



MARILYN EDWARDS
County Judge

280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

December 13, 2013

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

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

A G E N D A

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 November 21 regular meeting of the Quorum Court. **(5.1)**
6. **PUBLIC HEARING.** At this time the Quorum Court will conduct the second required public hearing concerning the implementation of an Arkansas Community and Economic and Development Program (ACEDP) grant for the Lincoln Fire Association. The purpose of the hearing is to inform citizens of the current scope and progress of the ACEDP project; discuss any changes or impacts involving financing sources, user fees or beneficiaries that have occurred since the first public hearing conducted on November 15, 2012. **JUDGE EDWARDS**

AGENDA
DECEMBER 19, 2013
PAGE 2

7. FINANCE REPORT. CANDY CLARK
8. COUNTY JUDGE'S REPORT. JUDGE EDWARDS
9. COMMITTEE REPORTS.
10. AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD. The Planning Board granted a Conditional Use Permit on November 7 for Hughmount Village Subdivision. This ordinance contains an emergency clause making it effective immediately upon passage. (10.1, 10.2) JOHN FIRMIN
11. A RESOLUTION ENDORSING THE PARTICIPATION OF SOUTH COAST BAKING, LLC, IN THE SALES AND USE TAX REFUND PROGRAM AUTHORIZED BY THE CONSOLIDATED INCENTIVE ACT OF 2003 AND ARK. CODE ANN. §15-4-2706(D). This resolution is being requested by the Springdale Chamber of Commerce. South Coast Baking will be adding 150 jobs and investing \$8,692,000 in this project. (11.1) CANDY CLARK
12. AN EMERGENCY ORDINANCE DIRECTING THE COUNTY TREASURER TO DISTRIBUTE FUNDS RECEIVED PURSUANT TO ACT 799 OF 2003, CURRENTLY BEING HELD IN THE GAME AND FISH COMMISSION FUND. Act 799 of 2003 and Act 893 of 2005 (A.C.A. §6-16-1101) established a fund to be distributed to schools and conservation districts that have programs that qualify for fish and wildlife conservation education. These revenues are generated from fines, fees and costs arising out of convictions of persons violating State laws protecting game, fish and wildlife. Washington County has received \$10,472.21. (12.1,12.2) CANDY CLARK
13. OTHER BUSINESS.
14. 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
15. ADJOURNMENT.

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

Thursday, November 21, 2013
6:00 p.m.

Washington County Quorum Court Room

- 234.1 The Washington County Quorum Court met in regular session on Thursday, November 21, 2013. The meeting was called to order by County Judge Marilyn Edwards.
- 234.2 A. Harbison led the Quorum Court in reading the American Creed, a prayer and the Pledge of Allegiance.
- 234.3 MEMBERS PRESENT: Ron Aman, Rex Bailey, Diane Bryant, Candy Clark, Rick Cochran, John Firmin, Barbara Fitzpatrick, Ann Harbison, Tom Lundstrum, Eva Madison, Jimmy Mardis, Joe Patterson, Butch Pond, and Bill Ussery.
- 234.4 MEMBERS ABSENT: Harvey Bowman.
- 234.5 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 234.6 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 234.7 **C. Clark made a motion to add an Ordinance Recognizing Revenues and Appropriating Monies For The Expenditures in each Fund for Washington County, Arkansas, for the Year 2014, and Adopting a Budget for the Various Departments Reflecting the Line Item Expenditures Thereof. The motion was seconded. The motion passed unanimously by voice vote by those present.**
- 234.8 **C. Clark made a motion to adopt the agenda as amended. The motion was seconded. The motion passed unanimously by voice vote by those present. The agenda was adopted as amended.**
- 234.9 APPROVAL OF MINUTES: Judge Edwards asked for approval of the minutes of the October 17 regular meeting of the Washington County Quorum Court.
- 234.10 **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.**

- 235.1 A RESOLUTION AUTHORIZING JAMES MAYNARD TO SOLEMNIZE THE MARRIAGE OF CHRIS DAVIS AND KRISTINA MAYNARD ON APRIL 26, 2014, IN WASHINGTON COUNTY, ARKANSAS: R. Aman introduced and read **A Resolution Authorizing James Maynard To Solemnize The Marriage Of Chris Davis And Kristina Maynard On April 26, 2014, In Washington County, Arkansas.**
- 235.2 **R. Cochran made a motion to adopt the resolution. C. Clark seconded.**
- 235.3 Citizen's Comments: There were no citizen comments.
- 235.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 235.5 VOTING FOR: B. Pond, B. Ussery, R. Aman, R. Bailey, D. Bryant, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, and J. Patterson. **The motion passed unanimously by those present. The resolution was adopted.**
- 235.6 Judge Edwards introduced the bride-to-be Kristina Maynard who was present in the audience.
- RESOLUTION NO. 2013-19, BOOK NO. 3, PAGE NO. 59**
- 235.7 FINANCE REPORT: C. Clark reported that there was one resolution, six appropriation ordinances, the ordinance levying County, Municipal and School District taxes for the year 2013, as well as the ordinance adopting the 2014 Budget that had been thoroughly discussed and forwarded from the Finance and Budget Committee.
- 235.8 A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY, SOLID WASTE MANAGEMENT DIVISION: C. Clark introduced **A Resolution Authorizing The Submittal Of A Grant Application To The Arkansas Department Of Environmental Quality, Solid Waste Management Division,** and County Attorney George Butler read the resolution.
- 235.9 **C. Clark made a motion to adopt the resolution. B. Pond seconded.**
- 235.10 Citizen's Comments: There were no citizen comments.

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

236.2 VOTING FOR: B. Pond, B. Ussery, R. Bailey, D. Bryant, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, and J. Patterson. VOTING AGAINST: R. Aman. **The motion passed with thirteen members voting in favor and one member voting against the motion. The resolution was adopted.**

RESOLUTION NO. 2013-20, BOOK NO. 3, PAGE NO. 60

236.3 AN ORDINANCE TRANSFERRING MONIES OF \$120,569 WITHIN THE BUILDINGS & GROUNDS BUDGET IN THE GENERAL FUND FOR 2013: C. Clark introduced **An Ordinance Transferring Monies Of \$120,569 Within The Buildings & Grounds Budget In The General Fund For 2013**, and County Attorney George Butler read the ordinance.

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

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

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

ORDINANCE NO. 2013-62, BOOK NO. 9, PAGE NO. 259

236.7 AN ORDINANCE APPROPRIATING THE AMOUNT OF \$1,403 FROM THE GENERAL FUND TO PERSONNEL LINE ITEMS IN THE ANIMAL SHELTER BUDGET FOR 2013: C. Clark introduced **An Ordinance Appropriating The Amount Of \$1,403 From The General Fund To Personnel Line Items In The Animal Shelter Budget For 2013**, and County Attorney George Butler read the ordinance.

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

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

- 237.1 VOTING FOR: B. Pond, B. Ussery, R. Bailey, D. Bryant, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, E. Madison, and J. Mardis. VOTING AGAINST: R. Aman, T. Lundstrum, and J. Patterson. **The motion passed with eleven members voting in favor and three members voting against the motion. The ordinance was adopted.**

ORDINANCE NO. 2013-63, BOOK NO. 9, PAGE NO. 260

- 237.2 AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$31,167 IN THE JDC GRANT FUND; AND APPROPRIATING \$31,167 FROM THE JDC GRANT FUND TO THE JUVENILE DETENTION CENTER GRANT-IN-AID 2013/2014 BUDGET FOR 2013: C. Clark introduced **An Ordinance Recognizing Additional Revenues Of \$31,167 In The JDC Grant Fund; And Appropriating \$31,167 From The JDC Grant Fund To The Juvenile Detention Center Grant-In-Aid 2013/2014 Budget for 2013**, and County Attorney George Butler read the ordinance.

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

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

- 237.5 VOTING FOR: B. Pond, B. Ussery, R. Aman, R. Bailey, D. Bryant, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, and J. Patterson. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2013-64, BOOK NO. 9, PAGE NO. 261

- 237.6 AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$105,950 IN THE LAW ENFORCEMENT GRANT FUND; AND APPROPRIATING THE AMOUNT OF \$105,950 FROM THE LAW ENFORCEMENT GRANT FUND TO THE SCAAP 2013 BUDGET FOR 2013: C. Clark introduced **An Ordinance Recognizing Additional Revenues Of \$105,950 In The Law Enforcement Grant Fund; And Appropriating The Amount Of \$105,950 From The Law Enforcement Grant Fund To The SCAAP 2013 Budget for 2013**, and County Attorney George Butler read the ordinance.

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

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

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

ORDINANCE NO. 2013-65, BOOK NO. 9, PAGE NO. 262

238.3 AN ORDINANCE RECOGNIZING AND APPROPRIATING REVENUES OF \$19,550 IN THE LAW ENFORCEMENT GRANT FUND FOR 2013: C. Clark introduced **An Ordinance Recognizing And Appropriating Revenues Of \$19,550 In The Law Enforcement Grant Fund For 2013**, and County Attorney George Butler read the ordinance.

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

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

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

ORDINANCE NO. 2013-66, BOOK NO. 9, PAGE NO. 263

238.7 AN ORDINANCE ANTICIPATING ADDITIONAL REVENUES OF \$3,314 IN THE LAW ENFORCEMENT GRANT FUND; AND APPROPRIATING THE AMOUNT OF \$3,314 FROM THE LAW ENFORCEMENT GRANT FUND TO THE COMMUNITY FIRE PREVENTION GRANT BUDGET FOR 2013: C. Clark introduced **An Ordinance Anticipating Additional Revenues Of \$3,314 In The Law Enforcement Grant Fund; And Appropriating The Amount Of \$3,314 From The Law Enforcement Grant Fund To The Community Fire Prevention Grant Budget For 2013**, and County Attorney George Butler read the ordinance.

238.8 **C. Clark made a motion to adopt the ordinance. R. Cochran seconded.**

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

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

ORDINANCE NO. 2013-67, BOOK NO. 9, PAGE NO. 264

239.2 C. Clark stated that this ordinance was levying the County, Municipal and School District taxes for the year 2013 and noted that no changes were made in the millage from the previous year and there were a lot of figures to read in this ordinance.

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

239.4 AN ORDINANCE LEVYING THE COUNTY, MUNICIPAL AND SCHOOL DISTRICT TAXES FOR THE YEAR 2013: C. Clark introduced **An Ordinance Levying The County, Municipal And School District Taxes For The Year 2013**, and County Attorney George Butler read the ordinance by title only.

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

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

239.7 VOTING FOR: B. Pond, B. Ussery, R. Aman, D. Bryant, C. Clark, J. Firmin, B. Fitzpatrick, A. Harbison, E. Madison, and J. Mardis. VOTING AGAINST: R. Bailey, R. Cochran, T. Lundstrum, and J. Patterson. **The motion passed with ten members voting in favor and four members voting against the motion. The ordinance was adopted.**

ORDINANCE NO. 2013-68, BOOK NO. 9, PAGE NO. 265

239.8 COUNTY JUDGE'S REPORT: Judge Edwards stated that the Board of Directors of WRMC has requested that the Quorum Court approve the nominations of Elaine Longer, to serve a six-year term as a member of the WRMC Board of Directors beginning January 1, 2014, to replace Ann Rosso; as well as the nomination of Ted Fish, M.D., current Chief of the Medical Staff of WRMC, to serve a 2-year term on the WRMC Board of Directors, beginning January 1, 2014, to replace Dr. Mark Thomas.

- 240.1 **C. Clark made a motion to confirm the WRMC Board Appointments. B. Pond seconded. The motion passed unanimously by those present by voice vote. The Board Appointments were confirmed.**
- 240.2 Judge Edwards also reported that their State Aid projects were completed for this year. She stated that preliminary work is being done on the Woolsey Bridge with the survey scheduled to begin this winter. Further, she reported with respect to the Harvey Dowell Bridge they are working on the ends to come up onto the bridge and once they have this filled in so that it is safe to enter the bridge, they are hopeful to be able to open that bridge the second week of December.
- 240.3 COMMITTEE REPORTS: Judge Edwards reported that the only committee that met this month was the Finance and Budget Committee.
- 240.4 C. Clark reported that sales tax is up, jail sales tax is up, revenue is coming in and the County is in good financial health.
- 240.5 AN ORDINANCE RECOGNIZING REVENUES AND APPROPRIATING MONIES FOR THE EXPENDITURES IN EACH FUND FOR WASHINGTON COUNTY, ARKANSAS, FOR THE YEAR 2014, AND ADOPTING A BUDGET FOR THE VARIOUS DEPARTMENTS REFLECTING THE LINE ITEM EXPENDITURES THEREOF: C. Clark introduced **An Ordinance Recognizing Revenues And Appropriating Monies For The Expenditures In Each Fund For Washington County, Arkansas, For The Year 2014, And Adopting A Budget For The Various Departments Reflecting The Line Item Expenditures Thereof**, and County Attorney George Butler read the ordinance.
- 240.6 C. Clark stated that this Budget for 2014 is not perfect but is a product of compromise, and she believes that the compromises have been good.
- 240.7 **C. Clark made a motion to adopt the ordinance. B. Pond seconded.**
- 240.8 E. Madison stated that when they addressed this budget last week, she actually was a little uncertain on how she would vote on it. She stated that there are aspects of this budget she does not like; however, it is good that the County is taking part in a new sales tax and dedicating it to transit as the voters who approved the sales tax had intended. She stated that there are things that she likes about the budget but not specifically how they approved them. For example, while she is glad that they are giving their county employees a well-deserved raise, she has a problem that they are giving those at the top so much more. She stated that everyone in the county works

just as hard, so for some to get \$1,000 and others get \$4,000 seems wrong to her. She stated that they want to give generous raises, but they can't always sustain them so they need to be responsible in this regard. E. Madison reported that they had discussed raises several times in the process leading up to their final discussion, but it wasn't until that final meeting that they heard from their elected officials and received their input on raises. She stated that next year she would like to have input from the elected officials early on in the process so they could responsibly budget request without paying for them out of reserves.

- 241.1 E. Madison stated that 2014 Budget Control #3 is giving her the most pause because it basically takes all the line items that they have worked so hard on over these past few months and throws them out the window effective January 1, 2014. This allows departments to move all the money they want into whatever line item they want. She stated that they have adopted what she believes is a very effective budget process where they carefully review each line item, cutting some, questioning some, and disagreeing on some, but as of the first of the year, almost all these efforts will be meaningless. E. Madison stated she would like to see them look hard at this issue in January and whether they want to continue their budget process next year with the difficult, time-consuming work of line item review which, as of now, is just a charade or do they want to just lump them all together because it makes it easier for the Association of Counties and County Judges. She stated that she has heard the term micromanagement tossed around a lot, but she believes that the Justices of Peace are stewards of the people's money and were elected to question things, watch and protect the money, and not just give it to someone else to spend as they like.
- 241.2 E. Madison stated that they have had a lot of elected officials and department heads come through with reduced budgets this year which she thinks is great, but one observation she has about those reductions is that the large part their reductions were from money that they haven't been spending and probably would never spend. In the future, she hopes to target inefficiencies such as renegotiating contracts to get the same services for less.
- 241.3 E. Madison concurred with C. Clark that this is a process that allows them to all voice their disagreements or opinions and overall, they arrive at the county's budget. She stated that while this budget is not perfect, it is balanced, and she will support it for the betterment of the county. She reiterated that she would like to see some improvements in the process next year.

- 242.1 R. Aman stated that he will not be supporting this budget and noted that he can not vote for public transit, which it supports. He concurred with E. Madison with regard to the variation in raises, noting that a loaf of bread costs an elected official the same as it does an employee making \$10 an hour.
- 242.2 R. Bailey stated that he wishes R. Aman would have been here the other night because the vote would have been closer on the raises. He reported the first four years he served on the Quorum Court, the county had an unbalanced budget which he complained about and would never support. However, when C. Clark and E. Madison took over the budget process, all of that changed, and he commended C. Clark for the work that she does on the county's budget. R. Bailey stated that he will support this budget, though there are many areas that he does not like. He reported receiving calls from people stating that this is not our money, and he is hopeful that next year the Quorum Court will ask themselves if they would spend their own money this way because he does not think they would and noted that it is so easy to spend someone else's money.
- 242.3 R. Cochran stated that he wanted to comment for clarification on the line items. He explained that they have four broad categories – Personnel Services (regular salaries, extra help, overtime & fringe); Supplies; Other Services and Charges, and Capital Outlay. He stated that they cannot move money around in Personnel Services or in Capital Outlay but within the Supplies and Other Services and Charges categories, they can move money from one line item to another. He stated that he is really reluctant to stop movement of money along these lines, noting that one of the largest budgets they have is the Sheriff's Department and one of his largest line item is fuel, and fuel prices change constantly. R. Cochran stated that they manage the total amount of money that they allow each department to spend in general categories, make year-to-year make comparisons in how much has been spent, and decide how much is needed in the upcoming year.
- 242.4 B. Pond stated that R. Cochran has explained very well that there are areas where funds can be moved around, and there are line items within other categories that this cannot be done, and it would be illegal for them to do so. He stated that he does appreciate how hard this Quorum Court has worked on this budget. He further pointed out that after the Quorum Court approves the budget, it is then turned over to the elected officials who were elected by the majority of the voters in the county, and it is entrusted with the elected officials to see that this money is spent in appropriate ways. He believes that their elected officials are trustworthy. B. Pond stated that personally as a JP, he does not intend to extend his duty as a JP and become some kind of supervisor over any elected official.

243.1 C. Clark stated as Chair of the Finance and Budget Committee, she contributes the least during the meetings, but she believes that this body as a whole has done a very admiral job looking at all of the information that has been presented. She stated that this is not her budget, rather this is a budget of compromise and one that attempts to do the best they can do with what they have. She pointed out that she will not vote against the budget simply because she does not support one element; this is how Washington recently got shut down, and she will not do that on a county level. C. Clark stated that she may not love this entire budget, but she likes a lot of it. She does agree that they can make the process better next year. She stated that if they let their own views figure into such a large multifaceted issue as this budget, they would never get off of ground zero. She stated that this is an act of political compromise as well as personal compromise, and she believes that the whole body of this budget is good. She further pointed out that they can do anything they chose with this budget in 2014 if they discover that they have passed something in error, have overlooked something, or given too much to something. They can come back and take a look at it later and that is their job. She encouraged the Quorum Court to take a step back and realize that the overall health of this county is strong and healthy and reflected in this budget, and she is proud of it all.

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

243.3 VOTING FOR: B. Pond, B. Ussery, R. Bailey, D. Bryant, C. Clark, J. Firmin, B. Fitzpatrick, A. Harbison, E. Madison, J. Mardis, and J. Patterson. VOTING AGAINST: R. Aman, R. Cochran, and T. Lundstrum. **The motion passed with eleven members voting in favor and three members voting against the motion. The ordinance was adopted.**

ORDINANCE NO. 2013-69, BOOK NO. 9, PAGE NO. 311

243.4 OTHER BUSINESS: There was no other business to discuss.

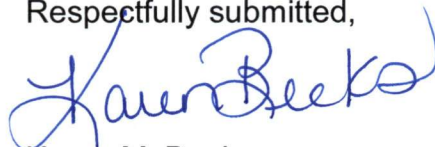
243.5 CITIZEN COMMENTS: Brenda Vassaur Taylor, citizen of Fayetteville, addressed the Quorum Court, stating that she was the co-founder of Conduit for Action and passed out a copy of their position regarding the county budget. She voiced her objection to the fact that the budget was not on the agenda and that public comment is not allowed until after the vote. She noted that there was a conservative majority of those elected to this Quorum Court who ran the idea of reducing the spending, reducing taxes and burden on the taxpayer.

- 244.1 Ms. Taylor reminded the JPs of the positions they took before they were elected. She thanked T. Lundstrum for voting according to his original position, and she reminded H. Bowman, R. Aman, and C. Clark of statements made in April of 2012 that it was the goal to reduce the budget by \$5 to \$6 million. She stated her appreciation for C. Clark's work on the budget, but stated that it was not appropriate to think that they will fix it in 2014. She encouraged the JPs to encourage the Controller's Office to make information more readily understandable to the public and if they question what has gone on from one year to the next, it would be helpful if they had comparatives.
- 244.2 In closing, Ms. Taylor voiced her disappointment that the Quorum Court has gone against the clear majority of voters in Washington County, pointing out that the transit vote was clearly against their will.
- 244.3 Joe Maynard, resident of Washington County, addressed the Quorum Court stating that the budget process is a difficult one that they go through, and he believes that C. Clark is very qualified and concerned in the micro; however, in the macro, citizens expected that as revenue goes up, the County wouldn't increase their spending, but rather either stay stable or reduce tax on the people. With regard to the transit, he stated that the math simply does not work, and it is a subsidy no matter how they slice it. Mr. Maynard reported hearing that there were more people on Medicare than there were working in Arkansas today. He believes that they should call the transit what it is – welfare – and give people vouchers if they need to get to work. Regarding the tax, the voters clearly said that the transit was not something that they approved, and the ½ cent sales tax was sold as a tax that had restrictions at the state level to be used on road transportation only, not transit. Mr. Maynard stated that unfortunately the 30% that came to the city from counties did not carry that restriction, but the voters didn't understand it that way and voted for the ½ cent tax for highways, not transit.
- 244.4 Mr. Maynard stated that under the current budget they will spend \$1 million a year on the Animal Shelter, and pointed out that the claims, projections and costs were all wrong. R. Cochran has said that it costs \$3,000 an animal if you include capital costs which any business would have to do. He stated that the government creates problems and then has a solution but at a very high cost. He reported that his wife used to rescue and foster animals and can't do it anymore because they don't have a fenced in yard on their 40 acres and according to the government, they can't adopt dogs.
- 244.5 Mr. Maynard stated that overall it appears that the interests of government are being served, not the taxpayers who are working every day, with soccer games to attend and Thanksgiving plans, and they can't be at all of these

committee meetings. This is why several of the JPs were elected to represent them and at a certain level, he is disappointed. He concurred with Ms. Taylor's sentiments about the lack of citizen comments on the budget ordinance and believes that it should have been read more than once.

- 245.1 Jeff Oland, citizen of Farmington, addressed the Quorum Court stating that E. Madison's comments regarding the budget make sense to him; this is not their money, and it is difficult to make decisions in spending other people's money. He stated if you look at all of the expenses, it makes sense to him. He stated that there continues to be a big problem with Ozark Regional Transit that continues year after year; it started off as a shuttle and the intent has been to grow and push it into a mass transit to eight times its current size. He stated that this is one area that continues to be a money pit and if they are going to continue to consider transit, they don't have anything in place or a way to check to see if it is really worthwhile. He stated that it is unsustainable to have big vehicles running around empty, and it would be cheaper to send mini-vans out. Now they are going to throw \$120,000 on top of something that is federally subsidized where money comes from the County, goes through the feds, and then comes back in a reduced amount which they put into a money pit or transit system that is very inefficient. Mr. Oland stated they need to be efficient with other people's money, and this transit issue is something that they will not let go of. He stated that Ozark Regional Transit doesn't have a history of being truthful and his past dealings with them have proven this and it is time to stop trying to make something work that doesn't work.
- 245.2 Paul Fanning, a resident of Fayetteville, addressed the Quorum Court stating that he realizes that the Quorum Court works very hard and the comment that he will be making is made within the framework of the meeting. He stated that he really doesn't understand the purpose of comments from the public after a vote has been taken and finds it to be insulting, incomprehensible, diabolical and useless and quite frankly a waste of time.
- 245.3 R. Aman stated that he agrees with the comments just made and regrets that he didn't make a motion to have citizen comments be taken before the vote was taken on their budget.
- 245.4 ADJOURNMENT: The meeting adjourned at 6:48 p.m.

Respectfully submitted,



Karen M. Beeks
Executive Assistant

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 November 7 for Hughmount Village Subdivision; 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 Hughmount Village Subdivision granted by the Planning and Zoning Board is 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: _____
Date of Passage: _____
Votes For: _____ Votes Against: _____
Abstention: _____ Absent: _____

Hughmount Village Subdivision CUP
CUP 2013-155

The Planning Board/Zoning Board of Adjustments unanimously approved Hughmount Village Subdivision Conditional Use Permit Approval Request (revision to CUP 2011-103) with conditions on November 7, 2013.

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

Hughmount Village Subdivision is requesting a Conditional Use Permit (CUP). This will be considered a revision to the 2011-103 CUP.

- Originally approved with CUP 2011-103: 56.28 acres and 141 lots (132 Residential Lots and 9 Greenspace lots)
- Currently proposed with CUP 2013-155: 56.28 acres and 137 lots (128 Residential Lots and 9 Greenspace lots)

The applicant is requesting a decrease of 4 residential lots, and elimination of the two proposed alley streets approved with the original CUP and Preliminary Plat. The lots along the former alley streets will now be front-loading onto the adjoining streets.

At this time, it is proposed that all other aspects of this development will remain the same.

While the removal of the alleys does somewhat change the nature of a portion of the proposed subdivision, Planning Staff understands the reasoning (market research by the applicant regarding smaller alley-loaded style homes in this area), and feels that the connective greenspace within the subdivision, and the addition of a park dedication and trail easements (required by the City of Fayetteville), still allow this proposed subdivision to provide a more vibrant living experience than a typical 1-acre lot subdivision within the County.

City of Fayetteville Planning has offered no objections to the proposed changes, and all County staff have no issue with the changes in regard to connectivity, health safety and welfare, etc.

As there has been no complaints or objections from the neighboring property owners, Planning Staff have no issue recommending approval of this CUP revision as it appears that this layout still provides for meaningful green space (to be used for recreation, wildlife, community interaction, buffering for some neighboring properties) and a variety of neighborhood character.

At this time Planning Staff has received no comments from any of the neighbors notified of this CUP revision.

If the CUP is ratified by the Quorum Court, the developer will be required to submit a revised Preliminary Plat and Construction Plans to both the City and the County Staff. Due to the revisions being quite minor in nature, it is not expected that the revisions to the Preliminary Plat layout will be required to go before the City Planning Commission or

the County Planning Board, but will be reviewed and approved administratively by both parties.

After the completion of all construction, the Final Plat will be reviewed and approved as per standard regulations.

The Planning Board/ Zoning Board of Adjustments unanimously approved the project with the following conditions:

General

- Subdivision should be built as generally shown on plat layout approved with this CUP
- Any other use or densities not considered with this CUP must be considered as a separate CUP
- All changes should be reflected on the Preliminary Plat and Construction plans
- Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office.
- All previous CUP (2011-103) approval conditions and Preliminary Plat (2013-024) approval conditions which do not directly conflict with *this* CUP (2013-155) are still in effect and must be adhered to by the developer.

Utilities

- All Utilities within whose service area this subdivision lies must be able to be accommodated appropriately with the easements and spacing that they need or this CUP will be invalid.

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 SOUTH COAST BAKING, LLC, 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, South Coast Baking, LLC, of 800 S. 40th Street, 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, South Coast Baking, LLC, 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 South Coast Baking, LLC, 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 South Coast Baking, LLC, 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-____

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

AN EMERGENCY ORDINANCE DIRECTING THE COUNTY TREASURER TO DISTRIBUTE FUNDS RECEIVED PURSUANT TO ACT 799 OF 2003, CURRENTLY BEING HELD IN THE GAME AND FISH COMMISSION FUND.

WHEREAS, under A.C.A. §15-41-209 fine moneys deposited as special revenues in the Game Protection Fund may be expended in the form of grants for established school education programs; and,

WHEREAS, pursuant to A.C.A. §15-41-209, the Department of Education has received fine moneys from the Game Protection Fund and has disbursed the sum of \$10,472.21 to the Washington County Treasurer for 2013; and,

WHEREAS, the School Districts of Fayetteville, Greenland, Lincoln, Prairie Grove, and Springdale have applied for said funds.

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

ARTICLE 1. The County Treasurer is hereby directed to distribute said funds to the following School Districts in Washington Country to be used solely for the purposes set out herein:

<u>Fayetteville</u>		
Happy Hollow Elementary School	\$ 1,000.00	
Holcomb Elementary School	1,000.00	
Washington County Juvenile Detention Center	<u>2,000.00</u>	
		\$ 4,000.00
<u>Greenland</u>		
Greenland High School		222.21
<u>Lincoln</u>		
Lincoln Middle School		800.00
<u>Prairie Grove</u>		
Prairie Grove Middle School		1,000.00

Springdale

Archer Elementary School	\$ 1,000.00	
Parson Hills Elementary School	150.00	
Sonora Elementary School	1,000.00	
JB Hunt Elementary School	1,000.00	
Southwest Junior High School	1,000.00	
Monitor Elementary School	<u>300.00</u>	
		<u>4,450.00</u>

TOTAL FUNDS DISTRIBUTED: \$ 10,472.21

ARTICLE 2. Emergency Clause. It is hereby found and determined that an emergency exists, affecting the life, health, safety, and property of the citizens of Washington County, in that the above funds are needed immediately, and this ordinance shall be in full force and effect immediately upon passage.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

HOFNOD 2013**\$10,472.21**

REQUEST #	SCHOOL NAME	AMOUNT REQUESTED	PROGRAM	RECOMMENDATION
1	JDC	\$2,280.00	HOFNOD-EQUIPMENT, SUPPLIES	\$2,000.00
2	Lincoln Middle School	\$3,000	Arrow Curtain, Bow Rack, Rope Climbing Pack	\$800.00
3	Springdale-Archer	\$1,289	Archery Start Up Program	\$1,000.00
4	Prairie Grove Middle School	\$1,375.00	Archery Start Up Program	\$1,000.00
5	Springdale-Parson Hills Elementary	\$500.00	Bows, trophies, target covers	\$150.00
6	Springdale-Sonora	\$2,000.00	Archery Start Up Program	\$1,000.00
7	Springdale-JB Hunt	\$2,750	Archery Start Up Program	\$1,000.00
8	Springdale-Lee Elementary	\$1,550.00	Toucan Jam Show	\$0.00
9	Springdale-Southwest Junior High	\$1,200	Archery Start Up Program	\$1,000.00
10	Springdale-Monitor Elementary	\$634.80	Microscopes for 3rd & 4th Grades	\$300.00
11	GreenlandHigh School	\$848	Mulch, Waders, Archery Items, Microscope	\$222.21
12	Fayetteville-Holcomb	\$1,447.00	Archery Start Up Program	\$1,000.00
13	Fayetteville-Happy Hollow	\$1,447	Archery Start Up Program	\$1,000.00
14	Springdale-Westwood Elementary	\$1,526	Community Garden/Rain Barrels	\$0.00
15	Springdale-Monitor Elementary	\$1,339	Lenovo ThinkPad Tablets	\$0.00
	Total Requested:	\$23,185.75	Total Recommended:	\$10,472.21