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

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

- 24.1 The Washington County Quorum Court met in regular session on Thursday, March 20, 2014. The meeting was called to order by County Judge Marilyn Edwards.
- 24.2 B. Ussery led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 24.3 MEMBERS PRESENT: Ron Aman, Rex Bailey, Harvey Bowman, Diane Bryant, Candy Clark, Rick Cochran, Barbara Fitzpatrick, Ann Harbison, Tom Lundstrum, Eva Madison, Butch Pond, and Bill Ussery.
- 24.4 MEMBERS ABSENT: John Firmin, Jimmy Mardis, and Joe Patterson.
- 24.5 Judge Edwards reported that J. Firmin was in Puerto Rico, J. Mardis was in China, and J. Patterson was in Haiti.
- 24.6 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 24.7 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 24.8 **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.**
- 24.9 APPROVAL OF MINUTES: Judge Edwards asked for approval of the minutes of the February 20 regular meeting of the Washington County Quorum Court.
- 24.10 **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.**
- 24.11 FINANCE REPORT: C. Clark stated that she had four appropriation ordinances from the Finance Committee to address tonight.
- 24.12 AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES, REDUCING LINE ITEMS IN VARIOUS FUNDS, AND APPROPRIATING MONIES FROM VARIOUS FUNDS TO VARIOUS BUDGET LINE ITEMS FOR NEEDED ADJUSTMENTS FOR THE YEAR 2013: C. Clark introduced **An Ordinance Recognizing Additional Revenues, Reducing Line Items In Various Funds, And Appropriating Monies From Various Funds To Various Budget Line Items For Needed Adjustments For The Year 2013.**

Minutes of the Regular Meeting of the
Washington County Quorum Court
March 20, 2014
Page 2

- 25.1 **C. Clark made a motion to suspend the rules and read this ordinance by title only. B. Fitzpatrick seconded. The motion passed unanimously by those present by voice vote.**
- 25.2 County Attorney George Butler read the ordinance by title only.
- 25.3 C. Clark explained that this ordinance was their quarterly end-of-the-year housekeeping which they have discussed at length in Finance Committee.
- 25.4 **C. Clark made a motion to adopt the ordinance. A. Harbison seconded.**
- 25.5 E. Madison asked County Attorney George Butler what would be the consequence of the Quorum Court not passing this ordinance tonight; to which he responded that he was not exactly sure and directed the question to Comptroller Cheryl Bolinger.
- 25.6 Comptroller Cheryl Bolinger explained that if this ordinance was not passed, it would not be in compliance with the law, and the auditors could write up the Quorum Court; to which G. Butler agreed.
- 25.7 E. Madison expressed her frustration that the line item amounts were overlooked by some departments. The Quorum Court now has to correct this or face an audit finding. While this was presented to the Quorum Court as the 4th quarter housekeeping, it does not accurately convey to her what the ordinance represents. She requested that this be more clearly explained on future agendas. E. Madison further pointed out that the attachments to the ordinance listing the line items were not clearly defined. She was able to obtain some of this information in the Committee meeting but then was asked to vote on the ordinance shortly thereafter. She still does not know what all of the line items are listed under County General.
- 25.8 E. Madison stated that she was a little confused about how so many of the salaries that went over budget were explained as longevity pay, and she does not understand why that would not have been budgeted.
- 25.9 C. Clark stated that she concurs with what E. Madison is saying, but she thinks that they will have much more time to focus on the symptoms that E. Madison was talking about in the April Finance Committee meeting; it is at that time that any substantive changes should be made. C. Clark informed the Quorum Court that she plans on asking Comptroller Cheryl Bolinger for more data for that meeting. She further stated that she wants to look at the budget controls because she believes that some of the issues will be covered there as well. C. Clark stated she does not believe that passing this ordinance at this time will undo anything that they can still pursue in a Finance Committee meeting.

Minutes of the Regular Meeting of the
Washington County Quorum Court
March 20, 2014
Page 3

- 26.1 A. Harbison stated that they have set aside the April meeting to go through and hash this out, and they have budget controls that they are currently following. She stated that while she has some of the same concerns mentioned by E. Madison and C. Clark, they have set up a meeting to question and research what is going on.
- 26.2 R. Cochran stated that they may need to take more control of what is being done, but he agrees with A. Harbison that they should wait until the Finance Committee meeting to make any changes.
- 26.3 E. Madison concurred but reiterated that she is troubled that they are being asked or feel compelled to pass this as an ordinance before any of them can totally understand it.
- 26.4 Judge Edwards stated that since the previous Finance Committee meeting she has done a lot of research, pulled up a lot of warrants, and studied a lot of documentation. She assured the Quorum Court that changes have been implemented, and everything will be clearer at the next Finance Committee meeting. She stated that she was prepared to do this tonight if she needed to, but if the Finance Chairwoman thinks that they need to move on and have it in April, she is okay with that.
- 26.5 **R. Aman made a motion to table this ordinance until April. H. Bowman seconded the motion.**
- 26.6 In response to E. Madison, County Attorney George Butler stated that the Quorum Court cannot be forced to pass the ordinance. He asked if delaying the passage of this ordinance until the April Quorum Court meeting would make a difference; to which Comptroller Cheryl Bolinger replied that it would not, but the Quorum Court would want to make a decision before the 2013 Audit is complete.
- 26.7 D. Bryant asked if waiting a month would affect any cash flow; to which Comptroller Cheryl Bolinger stated that this does not have anything to do with cash flow as it is dealing with expenditures in 2013.
- 26.8 R. Cochran stated that he understands that the numbers are the numbers, and they can close the gate now, but the cattle are out. He thinks that passing it tonight is probably the right thing to do, and then they can address the issues in the Finance Committee meeting next month.
- 26.9 B. Fitzpatrick stated that they are closing the books on 2013, and as R. Cochran just said, the cattle are out. She believes they need to get it wrapped up and then investigate the issue for next year.

- 27.1 **With no further discussion, Judge Edwards called for a vote on the motion to table the ordinance.**
- 27.2 VOTING FOR: R. Bailey, H. Bowman, T. Lundstrum, E. Madison, and R. Aman. VOTING AGAINST: D. Bryant, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, B. Pond, and B. Ussery. **The motion failed with five members voting in favor and seven members voting against the motion.**
- 27.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 27.4 VOTING FOR: H. Bowman, D. Bryant, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, B. Pond, and B. Ussery. VOTING AGAINST: R. Bailey, T. Lundstrum, E. Madison, and R. Aman. **The motion failed with eight members voting in favor and four members voting against the motion.**
- 27.5 AN ORDINANCE ANTICIPATING ADDITIONAL REVENUE OF \$6,500 IN THE ENVIRONMENTAL AFFAIRS GRANT FUND, AND APPROPRIATING \$6,500 FROM THE ENVIRONMENTAL AFFAIRS GRANT FUND TO ADEQ-WC13-07 BUDGET FOR 2014: C. Clark introduced **An Ordinance Anticipating Additional Revenue Of \$6,500 In The Environmental Affairs Grant Fund, And Appropriating \$6,500 From The Environmental Affairs Grant Fund To ADEQ-WC13-07 Budget For 2014**, and County Attorney George Butler read the ordinance.
- 27.6 C. Clark stated that this is receipt of grant money.
- 27.7 **C. Clark made a motion to adopt the ordinance. R. Bailey seconded.**
- 27.8 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 27.9 VOTING FOR: R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, B. Pond, B. Ussery, and R. Aman. **The motion passed unanimously by those present. The ordinance was adopted.**
- ORDINANCE NO. 2014-08, BOOK NO. 9, PAGE NO. 337**
- 27.10 AN ORDINANCE ANTICIPATING REVENUES OF \$12,055 IN THE LAW ENFORCEMENT GRANT FUND, AND APPROPRIATING \$12,055 FROM THE LAW ENFORCEMENT GRANT FUND TO THE ARICAC BUDGET FOR 2014: C. Clark introduced **An Ordinance Anticipating Revenues Of**

- 28.1 **\$12,055 In The Law Enforcement Grant Fund; And Appropriating \$12,055 From The Law Enforcement Grant Fund To The ARICAC Budget For 2014**, and County Attorney George Butler read the ordinance.
- 28.2 **C. Clark made a motion to adopt the ordinance. T. Lundstrum seconded.**
- 28.3 In response to a question, Grants Administrator Wayne Blankenship stated that ARICAC stands for Arkansas Internet Crimes Against Children, and the funds will assist the Sheriff's Office in these efforts.
- 28.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 28.5 VOTING FOR: R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, B. Pond, B. Ussery, and R. Aman. **The motion passed unanimously by those present. The ordinance was adopted.**
- ORDINANCE NO. 2014-09, BOOK NO. 9, PAGE NO. 338**
- 28.6 AN ORDINANCE APPROPRIATING THE AMOUNT OF \$2,800 FROM THE LAW LIBRARY FUND TO THE LAW LIBRARY BUDGET FOR 2014: C. Clark introduced **An Ordinance Appropriating The Amount Of \$2,800 From The Law Library Fund To The Law Library Budget For 2014**, and County Attorney George Butler read the ordinance.
- 28.7 C. Clark explained that this was to buy furniture for the office at the Old Courthouse.
- 28.8 **C. Clark made a motion to adopt the ordinance. A. Harbison seconded.**
- 28.9 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 28.10 VOTING FOR: R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, B. Pond, B. Ussery, and R. Aman. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2014-010, BOOK NO. 9, PAGE NO. 339

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

- 29.1 COUNTY JUDGE'S REPORT: Judge Edwards reported that the Washington County Spring Cleanup is scheduled for Saturday, April 19, from 8:00 a.m. to 2:00 p.m. for Washington County residents. This is a great opportunity for County residents to discard furniture and construction materials free of charge. All loads must be covered and can be taken to either landfill in Tontitown or the Boston Mountain Solid Waste District in Prairie Grove.
- 29.2 Judge Edwards reported that the City of Lincoln has recommended Wendy Lindsey to be appointed to fill their seat on the Washington County Library Board. Ms. Lindsey is a longtime supporter of the Lincoln Library and will be replacing Melissa Hutchens whose term expired in January.
- 29.3 Judge Edwards further reported that the City of Prairie Grove has recommended Jill Maddox to be reappointed to represent their seat on the Washington County Library Board for another term.
- 29.4 Judge Edwards requested confirmation of these two appointments.
- 29.5 **R. Bailey made a motion to confirm the two County Library Board appointments. C. Clark seconded. The motion passed unanimously by those present by voice vote. The board appointments were confirmed.**
- 29.6 Judge Edwards reported that 2,355 man hours were worked by the Road Department following the February snow event; the chip used was 943 tons at a cost of \$10,693. The fuel costs were approximately \$25,000, and there were blade replacements made for graders and plows. She explained that with the amount of ice they have had blades are torn up quickly, and they had a full crew working around the clock to change blades out on equipment. Judge Edwards noted that they do not have the figures yet from the March snow event.
- 29.7 Judge Edwards noted that they continue to work on getting roads ready for paving, and they will be getting started on many projects as the weather warms up. She reported that they have plans to finish up the entire length of Blue Springs Road. They will have new asphalt from the Goshen city limits to Highway 412, and they also plan on continuing another mile of the Bush Valley Road south of Lincoln. She stated that they hope to pave from Highway 45 to Lincoln; they paved one mile last year and will pave a mile or so each year until completed.
- 29.8 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.

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

- 30.1 Judge Edwards stated with survey, soil testing, and design was completed on the Stonewall Road Bridge; they are currently completing paperwork for this bridge. She noted that they will also work on smaller bridges in the areas that these bridge projects are located.
- 30.2 COMMITTEE REPORTS: Judge Edwards noted that no other committee has met this month and there are no reports to make.
- 30.3 AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD: T. Lundstrum introduced **An Emergency Ordinance Ratifying A Conditional Use Permit Granted By The Planning And Zoning Board**, and County Attorney George Butler read the ordinance. The Planning Board granted Conditional Use Permits on March 6 for Overton West Subdivision and Sassafra Springs Vineyard Expansion. This ordinance contains an emergency clause making it effective immediately upon passage.
- 30.4 T. Lundstrum reported that he spoke to Planning Director Juliet Richey earlier that day about this ordinance, and she reported that in regard to Overton West Subdivision, there were some residents in the neighboring subdivision who attended the meeting, but there were no issues or appeals indicated, and there have been no problems with the Sassafra Springs Vineyard Expansion. He further noted that this was unanimously passed by the Planning Board, and they do not anticipate any appeals, although citizenry does have 30 days to appeal before it goes into effect.
- 30.5 **T. Lundstrum made a motion to adopt the ordinance. B. Pond seconded.**
- 30.6 In response to a request by D. Bryant to explain a Conditional Use Permit, Planning Director Juliet Richey stated that zoning in the majority of Washington County is agricultural and single-family residential by right. Single-family residential has a minimum lot size of one acre; in order to have smaller lot sizes than one acre for single-family residential or another type of use like commercial, then they have to get a Conditional Use Permit which is basically a zoning change and not a temporary solution.
- 30.7 D. Bryant stated that she attended this Planning Board meeting and one thing that came up was concern that the new area would not have sidewalks or street lights, and she asked if this ever got resolved.
- 30.8 Ms. Richey responded that she does not know about the street lights, but she was pretty sure that Fayetteville would require sidewalks as part of their subdivision regulations.

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

- 31.1 D. Bryant stated that hopefully Fayetteville's subdivision regulations will have something requiring street lights.
- 31.2 In response to a question from C. Clark, Ms. Richey stated that this subdivision is in the Fayetteville planning area.
- 31.3 C. Clark stated that Washington County has some regulatory ability but not a lot of it. Fayetteville has a lot of regulatory ability for anything that overlaps into their planning area. She suggested that D. Bryant contact the Fayetteville Planning Commission regarding the street lights.
- 31.4 Citizen Comments: There were no citizen comments made.
- 31.5 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 31.6 VOTING FOR: R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, B. Pond, B. Ussery, and R. Aman. **The motion passed unanimously by those present. The ordinance was adopted.**
- ORDINANCE NO. 2014-11, BOOK NO. 9, PAGE NO. 340**
- 31.7 OTHER BUSINESS: There was no other business to discuss.
- 31.8 CITIZEN COMMENTS: There were no citizen comments made.
- 31.9 ADJOURNMENT: The meeting adjourned at 6:30 p.m.

Respectfully submitted,


Jessica Ims
Quorum Court Coordinator/Reporter