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

Thursday, February 20, 2014
6:00 p.m.
Washington County Quorum Court Room

- 13.1 The Washington County Quorum Court met in regular session on Thursday, February 20, 2014. The meeting was called to order by County Judge Marilyn Edwards.
- 13.2 H. Bowman led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 13.3 Judge Edwards requested a moment of silence at this time for two county employees that passed this week, Corporal Larry Johnson with the Sheriff's Office and Gary McElhaney with Buildings & Grounds.
- 13.4 MEMBERS PRESENT: Ron Aman, Rex Bailey, Harvey Bowman, Diane Bryant, Candy Clark, Rick Cochran, John Firmin, Barbara Fitzpatrick, Ann Harbison, Tom Lundstrum, Eva Madison, Joe Patterson, Butch Pond, and Bill Ussery.
- 13.5 MEMBERS ABSENT: Jimmy Mardis.
- 13.6 Judge Edwards reported that J. Mardis was home sick tonight.
- 13.7 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 13.8 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 13.9 **A motion was made and seconded to adopt the agenda as presented. The motion passed unanimously by those present by voice vote. The agenda was adopted as presented.**
- 13.10 APPROVAL OF MINUTES: Judge Edwards asked for approval of the minutes of the January 16 regular meeting of the Washington County Quorum Court.
- 13.11 **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.**
- 13.12 FINANCE REPORT: C. Clark stated that she had one resolution and three appropriation ordinances from the Finance Committee to address tonight.

14.1 A RESOLUTION ENDORSING THE PARTICIPATION OF KARCHER NORTH AMERICA, 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 Karcher North America, 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.

14.2 **C. Clark made a motion to adopt the resolution. B. Fitzpatrick seconded.**

14.3 Citizen Comments: There were no citizen comments made.

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

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

RESOLUTION NO. 2014-02, BOOK NO. 3, PAGE NO. 63

14.6 AN ORDINANCE CREATING AN ADDITIONAL PERSONNEL POSITION IN THE BUILDINGS AND GROUNDS BUDGET; AND APPROPRIATING THE AMOUNT OF \$34,351 FROM THE GENERAL FUND TO THE BUILDINGS AND GROUNDS BUDGET FOR SAID POSITION IN 2014: C. Clark introduced **An Ordinance Creating An Additional Personnel Position In The Buildings And Grounds Budget; And Appropriating The Amount Of \$34,351 From The General Fund To The Buildings And Grounds Budget For Said Position In 2014**, and County Attorney George Butler read the ordinance.

14.7 C. Clark explained that these ordinances were all discussed in depth at the Finance Committee meeting.

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

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

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

ORDINANCE NO. 2014-03, BOOK NO. 9, PAGE NO. 328

- 15.2 AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$4,698 IN THE GENERAL FUND; AND, APPROPRIATING THE AMOUNT OF \$4,698 FROM THE GENERAL FUND TO THE PLANNING BUDGET FOR 2014: C. Clark introduced **An Ordinance Recognizing Addition Revenues Of \$4,698 In The General Fund; And, Appropriating The Amount Of \$4,698 From The General Fund To The Planning Budget For 2014**, and County Attorney George Butler read the ordinance.

- 15.3 C. Clark stated that she believes this is money for software and is not new money.

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

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

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

ORDINANCE NO. 2014-04, BOOK NO. 9, PAGE NO. 329

- 15.7 AN ORDINANCE RECOGNIZING REVENUES OF \$3,500 IN THE DEM GRANT FUND; AND, APROPRIATING THE AMOUNT OF \$3,500 FROM THE DEM GRANT FUND TO THE MRC 2014 GRANT BUDGET: C. Clark introduced **An Ordinance Recognizing Revenues Of \$3,500 In The DEM Grant Fund; And, Appropriating The Amount Of \$3,500 From The DEM Grant Fund To The MRC 2014 Grant Budget**, and County Attorney George Butler read the ordinance.

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

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

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

ORDINANCE NO. 2014-05, BOOK NO. 9, PAGE NO. 330

- 16.2 COUNTY JUDGE'S REPORT: Judge Edwards stated in response to the concerns expressed by the Quorum Court at its meeting last month, she would like to call a special Quorum Court meeting for this coming Monday, February 24, at 6:00 p.m. to receive a presentation from the Association of Arkansas Counties and allow them to answer any questions that the Quorum Court may have for Chris Villines and Wes Fowler.
- 16.3 C. Clark and J. Patterson stated that they would not be able to attend a meeting on that date and time.
- 16.4 In response to a question from Judge Edwards, Executive Assistant Karen Beeks stated that the AAC had indicated that they would also be available to meet with the Quorum Court on Monday, March 10, after the Personnel Committee and the Jail/Law Enforcement/Courts Committee meetings that meet beginning at 5:30 p.m.
- 16.5 After some discussion, Judge Edwards stated that Karen would get back in touch with the AAC to get some additional dates for this meeting.
- 16.6 Judge Edwards stated that Ozark Regional Transit was present to give an update to the Quorum Court.
- 16.7 Joel Gardner, Executive Director for Ozark Regional Transit, addressed the Quorum Court stating that they did receive additional funding this year from both the Cities of Springdale and Fayetteville and are currently working north to south to establish a new route in both of those cities. He stated that the route in Springdale will connect Northwest Arkansas Community College with NTI located on Highway 265, and Crossover on Highway 412 into the Walmart area, thus alleviating their current Route 43. This will allow them to start providing service to the downtown area of the City of Johnson. He stated that their Route 47 which travels east and west between Springdale and Fayetteville in the Mall area will also have an opportunity to service Johnson from the south. Mr. Gardner further reported that in Fayetteville, they are taking their Route 41 which travels east and west along the Martin Luther King corridor, splitting it out into two distinct routes with the future availability of going into four routes; the advantage of this is the ability to reach down into the Pump Station Road providing service to Commerce Park

industrial area. He stated that they will also be traveling further down Highway 71 into Clydesdale and provide services to the Washington County Jail. Mr. Gardner noted that they are looking at a May timeline for the Fayetteville route and an April timeline for the Springdale/Johnson routes.

- 17.1 Mr. Gardner referred to a map that laid out a Route 620 that they are considering at this point in time. He stated that this route with mock tentative time schedules could leave Lincoln and connect to Fayetteville as it passes through and connect to Prairie Grove, Farmington, Greenland and West Fork. He noted that this mock schedule would start at 6:00 a.m. and end at 9:00 p.m. providing a 15-hour day and services into Fayetteville, Springdale, and into Rogers and Bentonville. He stated that this particular route would be in effect on June 1.
- 17.2 Mr. Gardner thanked the Quorum Court for the money that they graciously provided ORT, stating that they are putting it to very good use. He noted by the end of June, they should have a whole new system from what they had six month ago. Referring to his handout, Mr. Garner stated that there is a brief description stating that there are customer service support switches in their software programming where customers with Smart Phones can download an app to locate their bus and times of arrival in real time based on bus' GPS. He stated that this provides their customers with a great tool to be able to plan their routes.
- 17.3 D. Bryant asked if there was going to be a stop in Prairie Grove, to which Mr. Gardner responded that they stop in each and every community on their route. He stated that they are not exactly sure where the stop in Prairie Grove will be at this time, but they are currently planning to go through the downtown corridor which takes longer and will allow enough time to meet the schedule.
- 17.4 In response to a question from H. Bowman, Mr. Gardner reiterated that ORT received an increase in funding from the Cities of Springdale and Fayetteville. He noted that they are still in communication with the other cities that have expressed that they will consider additional funding, but they want to see ORT put their money where their mouth is first. Mr. Gardner stated that he is okay showing people that ORT can do what they say they are going to do and commit to it.
- 17.5 Judge Edwards asked if someone living in Cane Hill would have to go into Lincoln to catch the ORT bus; to which Mr. Gardner responded that this is correct but only if a person is riding a fixed route. A person who is a para transit or demand response rider could be taken to the fixed route so they could take the bus to a specified destination.

Minutes of the Regular Meeting of the
Washington County Quorum Court
February 20, 2014
Page 6

- 18.1 Judge Edwards stated that she would like to recommend that Mr. Gary Ricker be appointed for a 5-year term to the County Library Board. Mr. Ricker resides in the City of Greenland where he currently serves as the Chief of Police. He is very interested in the library system and the service it provides to the communities in Washington County. This appointment will fill the at-large position on the County Library Board previously held by Carl Koffler whose term expired in January.
- 18.2 **R. Bailey made a motion to confirm the appointment of Gary Ricker to the County Library Board. A. Harbison seconded. The motion passed unanimously by those present by voice vote. Mr. Ricker's appointment was confirmed.**
- 18.3 A. Harbison commented that Gary Ricker is very involved in the Greenland Library and has been very supportive.
- 18.4 R. Bailey stated that Carl Koffler served many years on this Library Board and should be commended for such; Judge Edwards concurred stating that he has done an awesome job for Washington County.
- 18.5 Judge Edwards updated the Quorum Court on activities of the Road Department. They have not yet determined on which road they will be using their State Aid, but at this time, plan on finishing the entire length of the Blue Springs Road which they have been working on for two years. She noted that this would provide new asphalt from the Goshen city limits to Highway 412. She stated that they also plan on continuing another mile on Bush Valley Road south of Lincoln, noting that they have completed one mile per year and hope to continue from Highway 45 to the Lincoln city limits.
- 18.6 Judge Edwards reported on Woolsey Bridge, stating that the Highway Department has completed the construction survey and should have the design survey completed sometime in March. She stated that the State will then contact the County to set up a meeting to discuss alignment and other issues.
- 18.7 Judge Edwards reported that they are getting ready to work on the Stonewall Road Bridge. The survey has been completed, the drilling of the soil has been tested with reports completed, and they have received two possible drawings of the new bridge and will be deciding which one will work best for the location and boundaries with which they have to work. She noted that this is the bridge that they will be able to use some of their own forms and culverts.
- 18.8 In response to a question from B. Pond, Judge Edwards stated that on the smaller bridges, the County hires a certified local engineer and on the bigger bridges the state provides the engineering and choice of design.

Minutes of the Regular Meeting of the
Washington County Quorum Court
February 20, 2014
Page 7

- 19.1 Judge Edwards also reported that the Executive Committee of the Washington County Regional Ambulance Authority met last night and discussed raises for Central EMS. She noted that because there was a shortage of funds available, Chief Becky Stewart, Assistant Chief Steve Harrison, and Chief Finance Officer Tony Hickerson all declined a raise so that more money would be available for the other employees. Judge Edwards stated that this is very commendable and shows the kind of people they have working in their Central EMS.
- 19.2 COMMITTEE REPORTS: B. Pond reported that the Personnel Committee met on February 10 and unanimously recommended proposed amendments to the Employee Handbook Policy pertaining to the Overtime Compensation Policy and Unpaid Leave Policy.
- 19.3 County Attorney George Butler explained that this issue came from the Sheriff's Office where employees thought that they were in total control of their comp time. It was previously understood that it was federal law, but the Supreme Court has said that that is not the case and this request clarifies the policy that someone cannot take unpaid leave if they have vacation or sick time available.
- 19.4 County Attorney Butler stated that the following language was added: In paragraph 15(D) under Overtime Compensation – **"Nothing herein shall be construed as prohibiting an Elected Official from requiring that an employee use compensatory time."** In paragraph 27(A) and 27(B) under Unpaid Leave – **"In no instance shall an employee be granted an unpaid leave of absence if the employee has qualifying leave time available to them, except as outlined by federal law or county policy. The employee must first use the available leave time available to them, before taking an unpaid leave of absence. The employee may be entitled to take unpaid leave in certain cases as defined by law. All other unpaid leave requests that are not specifically authorized by law, shall be made to the Elected Official or his/her designee. The Elected Official or his/her designee will have the authority to approve or deny the leave request."**
- 19.5 **A. Harbison made a motion to approve amendments to the Employee Handbook as stated. R. Cochran seconded. The motion passed unanimously by those present by voice vote. The amendments were approved.**
- 19.6 J. Patterson reported that the County Services Committee met on February 3 and discussed an ordinance amending Washington County Code 11-99.1 regarding community sewer systems.

Minutes of the Regular Meeting of the
Washington County Quorum Court
February 20, 2014
Page 8

- 20.1 E. Madison reported that the Public Works Committee met briefly on February 3 and Ron Wood, County Building Superintendent, reported that the Jail project is complete, coming in about \$25,000 under budget. The roof has been replaced on the Juvenile Detention Center building. Mr. Wood stated that there have been some issues at the old courthouse with ice falling off the bell tower where tiles on both sides of the roof had to be replaced. These tiles are very expensive, and he buys them in bulk and keeps tiles on hand as this has happened before.
- 20.2 B. Pond further reported that the Personnel Committee heard a report from Salary Consultant Blair Johanson; Human Resources Director Lindsi Huffaker reviewed quarterly reports from Human Resources. He stated that they unanimously approved a request from County Judge Marilyn Edwards to add an Assistant Leadman/Foreman Position (Grade 12) in the Buildings and Grounds Budget for 2014 to forward to the Finance Committee with a do-pass recommendation.
- 20.3 T. Lundstrum reported that the Jail/Law Enforcement/Courts Committee met on February 10 and heard reports from the Juvenile Detention Center and from the Sheriff's Office on enforcement and adult detention. He noted that all were favorable except that currently the number of state prisoners is up significantly, causing a crowding issue. He reported that they toured the East Annex which is completed.
- 20.4 Judge Edwards stated that the Sheriff's new East Annex is really a nice facility and accommodates many people.
- 20.5 C. Clark reported from the Finance and Budget Committee that the sales tax is coming in, but she was disappointed with income which was just \$1,300 more than was received in the previous year for the month of January reflecting November sales.
- 20.6 AN ORDINANCE AMENDING WASHINGTON COUNTY CODE 11-99.1 REGARDING COMMUNITY SEWER SYSTEMS: B. Pond introduced **An Ordinance Amending Washington County Code 11-99.1 Regarding Community Sewer Systems**. This ordinance is being recommended by the County Services Committee.
- 20.7 B. Pond explained that the State has legislation and the Health Department regulates these systems. This ordinance repeals the financial requirements because those are already being required by the State; the ordinance also aligns our code with ADEQ policies, duplicating some of their regulation and enforcement. He stated that this creates less confusion and hardship on people.

- 21.1 Judge Edwards noted that the Quorum Court can either suspend the rules to put this ordinance through three readings or they can put an emergency clause in the ordinance and pass it tonight with one reading making it effective immediately.
- 21.2 County Attorney George Butler explained if they suspend the rules and put the ordinance through to third and final reading; it would not go into effect for 30 days after publication. He has drafted an ordinance that is before the Quorum Court that includes the emergency clause.
- 21.3 G. Butler then read **An Emergency Ordinance Amending Washington County Code 11-99.1 Regarding Community Sewer Systems.**
- 21.4 **J. Patterson made a motion to adopt the emergency ordinance. R. Cochran seconded.**
- 21.5 In response to a question from D. Bryant whether the monitoring organizations like the Rural Development Authority and ADEQ will make sure that our sewer systems are well maintained and operating effectively, County Attorney George Butler stated that the monitoring will all be done by the ADEQ and in some respects with stricter regulations.
- 21.6 Citizen Comments: There were no citizen comments made.
- 21.7 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 21.8 VOTING FOR: R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Patterson, B. Pond, and B. Ussery. ABSTENTION: R. Aman. **The motion passed with thirteen members voting in favor of the motion and one member abstaining. The ordinance was adopted.**
- ORDINANCE NO. 2014-06, BOOK NO. 9, PAGE NO. 331**
- 21.9 AN ORDINANCE WITHDRAWING FROM INTERLOCAL AGREEMENTS WITH THE CITY OF FAYETTEVILLE AND THE CITY OF FARMINGTON AND TERMINATING SUCH: B. Pond introduced **An Ordinance Withdrawing From Interlocal Agreements With The City Of Fayetteville And The City Of Farmington And Terminating Such**, and County Attorney George Butler read the ordinance that is on first reading and is being recommended by the County Services Committee.

- 22.1 County Attorney George Butler stated that the County has an interlocal agreement with Fayetteville and Farmington to oversee community sewer systems located within the city limits and within the growth area of the cities. This ordinance withdraws the County from this interlocal agreement. He noted that he has talked to both cities and all are in agreement to waive the six-month termination notification requirement.
- 22.2 B. Pond stated that with the previous agenda item, they have repealed the need for this interlocal agreement.
- 22.3 **B. Pond made a motion to suspend the rules and place the ordinance on second reading by title only. D. Bryant seconded. The motion passed unanimously by those present by voice vote.**
- 22.4 County Attorney George Butler read **An Ordinance Withdrawing From Interlocal Agreements With The City Of Fayetteville And The City Of Farmington And Terminating Such** by title only.
- 22.5 **B. Pond made a motion to suspend the rules and place the ordinance on third and final reading by title only. B. Fitzpatrick seconded. The motion passed unanimously by those present by voice vote.**
- 22.6 County Attorney George Butler read **An Ordinance Withdrawing From Interlocal Agreements With The City Of Fayetteville And The City Of Farmington And Terminating Such** by title only.
- 22.7 **B. Pond made a motion to adopt the ordinance. A. Harbison seconded.**
- 22.8 Citizen Comments: There were no citizen comments made.
- 22.9 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 22.10 VOTING FOR: R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Patterson, B. Pond, and B. Ussery. **The motion passed unanimously by those present. The ordinance was adopted.**
- ORDINANCE NO. 2014-07, BOOK NO. 9, PAGE NO. 336**
- 22.11 OTHER BUSINESS: Judge Edwards announced that the visitation for Corporal Larry Johnson would be this evening at the Beard's Funeral Home.

Minutes of the Regular Meeting of the
Washington County Quorum Court
February 20, 2014
Page 11

- 23.1 In response to a question from E. Madison about the other county employee who had passed, Judge Edwards stated that Gary McElhaney was the supervisor of the Buildings and Grounds crew that cleans the County buildings.
- 23.2 R. Cochran commented that the original cost for the Jail Annex Project was estimated well over \$700,000. Sheriff Helder and Buildings and Grounds Superintendent Ron Wood did a commendable job in bringing the cost in line saving the County over \$200,000 and the County has a very fine facility.
- 23.3 CITIZEN COMMENTS: There were no citizen comments made.
- 23.4 ADJOURNMENT: The meeting adjourned at 6:55 p.m.

Respectfully submitted,



Jessica Ims
Quorum Court Coordinator/Reporter