voted against the animal shelter; however, this Quorum Court was convinced that they needed one that it is now up and running. He stated that at the County Services Committee meeting they heard statistics comparing the County Animal Shelter with both Fayetteville and Springdale Shelters, and the County's Shelter is operating on a lot less than the others, even adding these three new people. He stated that it seems to him they have two alternatives; they either staff and run it properly or they close it. He stated that he has the same respect for those operating the Animal Shelter as he does for Planning Director Juliet Richey and if they say they need these additional staff members, he believes that they do. T. Lundstrum stated that he would not support this amendment, but does plan to support the addition of the three staff members.
- 199.2 B. Fitzpatrick stated that she would not support the amendment, but would support the three positions that they have asked for. She stated that they have already hashed this out thoroughly in Personnel and in Finance. When they look at what they need and that the Shelter actually opened last September and has been operating for nearly a year, and the amount of overtime hours that have been put in and the loss of employees this has caused on an already stressful job. Putting in 20% extra of extra work load every week has caused a lot of stress on an already stressful job. The third position of Kennel Supervisor was actually going to be a floater and help in all areas in the shelter when needed.
- 199.3 C. Clark stated that they hashed it out in County Services for two people and got hit with the third person in Personnel Committee, and she has strongly thought about the justification for the personnel. She stated that she will strongly support the two critical positions, the full-time Veterinarian which they should have had when they opened the Shelter and the Vet-Tech/Kennel Supervisor that will give relief to the other Vet-Tech and more help in the kennel. However, she will not support the third position right now, but that does not mean that during the budget cycle, she would not be able to support this. C. Clark stated that other than with the IT Department, she does not remember a time when they were hit with the addition of so many people at one time. She pointed out that personnel costs are forever and APERS kills them.

- 200.1 R. Bailey stated that when he voted for this Shelter, his conservative friends gave him a very hard time and as the second animal shelter he has dealt with, this is déjà vu all over again, and he will not support one more employee. He noted that they have had over 2000 hours of voluntary help while Springdale has nothing like that and runs a very efficient shelter. He concurs with E. Madison that they should just wait a while before adding any employees.
- 200.2 A. Harbison stated that she will support the ordinance, but will not support the amendment. She noted that they did hash out the Veterinarian and Vet-Tech positions in County Services, and Chief of Staff Dan Short was asked to bring them what was absolutely needed to run the Shelter and it was after that when the third position was added. When people come and need additional money and we put them thru the ringer. This is needed and she will support the three positions.
- 200.3 R. Aman stated that he is not in favor of the ordinance or the amendment. He stated that he would like to rent the animal shelter out for a dollar to an organization or more, and if these people really care for the animals, then they can take care of them.
- 200.4 **With no further discussion, Judge Edwards called for a vote on the motion to amend the ordinance.**
- 200.5 VOTING FOR: E. Madison, B. Ussery, and C. Clark. VOTING AGAINST: J. Patterson, B. Pond, R. Aman, R. Bailey, R. Cochran, B. Fitzpatrick, A. Harbison, and T. Lundstrum. **The motion failed with three members voting in favor and eight voting against the motion.**
- 200.6 **A. Harbison made a motion to adopt the ordinance as presented. B. Pond seconded.**
- 200.7 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance as presented.**
- 200.8 VOTING FOR: B. Pond, B. Fitzpatrick, A. Harbison, and T. Lundstrum. VOTING AGAINST: E. Madison, J. Patterson, B. Ussery, R. Aman, R. Bailey, C. Clark, and R. Cochran. **The motion failed with four members voting for and seven members voting against the motion.**
- 200.9 County Attorney George Butler stated if the sponsor wants to bring the ordinance back, it is possible to pass on second or third reading with 8 votes. He further stated that they can not reconsider an ordinance with the same reading unless the person making the motion voted with the majority.

- 201.1 **C. Clark made a motion to amend to consider the full-time Veterinarian and Vet-Tech positions. A. Harbison seconded.**
- 201.2 **With no further discussion, Judge Edwards called for a vote on the motion to amend considering the two positions.**
- 201.3 VOTING FOR: E. Madison, B. Pond, B. Ussery, C. Clark, B. Fitzpatrick, A. Harbison, and T. Lundstrum. VOTING AGAINST: J. Patterson, R. Aman, R. Bailey, and R. Cochran. **The motion failed with seven members voting in favor and four members voting against the motion.**
- 201.4 **Mary Ann Spears arrives at meeting.**
- 201.5 County Attorney Butler stated that it would take eight votes to pass, so it will still have to come back for a second and third reading.
- 201.6 R. Cochran stated that they have had a lot of discussion on personnel staffing at the Animal Shelter and the first and most consistent item is the amount of overtime that they are spending. He would therefore propose that they go the other way and amend to add just the Kennel Supervisor to help for the staffing and then study the need for the Vet and Vet-Tech during the budget process.
- 201.7 **R. Cochran made a motion to bring #6.6 back and only consider creating a personnel position at the Animal Shelter for a Kennel Supervisor. B. Pond seconded.**
- 201.8 County Attorney George Butler stated that this would require suspension of Roberts Rules.
- 201.9 **B. Pond made a motion to suspend Roberts Rules in order to reconsider Ordinance #6.6 a second time. R. Cochran seconded.**
- 201.10 A. Harbison stated that she does not believe that they should be suspending Roberts Rules and will not support this motion.
- 201.11 **With no further discussion, Judge Edwards called for a vote on the motion to suspend Roberts Rules.**
- 201.12 VOTING FOR: B. Pond, M. Spears, and R. Cochran. VOTING AGAINST: E. Madison, J. Patterson, B. Ussery, R. Aman, R. Bailey, C. Clark, B. Fitzpatrick, A. Harbison, and T. Lundstrum. **The motion failed with three members voting in favor and nine members voting against the motion.**

202.1 County Attorney George Butler stated that with this motion failing, they are done with Ordinance #6.6 for tonight.

202.2 AN ORDINANCE TRANSFERRING MONIES OF \$10,000 WITHIN THE CIRCUIT COURT III – JUVENILE DIVISION BUDGET IN THE GENERAL FUND FOR 2013: C. Clark introduced **An Ordinance Transferring Monies Of \$10,000 Within The Circuit Court III – Juvenile Division Budget In The General Fund For 2013**, and County Attorney George Butler read the ordinance.

202.3 **C. Clark made a motion to adopt the ordinance. B. Pond seconded.**

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

202.5 VOTING FOR: E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, and T. Lundstrum. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2013-47, BOOK NO. 9, PAGE NO. 235

202.6 AN ORDINANCE APPROPRIATING \$10,000 FROM THE GENERAL FUND TO THE ENVIRONMENTAL AFFAIRS BUDGET FOR 2013: C. Clark introduced **An Ordinance Appropriating \$10,000 From The General Fund To The Environmental Affairs Budget For 2013**, and County Attorney George Butler read the ordinance.

202.7 C. Clark explained that this was our part in order to participate in the Beaver Water Alliance.

202.8 **C. Clark made a motion to adopt the ordinance. A. Harbison seconded.**

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

202.10 VOTING FOR: E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Bailey, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, and T. Lundstrum. VOTING AGAINST: R. Aman. **The motion passed with eleven members voting in favor and one member voting against the motion. The ordinance was adopted.**

ORDINANCE NO. 2013-48, BOOK NO. 9, PAGE NO. 236

203.1 AN ORDINANCE ANTICIPATING ADDITIONAL REVENUES OF \$325,000 IN THE DRUG COURT GRANT FUND; AND APPROPRIATING THE AMOUNT OF \$325,000 FROM THE DRUG COURT GRANT FUND TO THE SAMHSA-2 GRANT BUDGET FOR 2013: C. Clark introduced **An Ordinance Anticipating Additional Revenues Of \$325,000 In The Drug Court Grant Fund; And Appropriating The Amount Of \$325,000 From The Drug Court Grant Fund To The SAMHSA-2 Grant Budget For 2013**, and County Attorney George Butler read the ordinance.

203.2 **C. Clark made a motion to adopt the ordinance. A. Harbison seconded.**

203.3 R. Aman asked how much of this would be going toward local prevention; to which E. Madison replied that this money is going to treat the people in drug court. This is just the second year that they have had this grant and her understanding is that all of the funding is going toward a variety of entities that provide services to people. This money is essentially going towards treatment rehabilitation.

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

203.5 VOTING FOR: E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, and T. Lundstrum. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2013-49, BOOK NO. 9, PAGE NO. 237

203.6 COUNTY JUDGE'S REPORT: Judge Edwards stated at the request of the Washington County Bar Association, she is recommending that Mr. Brock Showalter be appointed for a 5-year term to the Law Library Board. This appointment will fill the position previously held by Dianne Boyd whose term expired this year. Mr. Showalter is with Showalter & Associates Attorneys at Law.

203.7 **R. Bailey made a motion to confirm the appointment to the Law Library Board. C. Clark seconded. The motion passed unanimously by those present by voice vote. The appointment was confirmed.**

203.8 Judge Edwards stated that due to their lengthy discussions at the meeting tonight, she will bypass the County Road Department update which is pretty much the same as this time last month with the rain slowing down their work somewhat. She did state how grateful they are for not having the disaster that Benton County is experiencing.

- 204.1 Judge Edwards stated that Act 985 passed during the 89th General Assembly of the State of Arkansas made certain changes in the law concerning Quorum Court committee in that regular committees of the Quorum Court shall not consist of more than a quorum of the whole body without the consent of the County Judge. Judge Edwards stated that since they are so far into the year, she will be leaving the Finance and Budget Committee as a Committee of the Whole for the remainder of this year as we are getting ready to begin the budget process.
- 204.2 R. Bailey and C. Clark stated their thanks to Judge Edwards.
- 204.3 COMMITTEE REPORTS: B. Pond reported that the Personnel Committee met on August 4th and heard a routine report from Blair Johanson, Salary Consultant for Washington County; and they reviewed quarterly reports from Human Resources, including new hires, terminations, and turn-over analysis. He stated that the committee reviewed proposed amendments to the Employee Handbook with regard to grievance procedures policy and employee grievance hearing policy, with said request being forwarded to the full Quorum Court. B. Pond reported as heard by the Quorum Court tonight, the Committee heard a request for additional personnel for the County Animal Shelter and had a lengthy discussion on this topic; but due to the absence of committee members, they forwarded the request to the Finance Committee with no recommendation.
- 204.4 AMENDMENTS TO THE EMPLOYEE HANDBOOK: B. Pond stated that the Personnel Committee is recommending proposed amendments pertaining to the Grievance Procedures Policy and Employee Grievance Hearing Policy. Changes to the Employee Handbook must be approved by a majority vote of the full Quorum Court.
- 204.5 County Attorney George Butler addressed #8.1-A entitled Grievance Procedures, referring to paragraphs D(1) and D(2) with the addition of language, “. . . **that are a violation of state or federal law;**” He explained that on more than one occasion they have almost had a grievance that technically without this language, would fall within the grievance procedure, but it was not something that they would normally think was a grievance. He noted that this does not apply to terminations, suspensions or demotions which are covered in a different section of the handbook.
- 204.6 **A. Harbison made a motion that they adopt the additional language to their Grievance Procedures as set out in #8.1-A. R. Cochran seconded.**
- 204.7 E. Madison stated that she will not support this motion because she believes that they should have a grievance procedure for people who want to complain

about something unfair that is not a violation of state or federal law. She stated that she is very uncomfortable having this body deciding whether something is a violation of state or federal law.

- 205.1 County Attorney George Butler responded that what they are talking about here is something that is an intentional violation of state or federal law, so this would not apply.
- 205.2 E. Madison stated that she is very uncomfortable with the policy that in order to come to the Personnel Committee, a violation of federal law has to be alleged, as she believes this sets a bad precedent and she believes that County employees need to have an avenue to complain about unfair treatment that is perhaps not a violation of law.
- 205.3 County Attorney Butler noted that the County also has something called the "Sound Off System" which was thought to be a more appropriate remedy for that type of grievance, but if this Court wants to hear these grievances, they certainly can.
- 205.4 E. Madison stated that they have a grievance procedure and she does not know why they would restrict it. She realizes that some of these things may seem insignificant, but they are not insignificant by those affected by them.
- 205.5 B. Pond stated that part of the reason they were doing this was to get in alignment with state and federal guidelines and he believes that is where they need to be and the county is standing on more solid ground to stay in alignment with these guidelines. He noted that there is another procedure that employees can use if they have suggestions about changes that could be made in the workplace. He stated the way the procedure is worded currently, they could just be covered up with people wanting to come to them with a grievance, when they can just write it down and put it in a suggestion box.
- 205.6 M. Spears stated that there was a chain in command and she does not believe that the Quorum Court needs to be doing this business. She stated that she has 200 people under her and she wants the department heads to all go through the chain of command for the grievance procedure.
- 205.7 R. Aman stated that he would like to limit it to violation of Washington County personnel policies; to which County Attorney George Butler stated that they cannot do that because it is a violation of state and federal law, not just statutory, but also case law, and they need to hear those. G. Butler further explained that the reason that they have a grievance procedure deals with a case back in the 1980's where a lady alleged that she had a property interest in her job and property is protected by the Constitution. He believes that the

Supreme Court ruled that she was entitled to due process before she was terminated which kicked off all of this grievance procedure. He stated if someone were successful in Federal Court in claiming they had a property interest, they could not be deprived of their property interest without due process of law. Therefore, a grievance hearing is now held. There have also been other issues brought up over the years such as what is known as liberty interest. Whether you are an employee at will or not you have a liberty interest in your job in that if you were fired for a defamatory purpose, you have the right to a name clearing hearing.

- 206.1 **A. Harbison called for the question. R. Bailey seconded.**
- 206.2 **Judge Edwards called for a vote on the call for the question.**
- 206.3 VOTING FOR: E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, and T. Lundstrum. **The motion passed unanimously by those present.**
- 206.4 **Judge Edwards called for a vote on the motion to adopt the changes set out in #8.1-A.**
- 206.5 VOTING FOR: J. Patterson, B. Pond, M. Spears, B. Ussery, R. Bailey, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, and T. Lundstrum. VOTING AGAINST: E. Madison and R. Aman. **The motion passed with ten members voting in favor and two members voting against the motion. The Personnel Policy was amended.**
- 206.6 County Attorney George Butler addressed #8.1-B entitled Employees Grievance Hearing, noting the proposed change made on page 63 under paragraph F(5) – Rules of Procedure and Evidence which was changed to read, **“Formal rules of civil procedure or rules of evidence need not be followed but may be used as a guideline by the Committee.”** He explained that this replaced the informal rules of procedure and evidence (Ark. Code Ann. §25-15-208) shall be followed because these were guidelines for administrative hearings on a state level and they have never gone by that.
- 206.7 G. Butler further addressed #8.1-B on page 66 under paragraph G(1) where the language was added as follows: “In the event any member of the committee is unable to serve or cannot be contacted then the Human Resources Office shall contact other members of the Quorum Court to serve on the committee; **whose name or names shall be drawn at random.**”
- 206.8 **C. Clark made a motion to adopt the changes to the Personnel Policy as set out in #8.1-B. M. Spears seconded.**

- 207.1 **Judge Edwards called for a vote on the motion to adopt the changes set out in #8.1-B.**
- 207.2 **VOTING FOR: E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, and T. Lundstrum. The motion passed unanimously by those present. The Personnel Policy was amended.**
- 207.3 **CORRECTIONS TO THE JANUARY 2013 SALARY ADJUSTMENTS: C. Clark stated the following proposed correction to the January 2013 salary adjustments is being recommended by the Finance Committee: To apply the 3% JESAP salary range adjustment before the 2013 \$.50 COLA raises, and to retroactively pay all employees who failed to receive an annual raise due to being capped at the 2012 Salary Range Maximum, but currently are within the 2013 salary ranges. These employees will receive the 2013 COLA raise of up to \$.50, not to exceed the 2013 Salary Range caps. In addition, employees with 2 plus years of service that are now making less than the 1 year anniversary rate for their grade, due to the salary ranges being adjusted, will be moved to a compensatory rate equal to the 1 year anniversary rate, and the change will be applied retroactively to January 1st, 2013. The appropriation to accomplish this will be a part of the 3rd Quarter Housekeeping Ordinance.**
- 207.4 **C. Clark made a motion to approve the corrections to the January 2013 salary adjustments. A. Harbison seconded.**
- 207.5 In response to a question from B. Fitzpatrick, G. Butler stated that the appropriation to accomplish this will be part of their next housekeeping ordinance.
- 207.6 R. Cochran explained that it was not their intent for some of them not to get raises, but rather they intended to bring their salary ranges up which they had not done in a few years and for some reason, the raise went into effect before the caps went up which left a few people out and he apologized for this oversight.
- 207.7 **With no further discussion, Judge Edwards called for a vote on the motion to approve the corrections to the January 2013 salary adjustments.**
- 207.8 **VOTING FOR: E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, and T. Lundstrum. The motion passed unanimously by those present. The salary adjustment corrections were approved.**

- 208.1 J. Patterson reported that the County Services Committee met and heard a report from County Planning Director Juliet Richey on two exemptions, no family splits, and five lot adjustments, one conditional use permit for the Teen Challenge Ranch, one preliminary large scale development. He stated that they heard a report from Chief of Staff Dan Short on the County Animal Shelter and lengthy discussion regarding staff needs that were addressed tonight; as well as a resolution regarding funds to clean up SEFOR to be addressed later tonight. J. Patterson further stated that County Attorney George Butler advised that the County has been sued over the cell tower CUP that was denied by the Quorum Court.
- 208.2 E. Madison reported that she was not at the Public Works Committee meeting and Vice Chair H. Bowman is not present tonight. However, she noted from the committee minutes that Ron Wood, County Building Supervisor, gave a report on county buildings including work that has begun on the Sheriff's East Annex upstairs. He further advised the committee that an emergency purchase order had to be done for a boiler at the Jail which is being replaced at this time, and they are also in the process of putting an overlay coating on the roof of the old jail. Mr. Wood further advised the committee that the air handling system for the Courthouse is going out and he received a budget price on it.
- 208.3 T. Lundstrum reported that the Jail/Law Enforcement/Courts Committee met on August 5 and heard the monthly reports from the Juvenile Detention Facility and from the Sheriff's Office.
- 208.4 C. Clark reported that she had nothing further to report from the Budget and Finance Committees.
- 208.5 A RESOLUTION INSISTING THAT THE UNITED STATES CONGRESS APPROPRIATE SUFFICIENT FUNDS TO CLEAN UP SEFOR: A. Harbison introduced **A Resolution Insisting That The United States Congress Appropriate Sufficient Funds To Clean Up SEFOR**, and County Attorney George Butler read the resolution that is being recommended by the County Services Committee.
- 208.6 A. Harbison stated that this resolution is self-explanatory. She noted that this nuclear experimental reactor known as SEFOR has set out there near Strickler, Arkansas for almost 30 years and it is time for this to be cleaned up. She stated that she continues to make phone calls and that they are hopeful that this resolution will at least help to get this process started.
- 208.7 **R. Bailey made a motion to adopt the resolution. A. Harbison seconded.**

- 209.1 Judge Edwards asked if there were other areas over the United States that have the same type of facilities that are being cleaned up; to which A. Harbison responded that there are five similar areas that have already been cleaned up.
- 209.2 B. Pond recounted a comment made by A. Harbison regarding this situation, that she did not think any more money needed to be spent on studying this thing, but rather money needed to be spent cleaning it up. He stated that he appreciated what she said and believes that people took notice.
- 209.3 C. Clark stated that she can recall being in the 5th or 6th grade and her mother always took her Science classes out to tour the SEFOR site. She stated that she later saw the movie, "China Syndrome" that was about this same type of situation that she would have thought this has been cleaned up years ago because it poses a great danger. If there was a fire there, how are the local fire departments going to be able to deal with it. She wholeheartedly supports this resolution.
- 209.4 Citizen Comments: There were no citizen comments made.
- 209.5 **With no further comments, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 209.6 VOTING FOR: E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, and T. Lundstrum. **The motion passed unanimously by those present. The resolution was adopted.**

RESOLUTION NO. 2013-15, BOOK NO. 3, PAGE NO. 55

- 209.7 A RESOLUTION RECOGNIZING A VACANCY IN QUORUM COURT DISTRICT #10 NOW HELD BY MARY ANN SPEARS: B. Pond introduced **A Resolution Recognizing A Vacancy In Quorum Court District #10 Now Held By Mary Ann Spears**, and County Attorney George Butler read the resolution. Mary Ann Spears has submitted her resignation effective August 31.
- 209.8 **B. Pond made a motion to adopt the resolution. T. Lundstrum seconded.**
- 209.9 R. Bailey stated that he will miss Mary Ann who came to this Quorum Court at the same time he did, commending her for the great job she has done.

- 210.1 R. Cochran thanked M. Spears for her many years of commendable service on this Quorum Court and congratulated her on her appointment to the Lincoln School Superintendent's position, stating that she will do a great job.
- 210.2 M. Spears stated that she has enjoyed serving on this Quorum Court and wished everyone the best. She stated she regrets that the Superintendent appointment came before her term ended on this court, but she feels that this is the right thing for her to do.
- 210.3 Citizen Comments: There were no citizen comments made.
- 210.4 **With no further comments, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 210.5 VOTING FOR: E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, R. Cochran, B. Fitzpatrick, and A. Harbison. VOTING AGAINST: C. Clark. VOTING PRESENT: T. Lundstrum. **The motion passed with ten members voting in favor, one member voting against, and one member voting present. The resolution was adopted.**
- RESOLUTION NO. 2013-16, BOOK NO. 3, PAGE NO. 56**
- 210.6 A RESOLUTION TO EXPRESS APPRECIATION OF THE QUORUM COURT TO MARY ANN SPEARS FOR SERVICE AS A JUSTICE OF THE PEACE: B. Pond introduced and read **A Resolution To Express Appreciation Of The Quorum Court To Mary Ann Spears For Service As A Justice Of The Peace.**
- 210.7 **A motion was made and seconded to adopt the resolution.**
- 210.8 The Quorum Court gave Mary Ann Spears a round of applause.
- 210.9 B. Pond stated that M. Spears has served her community and this county well and he knows she will continue to serve well.
- 210.10 T. Lundstrum stated that he met M. Spears in Hot Springs when they were there for Justice of the Peace indoctrination, and that it has been a pleasure to serve on this court with her. He congratulated her and wished her well in her new position.
- 210.11 C. Clark stated that M. Spears is one of the quieter members on this Court, but also one of the most level members on this court, whose wisdom comes out at the strangest times, especially when needed. She stated that she has looked to M. Spears through two budget cycles to help be the balancing rod

- 211.1 on this court and she has never failed her. She noted that M. Spears perception is on point, her heart is right, and Lincoln is lucky that she will have the influence over their children. C. Clark stated that she will miss seeing M. Spears and never forget her or hearing her contributions because when she says something, is worthwhile. She pointed out that JDC will probably insist that M. Spears continue to work with their kids and if she is leaving this Quorum Court, she believes M. Spears is going onto something that is far more important – our children.
- 211.2 E. Madison stated that there are a couple of things she learned from M. Spears that she will always value; first, how much she appreciates an efficient meeting and second, she votes with her convictions and taught her to be independent and go with what she believes is right and try not to worry about what others think.
- 211.3 B. Fitzpatrick stated that she has admired M. Spears because she truly cares about the employees and citizens of Washington County and she cares about the kids going through JDC, and having served on this Quorum Court with M. Spears for the last 3-3/4 years has been a wonderful experience.
- 211.4 Judge Edwards stated that she will greatly miss M. Spears because she could always count on her to agree to serve on committees or do whatever needed to be done for the good for the county and thanked her for her service.
- 211.5 Citizen Comments: Jay Cantrell, resident of South Washington County, addressed the Quorum Court stating that he appreciates the conviction that M. Spears brought to the Quorum Court. The Governor will appoint someone to take her job, but he will not find anybody to take her place.
- 211.6 **With no further comments, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 211.7 VOTING FOR: E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, and T. Lundstrum. **The motion passed unanimously by those present. The resolution was adopted.**
- RESOLUTION NO. 2013-17, BOOK NO. 3, PAGE NO. 57**
- 211.8 OTHER BUSINESS: There was no other business to discuss.

212.1 CITIZEN COMMENTS: There were no citizen comments made.

212.2 ADJOURNMENT: The meeting adjourned at 7:40 p.m.

Respectfully submitted,

Karen M. Beeks
Executive Assistant

RESOLUTION NO. 2013-_____

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

A RESOLUTION ENDORSING THE PARTICIPATION OF ORC PRODUCTS, INC., IN THE SALES AND USE TAX REFUND PROGRAM AUTHORIZED BY THE CONSOLIDATED INCENTIVE ACT OF 2003 AND ARK. CODE ANN. §15-4-2706(d).

WHEREAS, in order for a business to be eligible for the investment tax incentives contained in Ark. Code Ann. §15-4-2706(d), the governing body of the municipality in which the business is located must pass a resolution endorsing the participation of the business in the Tax Refund Program; and,

WHEREAS, Ark. Code Ann. §15-4-2706(d) provides that the governing body of the municipality must specify that the Department of Finance and Administration is authorized to refund local sales taxes to a business participating in the Tax Refund Program; and,

WHEREAS, American Tubing, Inc., of 2191 Ford Avenue, Springdale, Arkansas, wishes to participate in, and be eligible for, the investment tax incentives contained in Ark. Code Ann. §15-4-2706(d), due to the construction of its facility in Washington County, Arkansas; and,

WHEREAS, American Tubing, Inc., has agreed to furnish Washington County all information necessary for its participation in the Tax Refund Program.

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

ARTICLE 1. That the participation of American Tubing, Inc., in the tax refund program contained in Ark. Code Ann. §15-4-2706(d) is hereby endorsed, and the Department of Finance and Administration is authorized to refund local sales taxes to ORC Products, Inc., and this resolution shall take effect immediately.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2013-_____

APPROPRIATION ORDINANCE:

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

AN ORDINANCE SUSPENDING BUDGET CONTROLS AND CREATING ADDITIONAL PERSONNEL POSITIONS IN THE ANIMAL SHELTER BUDGET; AND APPROPRIATING THE TOTAL AMOUNT OF \$37,763 FROM THE GENERAL FUND FOR SAID POSITIONS FOR 2013.

ARTICLE 1. Budget Controls are hereby suspended and two (2) additional personnel positions are created in the Animal Shelter Budget of the General Fund (10000308) for 2013:

Animal Shelter:
Veterinarian, Position 308050
Vet Tech/Kennel Supervisor, Position 308040 (Grade 17)

ARTICLE 2. There is hereby appropriated the total amount of \$37,763 from the General Fund to the following personnel line items in the Animal Shelter Budget for 2013:

<u>Animal Shelter:</u>	
Full-time Salaries, Position 0308050 (10000308-1001)	\$ 20,193
Full-time Salaries, Position 0308040 (10000308-1001)	9,198
Social Security Matching (10000308-1006)	2,249
Noncontributory Retirement (10000308-1008)	4,374
Health Insurance (10000308-1009)	1,650
Life Insurance (10000308-1016)	<u>99</u>
TOTAL APPROPRIATION:	<u>\$ 37,763</u>

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____
Date of Passage: _____
Votes For: _____ Votes Against: _____
Abstention: _____ Absent: _____

ANIMAL SHELTER POSITION REQUEST - 3 positions

	Annual 2013	Oct-Dec 2013	
SALARIES, FULL-TIME, Slot 0308050 (10000308-1001)	\$ 75,000.00	\$ 20,193.00	Vet
SALARIES, FULL-TIME, Slot 0308040 (10000308-1001)	\$ 34,164.00	\$ 9,198.00	Vet Tech/Kennel Supervisor
SALARIES, FULL-TIME, Slot 0308008(10000308-1001)	\$ 29,690.00	\$ 7,994.00	Kennel Supervisor
SOCIAL SECURITY MATCHING (10000308-1006)	\$ 10,623.00	\$ 2,860.00	
NONCONTRIBUTORY RETIREMENT (10000308-1008)	\$ 20,662.00	\$ 5,563.00	
HEALTH INSURANCE (10000308-1009)	\$ 9,900.00	\$ 2,475.00	
LIFE INSURANCE (10000308-1016)	\$ 396.00	\$ 99.00	
	\$ 180,435.00	\$ 48,382.00	

* **ANIMAL SHELTER POSITION REQUEST - 2 positions**

	Annual 2013	Oct-Dec 2013	
SALARIES, FULL-TIME, Slot 0308050 (10000308-1001)	\$ 75,000.00	\$ 20,193.00	Vet
SALARIES, FULL-TIME, Slot 0308040 (10000308-1001)	\$ 34,164.00	\$ 9,198.00	Vet Tech/Kennel Supervisor
SOCIAL SECURITY MATCHING (10000308-1006)	\$ 8,352.00	\$ 2,249.00	
NONCONTRIBUTORY RETIREMENT (10000308-1008)	\$ 15,895.00	\$ 4,374.00	
HEALTH INSURANCE (10000308-1009)	\$ 6,600.00	\$ 1,650.00	
LIFE INSURANCE (10000308-1016)	\$ 264.00	\$ 99.00	
	\$ 140,275.00	\$ 37,763.00	

ORDINANCE NO. 2013-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE APPROPRIATING \$28,900 FROM
THE GENERAL FUND TO THE CORONER'S
BUDGET FOR 2013.**

ARTICLE 1. There is hereby appropriated the amount of \$28,900 from the General Fund to the Vehicles Line Item in the Coroner's Budget (100000419-4005) for 2013.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2013-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE ANTICIPATING ADDITIONAL
REVENUE OF \$10,000 IN THE ENVIRONMENTAL
AFFAIRS GRANT FUND, AND APPROPRIATING
\$10,000 FROM THE ENVIRONMENTAL AFFAIRS
GRANT FUND TO ADEQ-BMT02-12 BUDGET FOR
2013.**

ARTICLE 1. There is hereby anticipated additional revenue of \$10,000 in the State Grants Revenue Line Item of the Environmental Affairs Grant Fund (1902-7010) for 2013.

ARTICLE 2. There is hereby appropriated the total amount of \$10,000 from the Environmental Affairs Grant Fund to following line items in the ADEQ-BMT02-12 Budget for 2013:

<u>ADEQ-BMT02-12</u>	
Supplies (19020757-2001)	\$ 5,000
Training (19020757-3101)	2,000
Other Professional Services (19020757-3009)	<u>3,000</u>
TOTAL APPROPRIATION:	<u>\$ 10,000</u>

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2013-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE APPROPRIATING \$5,925 FROM
THE COUNTY LIBRARY FUND TO THE COUNTY
LIBRARY BUDGET FOR 2013.**

ARTICLE 1. There is hereby appropriated the amount of \$5,925 from the County Library Fund to the Dues/Memberships/Subscription Line Item in the County Library Budget (30080600-3090) for 2013.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____
Date of Passage: _____
Votes For: _____ Votes Against: _____
Abstention: _____ Absent: _____



MARILYN EDWARDS
County Judge

280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING REPORT OF THE
WASHINGTON COUNTY QUORUM COURT
COUNTY SERVICES COMMITTEE

Tuesday, September 3, 2013
5:30 p.m.
Washington County Quorum Court Room

Members Present: Joe Patterson, Tom Lundstrum, Rex Bailey, John Firmin, Barbara Fitzpatrick, Eva Madison and Jimmy Mardis.

Others Present: Harvey Bowman, Candy Clark, Butch Pond, George Butler, Ann Harbison, Ron Aman, Bill Ussery, Juliet Richey, Renee Biby, Ron Wood, Wayne Blankenship, LaDonna Powell, Margaret Caudill, Tim Caudill, Ray Caudill, Deward W. Miller, Alyson Miller, Sophia Stephenson, John Adams, Alan Roy, and Ron Wood (NWA Times).

The meeting was called to order at 5:30 p.m. by Chairman Joe Patterson. The agenda was adopted as presented.

Report from the Washington County Planning Office.

Juliet Richey, Planning Director, reported that there were nine exemption splits, one family split, two cell tower arrays and six lot line adjustments approved administratively. At the August 1, 2013 Planning Board meeting, two land developments were approved; Big Red Dirt Farm is near finishing their final large scale development.

At the September 5, 2013 Planning Board meeting, there were two land developments and one Conditional Use Permit being considered.

Tom Lundstrum asked if there is a possibility that Big Red Dirt Farm could still be challenged; to which County Attorney replied that it has already been to court and settled. However, if there was an appeal, it would go before the County Judge.

General Overview of the County's Environmental Affairs Office.

Sophia Stephenson, Environmental Affairs Director, introduced herself to the Committee. She gave a general overview of what the Environmental Affairs Department for the County does. The Department has five full time staff and two interns. One of the responsibilities her office has is recycling programs with rural schools, towns and internal recycling within the County buildings. The department also manages the Household Hazardous Waste facility at the south campus; it is open

Monday through Friday and one Saturday per month. There is one enforcement officer who handles issues on a complaint driven basis. There is one full-time educator on staff and also two energy corp. interns. The programs work with all ages within the County. There are a variety of topics on which the educators work. There is a medical sharps disposal program that the department manages; there are 39 participating locations. The storm water program is also administered by the Environmental Affairs department within the County. They also write the storm water pollution prevention plans for the Road Department. There are also countywide cleanups done twice per year that are sponsored by Environmental Affairs. The fall cleanup is scheduled for October 26th. They also assist community groups with creek cleanups.

Eva Madison commented she was troubled that at a recent Razorback game, there were many recyclables that were going in trash cans. Ms. Stephenson replied that she is not sure who is working with the University in their recycling efforts but would ask Boston Mountain if they may know something.

Ron Aman asked if there is revenue created by recycling; to which Ms. Stephenson replied that the County does not market its own materials at this point. Those materials are marketed by the Boston Mountain Solid Waste District.

Report on Southeast Phase II Water Project.

Rex Bailey stated he believed a priority was getting water to the southeast part of the County. He has been contacted by some of the people who are not getting water and asked for an explanation of why they are not getting water. He is troubled that the people who have paid for taps are just now finding out they are not getting water. He further commented that he had spoken with Representative Neal in Springdale who is willing to ask for more money.

Grant Administrator Wayne Blankenship gave an overview of the Southeast Phase II Water Project. The project is ahead of schedule and is nearing the end of the project. It is a remarkable feat to stay on schedule with a project of this size. Parker Branch has had water for over a year. There is approximately 75 miles of pipe that has been sampled and approved by the Health Department. There will be approximately 160

residences turned on within the next month. The tank and the pump station will receive substantial completion within the next week. This project was awarded money in 2010, and it is ahead of projects that were awarded money in 2005. This is the fastest project in the state to be completed. As this project was started, there were meetings at Sunset Fire Department and at Whitehouse Fire Department many times, and it was asked that people come in and sign up and give easements. After those meetings were held, the project engineer had to sign an Opinion of Counsel Relative to Right of Way; without that, the project cannot go to bid. Procedure is that the easements received are looked at and the feasibility is studied. If, at that time, easements have not been given or the property owners cannot be found or nobody signs up for water, then the preliminary map is modified, and the project can be put out to bid. At that point, the decisions are made as to if there are easements. The properties along the transmission line that have not given easements must be condemned, and then the project can go to bid with what is in hand. Overall, the entire project has gone wonderful. There was a preliminary engineering report, and there were multiple meetings. There needed to be a minimum of five taps to go down Miller Road and the easements needed to be in hand. At that point, there were neither easements nor signups for water, and that extension was pulled out. There were only two taps bought and therefore, it was not feasible. The rule of thumb for USDA is four taps per mile. At the point that the project had to go to bid, there were two taps for over a mile run, and that decision was made on August 10, 2011. There is \$1.3 million left in the project, but it is obligated towards the engineer, the contractor, and the LMI hookups along with the meters. This project was originally feasible at 300 meters, and at this point, there are 409 taps paid for, and they will serve 403 customers. There are only three taps paid for on Miller Road. The decision was made years ago not to go down Miller Road.

Rex Bailey asked if there were others that paid for taps and could not get water. Mr. Blankenship replied that there are several at the end of the lines where either people have bought taps or he has asked them not to buy taps, and if there is money left over after the project is complete, they would try to get to them. The rule of thumb is four customers per mile.

Rex Bailey stated he was troubled that water was being given to Madison County and cannot be extended to these residents in Washington County. He would not have voted if he knew water was being given to Madison County. County Attorney George Butler replied that this money is federal money, not county money, and water lines do not follow county lines.

Rex Bailey commented that he will go to representatives and ask for more money if there is any way that these people can get water.

Eva Madison commented that her impression was that the entire County had the ability to have water. She asked if eminent domain could come in on this; to which County

Attorney George Butler replied that RDA has the power of eminent domain but will condemn only for the main line. The question also arose if the funding agencies, USDA and ANRC, would allow the extension. Wayne Blankenship replied that at this point after dealing with these agencies for many years, he does not believe that this will be allowed. The engineer would have to design it, the design has to go to Little Rock and get approved, easements must be provided and only then can it be added to the project, a project which would take months and months. There are four extensions that have been approved and completed. There are still two more to do.

Rex Bailey suggested that there may be other funding that can be sought, and he would like to know where it is. He would like the County to get the money and go from there.

Barbara Fitzpatrick asked if there were other sources that could be tapped or projects going on that this could be attached to. She asked if there is another grant that can get these people some water; to which Mr. Blankenship replied that with the sequestration, the County has received all it can get at this time. There have been two bids put out for Low to Moderate Income hookups and there will be another bid put out that could cost upwards of \$200,000. This extension will cost somewhere between \$120,000.

Barbara Fitzpatrick asked if it was possible for the County to fund this; to which County Attorney George Butler replied that is something the Quorum Court could do if it so chooses.

Candy Clark stated she understood this project was complete when the first water was turned on so she is mystified that this is before the Court. She asked if when the extension was removed from the project if the persons who purchased the tap were notified. Mr. Blankenship replied they were not notified because until the money was all gone, there was still the possibility of extending the lines. There were at least six people who bought taps who are not going to be served and will be refunded.

Ron Aman stated he likes the County to be self-sufficient and would like the Court to consider funding this itself.

Ann Harbison commented there are many people across the County without water and paying for it out of County money is not a solution. This is millions of dollars and the County does not have the money to do it. She is very sorry that there is a blemish on this project. People who have worked their whole lives to get water into this area have died before getting water. She is hopeful that there will be money that comes available to get water to these other areas. However, it is very difficult to find money anywhere right now.

John Firmin asked what the project cost was; to which Mr. Blankenship replied it was Nine Million Sixty One Thousand, of which there is a One Million Two Hundred Forty

Nine Thousand dollar loan to WWA. Next, John Firmin asked how many people in Washington County don't have water. Mr. Blankenship replied he did not know; there are pockets in various areas. John Firmin continued that by his calculation this project has worked out to cost approximately \$22,000 per home. He would not like to see the County money to be donated to Washington Water Authority. If there are 500 homes within the County, and it costs \$22,000 per home that is ten million dollars and that is not something he would support when the Court has not even been willing to fully staff the Animal Shelter that belongs to the County.

Jimmy Mardis commented that he did not understand why the people were not notified when they were cut from the project, and secondly, why other extensions are being done in lieu of this line that was on the original project.

Rex Bailey asked Mr. Blankenship to find out how much money it would take to extend the line to service these people so that State Representatives Neal and Alexander as well as John Woods can seek the money. Mr. Blankenship replied that it will cost \$110,000 to \$120,000; it could be up to \$150,000 with all of the sampling and taps.

Jim Caudle, a resident of the area, stated that Brandon Elliott has purchased the property, and he has no problem giving an easement. He asked if there are any options for people who are not LMI but their meters are so far away that it is not feasible to hook up to. Mr. Blankenship replied that the water tap is on the property, if at all possible; sometimes an easement is necessary on someone's property to get a tap as close as possible.

Deward Miller, a resident on Miller Road, stated his father was instrumental with Mount Olive and were denied to get water to the valley. To stop 7/10 of a mile above his house and barely over a mile away from this home is disheartening. His cousin, Bobby Eugene hails water three times per week. His own well is sulphur water. He was only informed a little over a month ago by the crew that is working out there that the water line was not going up Miller Road. The only people on Miller Road that aren't going to get water are the Millers, and it's a shame.

LaDonna Powell, who lives near the new water tower, stated her tap is two miles from her house. Her meter cover has already been brush hogged and tore up, and she is going to have to worry about locking her water up. She feels like she was misled when she signed up for her tap; she will still have to haul her water from her tap.

Report from the Lester C. Howick Animal Shelter.

A report was distributed to the Committee.

An Ordinance Amending Washington County Code Sections 2-62 Through 2-62.6
Pertaining To Computer Usage, Electronic Mail And Internet Security Policy.

County Attorney George Butler stated that there is a computer policy ordinance because it pertains to elected officials as well as County employees.

IT Director John Adams stated his goal is to meet the technology needs of today from 2002. The purpose is to protect the County's computer systems. These policies address email and internet usage and described the goals of the policy to protect the County.

Eva Madison commented she has multiple issues with the proposed policy and believes that there are some portions that may be unlawful. One of her concerns is that most electronic resource policies cover every type of device at once and this one does not. She believes that there are serious free speech issues. She continued that she also believes the policy is vague and not easy to understand for employees. Another issue she cited a concern she has with a county employee having authority to inspect elected officials information. She feels that an elected official should not answer to a county employee; instead, they answer to the people who have elected them.

Rex Bailey asked JP Madison to write her concerns down and table this item.

John Adams stated this is from a security perspective. This is an opportunity to improve and recognize the system's security.

George Butler stated that an ordinance doesn't have to be done unless it applies to elected officials; it can be an amendment to the employee handbook.

Tom Lundstrum made a motion to form a subcommittee to study this issue, with JP Eva Madison as Chair of the subcommittee and with John Firmin and Jimmy Mardis as members. Rex Bailey seconded. The motion was approved unanimously.

There was discussion concerning Facebook and the use of Facebook by the County, the sub-committee was asked to look closely at that issue.

John Firmin made a motion to refer the issue to the subcommittee. Rex Bailey seconded. The motion was approved unanimously.

With no other business or public comment, the meeting adjourned at 8:05 p.m.

/rb



MARILYN EDWARDS
County Judge

280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING REPORT OF THE
WASHINGTON COUNTY QUORUM COURT
PUBLIC WORKS COMMITTEE

Tuesday, September 3, 2013
8:05 p.m.

Washington County Quorum Court Room

Members Present: Rex Bailey, John Firmin, Eva Madison, Harvey Bowman, and Bill Ussey.

Members Absent: Ann Harbison and Rick Cochran.

Others Present: Jimmy Mardis, Candy Clark, Tom Lundstrum, Joe Patterson, Butch Pond, George Butler, Ron Aman, Ron Wood, Renee Biby, and Ron Wood (NWA Times).

The meeting was called to order at 8:05 p.m. by Chair Eva Madison. The agenda was adopted as presented.

Report on County Buildings:

Eva Madison asked Ron Wood to update the Committee on maintenance needs.

Ron Wood, Building Superintendent, stated he has no intention of asking for capital in the 2014 budget. He expects that the remainder of his budget will be the same as 2013.

Next, Mr. Wood reported that the sheet rock is finished, the door frames are in, and hopefully, next week the ceiling grid will be in. The duct work should be finished very soon. The wiring has all been pulled. He is hopeful that within a few weeks painting will begin by the inmates.

The air handling unit for the Courthouse will be replaced this week. At the Juvenile Court the HVAC has had major issues. It is at the point that the units on the roof need to be replaced; however, the roof also needs to be replaced. The unit there is a common return. There is not actually duct work through the return; it uses the attic space as a return. The problem is that the humidity is so high. He has ordered two new units, and those will be changed out and duct work will be added.

With no other business or public comment, the meeting adjourned at 8:15 p.m.

rb/ji



MARILYN EDWARDS
County Judge

280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING REPORT OF THE
WASHINGTON COUNTY QUORUM COURT
PERSONNEL COMMITTEE

Monday, September 9, 2013
5:30 p.m.

Washington County Quorum Court Room

Members Present: Butch Pond, Ann Harbison, Candy Clark, Barbara Fitzpatrick, Ron Aman, and Harvey Bowman.

Others Present: Jimmy Mardis, Rick Cochran, Rex Bailey, Tom Lundstrum, Joe Patterson, Eva Madison, Bill Ussery, Jay Cantrell, Tim Helder, Randall Denzer, Blair Johanson, Renee Biby, Lindsy Huffaker, and Tony Hernandez (NWA Times).

The meeting was called to order at 5:35 p.m. by Chairman Butch Pond. The agenda was adopted as presented.

Report from Blair Johanson, Salary Consultant for Washington County.

Salary Consultant, Blair Johanson, reported the compensation planning for the 2014 budget. This process includes both an internal and external evaluation. That process is ongoing and at this point there is nothing from JESAP to share with the Personnel Committee.

Comparison of the County Employee Salaries and the Current Salary Market.

Salary Consultant, Blair Johanson, presented the annual comparison of salaries and the current salary market. This report shows national, regional and local information. On a national adjustment perspective for 2013-2014 there is a 2.9% to 3% projected adjustment. The World at Work Study completed on an annualized basis for 2013 to 2014 a 3.1% to 3.0% overall salary adjustment. On a state and regional basis the ACA study is based on 66 organizations, both public and private and their projection is 2.66% general adjustment and merit adjustment 3.06%. The NOARK Study for our region which represents 54 organizations, 2.75% on a general basis, on a COLA 2%, non-merit 3%. This is just a little below the national and state levels, but consistent when looking at the 3% associated with merit.

Next, Mr. Johanson reported the average pay comparisons at a state level based on the Department of Labor report from May, 2012 the overall average for the state is \$36,850.

For the regional average the SMSA area, which includes Benton, Washington Counties and southern Missouri, the average pay is \$41,760. Washington County 2013 average employee pay is \$34,733; this does not include elected officials. Washington County is about \$2,000 below the state average and \$5,000 below the regional average. Some of this is due to the mix of employees as a percentage of the total employment that brings the average down. The nature of the organization and mix of employees reflects that. It is a good average considering that it is looking at all of the employees working within the state.

Mr. Johanson presented the Scatter gram reflecting 567 employees. Employees on the low end in some of the support roles are making approximately \$10.60 per hour and then positions to the right illustrate greater complexity and greater skill levels. This year 68% of employees are below the internal average and 32% above the blue line. He would like to see that 68% closer to 55% or 60%. There are some organizations that operate at 50%. He does believe 68% is a little high compared to historically where the county has been.

Ann Harbison asked if the pay raise last year affected the average. Mr. Johanson replied that he believes that part of the reason that percentage is higher is most likely associated with turn-over.

Tom Lundstrum commented he has read that the value of the American Dollar has gone down in terms of purchasing power. He believes that the lower end of the pay scale is not getting enough attention with percentage pay increases. He would like to put more purchasing power in the lower end from \$10 to \$15 per hour employees.

Butch Pond commented that a so much per hour helps the lower end more than a percentage raise, but as far as giving everyone below \$15 a bigger raise than the ones above \$15 then it causes compression. Blair Johanson agreed. Mr. Lundstrum commented maybe outside the pay raise perhaps the starting pay in the lower end should be addressed. Blair Johanson commented that to affect purchasing power perhaps the Court should look at a one-time adjustment, or bonus, to maintain the integrity of the process.

Ann Harbison commented that last year a straight across the board raise was given and she believes it created a compression issue. There is a point system and range that is given to each position in JESAP. She would like to see what the positions are that are below the line to better understand the scatter gram. Mr. Johanson replied it is not so much the position, it is what is driving them to the mid-point or above the mid-point, and it is because of time or performance adjustments. All positions have the ability to move up through a range based on performance and time. Ann Harbison stated she is in favor of looking at a percent this year rather than a fixed amount.

Harvey Bowman requested that a scatter gram be prepared with the number of employees in each income level and then their salary levels and how that compares to the averages. The next request he had was for Mr. Johanson to make a recommendation of how to take care of the lower end and bring the scatter gram closer to the 50%.

Ron Aman stated that the majority of these is above \$15 per hour, but if the people who are just starting are removed then the dots less than \$15 would be much less.

Rick Cochran asked for 1-2 year employees, 2-5 year employees and 5+ employees in separate scatter grams. Mr. Johanson replied he would work on that.

Bill Ussery commented that the people at the bottom have to start somewhere, those at the bottom are entry level positions.

Joe Patterson commented it is only fair if elected officials are added in to compare how the County is with corporations.

Butch Pond stated that the Quorum Court works on elected officials separate. Ann Harbison stated the salary of elected officials is set by the state, not by the Quorum Court.

Jimmy Mardis commented that if comparing with other companies, the county has to do it the same as they do. Tyson does hourly and salary totally separate and are not put on grafts together. Salary is looked at once a year, hourly is much different. He asked what the cost of living change per year is projected. Mr. Johanson replied that organizations that are doing a COLA are averaging about 2%. He believes the point system should take care of the wages the positions make, not the person in the position. If someone had a question about positions in general the point systems need to be reviewed.

Tom Lundstrum stated he would ordinarily agree, however, the economy we are living in is not ordinary and the people at the bottom cannot make a living off of what they are paid.

Jimmy Mardis stated he would like to think that the managers have the ability to look at individual situations and have the ability to adjust a salary for some of the entry level positions, based on personal situations, rather than giving an across the board pay raise that does not match comparable jobs.

Candy Clark stated that the County should be very proud of the benefit package. Most people would die to have the benefit package the county has. Someone who is working at the county for \$10 an hour is making far more than that in terms of their retirement, their benefits and their health insurance. She feels it is not apples to apples to compare to the private sector. Some of the lowest paid people are getting benefits that higher paid

people in the private sector are not getting. She would like comparisons with other government entities, taking out the private sector.

Blair Johanson commented if the elected officials are brought in and compared with what the county is paying elected officials and department heads in comparison to city department heads or elected officials or private sector officers in similar positions, the county will be further behind as a percentage.

Joe Patterson stated the corporations that have officers that make \$200,000 plus a year are in their figure. Blair Johanson replied that if the County compared to the City of Fayetteville, who has 700+ employees, he would say that the City's pay is on the average higher than elected officials or a department head. Cities of comparable size, looking at Fayetteville, Rogers, Bentonville and Springdale, the County is about 6.3% behind their average. Joe Patterson stated he would like to compare with a company with 500 people and a CEO which is on the sheet.

Barbara Fitzpatrick commented she is always concerned about the low end employees. She is concerned about the idea of a differential raise, because there is going to be a point where people are just across the line and they are not going to get an equal raise. There will never be a place to phase that in and it won't cause a problem.

Blair Johanson next showed a table comparing where the county is in comparison with Sebastian and Benton counties, currently Washington County is about 3.24% on a mean behind the market and on a median 4.5%. The recommendation for the 2014 budget is a 3% employee pay increase and that the Court addresses the pay compression issues with a ½% adjustment for each year of employment for years 2-5. That ½% will address the compression issues so the new person coming in will make less than someone who has been here for a while. The overall adjustment for the County would be 4%.

Rick Cochran asked if the compression issue is compounded because the scale has not been moved. Mr. Johanson replied that the range should be adjusted behind the percentage increase on a scale rather than equally. Rick Cochran asked that Mr. Johanson put together a scatter gram just showing the ½% increase and leaving out the 3% increase.

Eva Madison asked if there is a way to treat hourly verses salary differently and asked what the break down is in hourly verses salary. Lindsy Huffaker replied that the job description determines whether they can be hourly or salary. Eva Madison replied that giving hourly employees a flat raise and salaried employees with a percentage adjustment. She would like to do a hybrid rather than focusing on one or the other, salary or hourly.

Butch Pond asked what it would do to change the 3% pay increase to 50 cents per hour and then left the rest of it the same with the ½% for each year of employment. Mr. Johanson replied he could present that option as well.

Candy Clark stated that the October 21st meeting of the Budget Committee will discuss salary considerations.

Butch Pond asked if the elected officials were going to be looked at. Eva Madison stated she felt like the elected officials needed to be looked at this year. Candy Clark added that the Coroner's salary increase will be again discussed to bring him in line with the other elected officials.

Ann Harbison asked if there could be a comparison between Washington, Benton and Sebastian Counties.

With no other business or citizen comments, the meeting adjourned at 6:50 p.m.

/rb



MARILYN EDWARDS
County Judge

280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING REPORT OF THE
WASHINGTON COUNTY QUORUM COURT
FINANCE AND BUDGET COMMITTEE

Tuesday, September 10, 2013
5:30 p.m.
Washington County Quorum Court Room

Members Present: Butch Pond, Joe Patterson, Ann Harbison, Tom Lundstrum, Rex Bailey, Candy Clark, John Firmin, Barbara Fitzpatrick, Rick Cochran, Eva Madison, Ron Aman, Harvey Bowman, Jimmy Mardis, and Bill Ussery.

Others Present: George Butler, Bobby Hill, Ashley Farber, Cheryl Bolinger, Wayne Blankenship, Randall Denzer, Jay Cantrell, Tim Helder, Lance Eads, Renee Biby, Roger Morris, Glenda Audrain, and Tony Hernandez (NWA Times).

The meeting was called to order at 5:30 p.m. by Chair Candy Clark. The agenda was adopted as presented.

Financial Report.

County Treasurer, Roger Haney, reported that the County should be at about 67% and most of the funds are right on target. There are some line items that are a little above and some that are a little below, but are averaging out right now. The General Fund is average. The sales tax is a little above what was projected. Property tax collections are starting to pick up, currently the County is at approximately 50%, which is typical. 50% of property taxes are collected in September and October. The Workers Compensation payment has been received. Each year there is a disbursement, this year Washington County received about \$48,000 which was distributed to the departments on a pro rata share based on the workers who utilize the fund more.

Next he reported the Road Fund is down to approximately \$620,000, which is low for an operation of that size. There is money set aside in the general fund to help make the budget and cash flow, none of that has been touched to date. The Road Department started receiving money from the ½ cent sales tax this month, it received \$102,000, which is about average for what to expect each month. The first payment was actually

received in July because some of the people who collect the tax collected it early and turned it in, that payment was \$49,000.

Mr. Haney reported that the Jail Fund has a low balance, there were funds appropriated in the General Fund to move if needed. Prisoner care is broke down for other counties, local and federal. The federal prisoner care is up as is the prisoner care for other counties. The jail is really hurting in the reimbursement from the state, they have received a little less than half of what was projected, the state always runs behind and he is unsure how much they will catch up by the end of the year.

County Comptroller, Cheryl Bolinger, reported the unappropriated reserves for County General was \$93,960 for software and the \$10,000 that was given to Environmental Affairs for the Beaver Watershed. On Page 3.4, on the funds where the projected revenue was less than what appropriations were there shows a negative, there is \$564,000 and 2.5 million in reserve that was set aside for road and jail, some of that has been transferred to the Jail Fund but the appropriation won't be done until the end of the year. No money has been moved into the Road Fund.

John Firmin asked if the Court still appropriates the new tax money even though it is required to be spent on Roads, Ms. Bolinger replied that money goes into the Road Fund and all come out of the Road budget. The only thing that comes out of the Road Fund is anything to do with the Road Department.

Eva Madison commented the sales tax coming from the new sales tax is not the same as the road millage, and she thought the Quorum Court did have control of the sales tax. She was under the impression that the sales tax was in its own category with the Court having more say in that.

County Attorney, George Butler replied the Judge is the elected official over the roads but the Court appropriates all the funds.

Eva Madison asked if the road millage mirrors Amendment 91. She doesn't feel like it is good to have them in the same pot if there are any constraints with the money.

Report from County Grant Administrator Wayne Blankenship on Grants Awarded to the County and Related Appropriation Requests and Resolutions Needed for the Submission of Grant Applications.

An Ordinance Anticipating Additional Revenue Of \$10,000 In The Environmental Affairs Grant Fund, And Appropriating \$10,000 From The Environmental Affairs Grant Fund To ADEQ-BMT02-12 Budget For 2013.

Grant Administrator, Wayne Blankenship, reported this is for Environmental Affairs Education Grant that they receive each year.

Eva Madison made a motion to forward the Ordinance to the full Quorum Court with a do pass recommendation. Rick Cochran seconded. The motion was approved unanimously.

A Resolution Endorsing The Participation Of American Tubing, Inc., In The Sales And Use Tax Refund Program Authorized By The Consolidated Incentive Act Of 2003 And Ark. Code Ann. §15-4-2706(d).

Lance Eads, with the Springdale Chamber of Commerce addressed the Committee. This request is coming from an existing Springdale business (American Tubing) and will add 50 jobs to the area that will start between \$13 and \$14 an hour. The project cost is a little more than three million dollars.

Butch Pond made a motion to forward the request to the full Quorum Court with a do pass recommendation. Joe Patterson seconded. The motion was approved unanimously.

Request from the County Library for an Appropriation of \$5,925 from the County Library Fund to the County Library Budget for 2013.

County Library Director, Glenda Audrain, addressed the Committee stating that this was a partnership with the Springdale where she paid the platform fee and Springdale is purchasing the magazines. This is replacement of money from Springdale back into the Library Fund.

Rex Bailey made a motion to forward the request to the full Quorum Court with a do pass recommendation. Butch Pond seconded. The motion was approved unanimously.

Request from County Coroner Roger Morris for an Appropriation of \$ 28,900 from the General Fund to the Coroner's Budget to Purchase a Vehicle.

County Coroner, Roger Morris, presented the request for a new vehicle. He stated that the current vehicle that will be requested is costing a lot of money in repairs and is not reliable for long trips. After talking to Nunnely Chevrolet he believes that the cost will increase above \$30,000 in 2014 and therefore, he is requesting the new vehicle now rather than in the Budget process. This vehicle will be purchased through the state bid.

Ann Harbison made a motion to forward the request to the full Quorum Court with a do pass recommendation. Butch Pond seconded. The motion was approved unanimously.

Preliminary Revenue Projections for 2014 – County Treasurer Roger Haney.

County Treasurer, Roger Haney, presented the budget projections for 2014. The revenue projections are similar to 2013. The General Fund can be moved to anything, however, the Road and Jail Funds cannot be spent elsewhere. The Road Fund is set up that way by law. The Jail Fund is set up that way because there is a sales tax designated specifically for the Jail.

Mr. Haney explained he looks at the last five years and anticipates what the revenues are going to be. These projections are being made for 2014 in 2013 and that is a leap, but he tries to be conservative and base it on calculations that he has and then he deducts 10% from that.

The Road Department, Fund 2000, most likely will have very little carry over. The Jail will have no carry over because funds have already been transferred to the Jail. The carry over that comes from the Treasurer is a cash carry over. Because the Comptroller's office is bound by an accrual account principal, they will not be able to give the carry over balance until sometime in March.

Next, Mr. Haney, reported that Line Item 7301 is sales tax revenue and that is 40% of what he is projecting next year as a total. Line Item 7023 is the ½ cent sales tax that comes from Amendment 91. He tracks these separately. In the General Fund there is a turn back supplement that is tracked separately. This figure has not changed since 1982 even though the County has taken on more responsibility. When the Counties went to the State a few years ago the Governor set up a turn back supplement fund, that is Line Item 7022 and he keeps that separate.

Chairwoman Candy Clark commented that Mr. Haney's projections are always very close.

Mr. Haney stated that the Grants are blank right now, but those numbers will be filled in by the end of the year.

Rex Bailey asked for a dollar figure of how much is paid in for retirement each year. Comptroller, Cheryl Bolinger, replied that that in July it was 14.88%, at the first year it was 14.22%.

Butch Pond commented that each employee pays in 5% out of their check. Comptroller, Cheryl Bolinger, replied that anyone hired after 2005 pays that in.

Budget Process Review.

Chairwoman Candy Clark informed the Committee that each Department who had capital expenses last year will fall off, if they need more capital they will have to request it separately this budget cycle. She informed the new members of the Court that there are

eight elected officials and each run their own budgets, it is very different than city government with one mayor. She asked the Committee to go home and look at the information from the Sheriff's office and be ready to ask questions and make determinations at the next meeting. An action will be taken for each budget, the Committee is not bound to that number depending on the outcome of the entire process. At the end, the Committee can go back and make cuts or additions. This is not a fixed process until the final budget is voted on, which requires a vote of 10 to approve in one reading.

John Firmin asked if the Road Department could bring the traffic count on the bridges, the amount of money that is being spent on roads to stay similar and add additional money on top of it to show the taxpayers what is being done with the new Amendment 91 money.

Rex Bailey asked when the budget had to be approved. County Attorney George Butler replied that it has to be passed before the end of the year.

Candy Clark also commented that the unappropriated reserves needs to be discussed at some point. She would like to have a contingency fund set aside for bridges.

Ann Harbison commented she would like to see two million dollars put into a bridge fund.

Tom Lundstrum commented he would like the money from Amendment 91 to be set aside for bridges. It doesn't put a burden on the existing budget. He would like a given amount appropriated based on Shawn's estimate each year.

Ann Harbison stated she would like to appropriate additional money on top of the Amendment 91 to get bridges fixed. She would like to use some of the Amendment 91 to get more chip and seal done and other things as well.

Candy Clark added the discussion of Contingency Funds to the October 29th meeting.

With no citizen comments, the meeting adjourned at 6:45pm.

/rb

ORDINANCE NO. 2013-_____

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

**AN EMERGENCY ORDINANCE RATIFYING
A CONDITIONAL USE PERMIT GRANTED
BY THE PLANNING AND ZONING BOARD.**

WHEREAS, the Planning and Zoning Board granted a Conditional Use Permit on September 5 for Sassafras Vineyard (SSV); and,

WHEREAS, immediate ratification is necessary by the Quorum Court to prevent undue delay and expense to the applicant; and,

WHEREAS, ratification will not affect any appeal rights any person may have.

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

ARTICLE 1. That the Conditional Use Permit for Sassafras Springs Vineyard (SSV) granted by the Planning and Zoning Board are hereby ratified.

ARTICLE 2. Emergency Clause: It is hereby determined that it is the public's best interest for this ordinance to be effective immediately; and the general health, safety and welfare of the citizens are affected by such for the reasons as set out above; therefore, an emergency is declared to exist and this ordinance shall be and is effective from the date of its passage.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Joe Patterson

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

Sassafra Springs Vineyard CUP

The Planning Board/Zoning Board of Adjustments unanimously approved Sassafra Springs Vineyard Conditional Use Permit (with conditions) on September 5, 2013.

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

The applicant is requesting Conditional Use Permit approval to allow the use of a "small farm vineyard" in an area zoned for agricultural and residential uses.

This proposed project is located within Goshen's Planning Area. The minimum lot size Goshen will allow is two acres. In order to be exempted from the Large Scale Development process, projects of this nature must be on one acre or less. Therefore, a legal one-acre survey must be completed (but not actually split). All design elements must be located within the one acre surveyed.

The proposed project includes a wine tasting building (remodeled existing barn), parking area and driveway, and associated septic system. An additional deck has been constructed (attached to existing structure). The building will have a covered patio with an outdoor fireplace. Hours of operation will generally be from noon until 9:00 p.m. The applicant plans to have two employees on site when in operation. The occupancy will be approximately 25 customers. The applicant has stated that outdoor entertainment will not be amplified. No wine will be produced on site.

All elements related to this business must be contained within one acre for this project to be exempt from the LSD process.

The State Alcohol Beverage Control (ABC) Board will regulate all conditions that deal with the consumption, import and distribution of alcohol for the proposed small farm winery. Washington County Planning will require that the applicant abide by all conditions made by the ABC Board and that the applicant will provide Planning Staff with copies of all permits issued to them by the ABC Board. The applicant has stated that they plan to operate under Title 2, Subtitle I Section 2.7 "Small Farm Winery Operations" approval.

No public comments or concerns have been received in writing or were voiced at the meeting.

The Planning Board/ Zoning Board of Adjustments approved (6 members voted "in favor", 0 members voted "against", 1 member was not present, 0 members abstained) the project with the following conditions:

Water/Plumbing/Fire Conditions:

1. The gate must have a combination lock (as agreed upon by Washington County/Goshen/Applicant) to allow for fire access.
2. All access roads and parking area drives must be a minimum of 20' wide, have a 28' turn radius, and support 75,000lbs in all weather conditions.

3. The service entrance drive does not have to be expanded but must still follow Road Department conditions (20' paved apron required).
4. Fire lanes along the drive and within the parking area must be marked (can be signage-if the drive and lots are gravel; or paint-if the drive and lots are paved).
5. A "warming only" kitchen is allowed.
6. The building must meet Arkansas State Fire Code.
7. Exit lights/emergency lights and fire extinguishers are required.
8. The Fire Marshal will inspect all improvements prior to the building being occupied.
9. Restroom must be ADA compliant.

Septic Conditions:

1. The septic system must receive approval from the Health Department. It must then be installed. The system will be inspected by the Health Department prior to occupation of the proposed building.
2. No parking is allowed on any portion of the septic system including the alternate area. The alternate area must remain undisturbed. (No overflow parking either).
3. The septic system (primary and alternate area) must be delineated (landscaping/fencing/blocking) to prevent anyone from parking or driving in this area.
4. As this project will have a warming kitchen, it falls under the Retail Food Service permitting with the Health Department. This permit must be obtained prior to operation.

Roads/Sight Visibility/Ingress-Egress/Parking Conditions:

1. The Washington County Road Department requires an apron to connect entrance drives to the County Road. The apron(s) must be paved (asphalt or concrete) and at least 20' in depth. This must be completed prior to operating this business. Any extensions must be approved by the Washington County Road Department Superintendent. (The service entrance must also have a paved apron to avoid damage to the County Road-this is shown on the sketch plan).
2. No signage or parking is allowed within Washington County's road right-of-way (ROW).
3. The connection from the handicapped parking to the building entrance must be ADA compliant.

4. All entrance drives and parking areas must support 75,000lbs in all weather conditions.
5. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.

Environmental Conditions:

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

Utility Conditions:

1. Any damage or relocation of utilities will be at the expense of the owner/applicant.

Signage/Lighting/Screening Conditions:

1. All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately. Please refer to the diagram in the staff report attachments.
2. The proposed hanging sign will be no larger than 3'X4'. It will be double sided and hang on two posts located out of the County Road ROW.
3. Signage on the feed silo will be painted in black or red. The letters will be 8" high and will read SASSAFRAS SPRINGS VINEYARD.
4. A sketch of these proposed signs must be submitted to Washington County Planning for approval prior to the signs being placed.
5. No additional signage is allowed to be placed. If the applicant chooses to use lighting for the signs, all signage must be indirectly lit.
6. If a dumpster is to be used, it must be fenced. This fencing (and the gate) shall be opaque material. Washington County Planning must approve the location of the dumpster and will inspect the fencing.
7. Signage cannot be place in the County Right-of-Way.

Additional and Standard Conditions:

1. Pay engineering fees. Staff will prepare a statement once all invoices are received. If less than one hour of review, there will be no billed charges.
2. ~~Pay mailing fees of \$35.19 (an invoice was emailed to the applicant on 8/30/13).~~
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3. A statement from the applicant, owner, architect or engineer must be submitted prior to the building being occupied that says the building, parking, access, and restrooms are in compliance with all ADA regulations.
4. The applicant must comply with the Alcohol Beverage Control board and submit copies of all permits issued by the ABC for this project.
5. Outdoor entertainment is not to be amplified.
6. Hours of operation must be generally as stated (noon-9:00 pm).
7. The maximum allowed occupancy is approximately 25 people.
8. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
9. This CUP must be ratified by the Quorum Court.
10. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
11. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o **This project does not require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.**

Please note that no CUP is final until the 30-day appeal period has run (and no appeal has been filed), and the CUP has been ratified by the Quorum Court.