

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

Thursday, July 17, 2014
6:00 p.m.
Washington County Quorum Court Room

2014 AUG 22 PM 1:35

FILED

- 80.1 The Washington County Quorum Court met in regular session on Thursday, July 17, 2014. The meeting was called to order by County Judge Marilyn Edwards.
- 80.2 D. Bryant led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 80.3 MEMBERS PRESENT: Ron Aman, Rex Bailey, Harvey Bowman, Diane Bryant, Candy Clark, Rick Cochran, John Firmin, Barbara Fitzpatrick, Ann Harbison, Tom Lundstrum, Jimmy Mardis, Joe Patterson, Butch Pond, and Bill Ussery.
- 80.4 MEMBER ABSENT: Eva Madison.
- 80.5 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 80.6 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 80.7 **A motion was made and seconded to adopt the agenda as presented. The motion passed unanimously by voice vote by those present. The agenda was adopted as presented.**
- 80.8 APPROVAL OF MINUTES: Judge Edwards asked for approval of the minutes of the June 19 regular meeting and June 30 special meeting of the Washington County Quorum Court.
- 80.9 **C. Clark made a motion to approve the minutes as distributed. A. Harbison seconded. The motion passed unanimously by voice vote by those present. The minutes were approved.**
- 80.10 FINANCE REPORT: C. Clark stated that she had one resolution and three appropriation ordinances from the Finance Committee to address tonight.
- 80.11 A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE BOSTON MOUNTAIN SOLID WASTE DISTRICT: C. Clark introduced **A Resolution Authorizing The Submittal Of A Grant Application To The Boston Mountain Solid Waste District**, and County Attorney George Butler read the resolution.

- 81.1 C. Clark stated that this grant requires no match by the County.
- 81.2 **C. Clark made a motion to adopt the resolution. A. Harbison seconded.**
- 81.3 Citizen Comments: There were no citizen comments made.
- 81.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 81.5 VOTING FOR: J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, and R. Cochran. **The motion passed unanimously by those present. The resolution was adopted.**

RESOLUTION NO. 2014-12, BOOK NO. 3, PAGE NO. 76

- 81.6 AN ORDINANCE REDUCING THE AMOUNT OF \$288,338 FROM LINE ITEMS IN VARIOUS COUNTY BUDGETS AND RESTORING THOSE FUNDS TO UNAPPROPRIATED RESERVES; APPROPRIATING THE AMOUNT OF \$277,152 FROM UNAPPROPRIATED RESERVES TO VARIOUS BUDGETS; AND SUSPENDING BUDGET CONTROLS AND ANY APPLICABLE JESAP POLICIES TO CHANGE THE TITLES OF TWO PERSONNEL POSITIONS IN THE SHERIFF AND JAIL BUDGETS FOR 2014: C. Clark introduced **An Ordinance Reducing The Amount Of \$288,338 From Line Items In Various County Budgets And Restoring Those Funds To Unappropriated Reserves; Appropriating The Amount Of \$277,152 From Unappropriated Reserves To Various Budgets; And Suspending Budget Controls And Any Applicable JESAP Policies To Change The Titles Of Two Personnel Positions In The Sheriff And Jail Budgets For 2014**, and County Attorney George Butler read the ordinance.
- 81.7 C. Clark stated that this ordinance was discussed in both the Personnel and Finance Committees.
- 81.8 **C. Clark made a motion to adopt the ordinance. D. Bryant seconded.**
- 81.9 J. Firmin stated that he missed both of the committee meetings and asked if this money was staying in the Sheriff's Budget to which the Court concurred.
- 81.10 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**

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

ORDINANCE NO. 2014-39, BOOK NO. 9, PAGE NO. 402

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

82.3 AN ORDINANCE ADJUSTING REVENUES AND APPROPRIATIONS IN VARIOUS COUNTY FUNDS FOR THE 2ND QUARTER OF 2014: County Attorney George Butler read **An Ordinance Adjusting Revenues And Appropriations In Various County Funds For The 2nd Quarter of 2014** by title only.

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

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

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

ORDINANCE NO. 2014-40, BOOK NO. 9, PAGE NO. 405

82.7 AN ORDINANCE ANTICIPATING ADDITIONAL REVENUES OF \$17,600 IN THE DEM GRANT FUND; AND APPROPRIATING THE AMOUNT OF \$17,600 FROM THE DEM GRANT FUND TO THE DEM RADIO SYSTEM BUDGET FOR 2014: C. Clark introduced **An Ordinance Anticipating Additional Revenues Of \$17,600 In The DEM Grant Fund; And Appropriating The Amount Of \$17,600 From The DEM Grant Fund To The DEM Radio System Budget For 2014**, and County Attorney George Butler read the ordinance.

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

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

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

ORDINANCE NO. 2014-41, BOOK NO. 9, PAGE NO. 407

- 83.2 C. Clark reported that sales taxes are up, the budgets all look good, and the budget process for 2015 has started; the schedule for these meetings can be obtained from the Quorum Court Coordinator.
- 83.3 COUNTY JUDGE'S REPORT: Judge Edwards announced that a representative from Ozark Regional Transit was present to give a report.
- 83.4 Jeff Hatley, Public Information Officer of Ozark Regional Transit, addressed the Quorum Court and stated that Joel Gardner was unable to attend the meeting tonight because of family issues. He stated that ORT is growing and considering that they have had three less operational days in 2014 than they did in 2013 due to inclement weather, they have still grown 23% in the cities outside of the primary four in Northwest Arkansas. He reported that their para transit or smaller vans have grown by 595% over 2013, noting that this is squeezing more out of what they have. He stated that they sent their schedulers back to training camp to learn how to schedule more effectively, and these numbers reflect that progress.
- 83.5 Mr. Hatley stated that the biggest news that is dear to the court's heart is Route 620 which was initiated on June 2, 2014. He noted that in discussions during the fall of 2013, the court was interested in access to more rural communities in Washington County, and this has been done with the installation of Route 620 which goes down Highway 62 and Highway 71 to West Fork and Greenland. He noted that their numbers for one month on this particular route show 164 passengers which were all brand new riders who are just figuring it out; this figure is very promising. He reported that they have started to receive some feedback including Ms. Kyger from Farmington who is interested in using it for her son to go back and forth to the University of Arkansas. Unfortunately, he would be unable to make his 8:00 a.m. class with the way the route starts in West Fork, going to Lincoln and back, taking three hours, and Ms. Kyger requested that they see what they could possibly do to help get her son from Farmington to the U of A earlier. Mr. Hatley stated that they are starting to receive feedback, both positive and negative, for this route, and they will continue to work to please and service as many people as they possibly can with this route.

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- 84.1 R. Cochran stated that this is a much improved route than in the past in the Lincoln area, and he commended Ozark Regional Transit for studying the route and putting it together. He suggested that Ozark Regional Transit might want to describe the route in a little more detail on television. He stated that even though it is a 3-hour turn from one end back to the other end, a lot of people will be able to utilize this route.
- 84.2 Mr. Hatley responded to R. Cochran's suggestion, stating that Route 620 starts in West Fork at 6:15 a.m. and runs until 9:15 p.m. finishing up at Harps in West Fork. He stated that this route travels Highway 71 up to Lot 56 at the University of Arkansas where it makes its connections with the rest of the Ozark Regional Transit system and then heads westbound out to Lincoln, making 2-3 stops in each location. He stated that Ozark Regional Transit website is www.ozark.org, and it has all of their interactive maps which in his opinion, is the best way to look at the all encompassing system and connections.
- 84.3 H. Bowman asked which route had the 500% increase in ridership; to which Mr. Hatley responded that was their para transit service which has had a 595% increase in Washington County over 2013 numbers for year-to-date without buying a single extra van. He explained that these are their smaller mini vans that are converted to hold 1 wheelchair occupant and 2-3 other occupants, and this is their curb-to-curb service or some call demand response or para transit.
- 84.4 H. Bowman asked about the increase in ridership excluding the core areas; to which Mr. Hatley responded that he did not have those exact figures with him, but would certainly e-mail that information. He did note that ridership across the board has increased.
- 84.5 H. Bowman stated that he lives on Gutensohn in Springdale and has noticed an Ozark Regional Transit bus there and asked if this was something new; to which Mr. Hatley responded he believes that is part of Route 64 that goes down Sunset. He noted that they are trying to stay off of Sunset and taking some of the back roads due to complaints received that Ozark Regional Transit buses will stop all of sudden in front of them.
- 84.6 In response to a question from Rex Bailey about how many buses Ozark Regional Transit has with lifts for the handicapped; to which Mr. Hatley responded that all of their vehicles are handicapped and wheelchair accessible, and the blue buses and two green buses actually have the lifts.

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They also have two 40 passenger white Gillig buses that run the express route from Fayetteville to Bentonville and back that actually squat down at the curb for wheelchairs.

- 85.1 R. Bailey stated that his sister-in-law had a car wreck a number of years ago, and they could call Ozark Regional Transit who would pick her up and take to physical therapy appointments which was a life saver for his family.
- 85.2 Mr. Hatley stated that all of their mini-vans have a fold-out ramp and is wheelchair accessible as well.
- 85.3 D. Bryant asked if all of ORT stops are designated with a bus stop sign, noting that she does not believe that there is at the Farmington Library stop; to which Mr. Hatley stated that this is a work in progress. He noted that they do have bus stop signs, locations and landmarks on their maps, but they do not have designated specific bus stops. He stated that they currently operate on a flag down system, and they have tools for people to know where the buses are in real time, and the buses will stop as long as it does not create a dangerous situation by doing so. He stated that they want to get away from the current flag down system as they are trying to build their system so that they can utilize the software Google Transit that will walk their patrons through exactly how to get to any location on their routes.
- 85.4 D. Bryant suggested that Ozark Regional Transit might want to utilize bus stop signs with schedules posted to let the public know where the stops are generally made.
- 85.5 A. Harbison stated that the bus that goes to West Fork is fairly punctual and dependable as she sees it frequently during the day, and she is encouraging people to use the bus. She congratulated Ozark Regional Transit for the service they provide that helps a lot of people, the elderly as well as low-income people.
- 85.6 Mr. Hatley noted that Joel Gardner is ex-military and getting the buses on time is paramount in his decision-making, and he wanted to get that straight before expanding this route.
- 85.7 Judge Edwards provided an update on the Road Department stating that they have completed chip and seal on CR 612 or Kinion Lake Road which connects Viney Grove Road with the Wedington blacktop. They have completed CR141 and CR140. The Road Department is currently doing dirt work on CR1090 and CR199 near Round Mountain and on CR17 or the Wolf Track Road getting them ready for chip and seal.

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- 86.1 Judge Edwards stated that they have started their chip and seal roads that are due to maintenance with about 60 miles to reseal this year in their 7-year program. Judge Edwards stated that constituents may be complaining about this work and gravel being placed on roads that do not need it, but she urged them to understand that they have to come back and put the chip and seal down on the road even though they may not think it is required. It will take a few days for the cars to pack the gravel down for it to become more like concrete. She noted that a lot of the complaints she receives are coming from motorcycles.
- 86.2 Judge Edwards stated that they have two state aid projects this year and reported that they will be overlaying one mile on the Brush Valley Road or CR11 and approximately 1.6 miles of Blue Spring Road or CR 7. She noted that these two projects will be open for bids on July 23. She reported that the Highway Department continues to survey the area around the Woolsey Bridge and reported last week that this survey was approximately 25% complete. In regard to the Stonewall Bridge, she reported that the survey and bridge design on this bridge are complete; they have received their ADEQ permit for this project and now continue to wait on the Corps of Engineers for their engineer permit.
- 86.3 Judge Edwards stated with the phenomenal weather we have been having, she has been very pleased with progress made.
- 86.4 COMMITTEE REPORTS: T. Lundstrum, Chairman of the Jail/Law Enforcement/Courts Committee, reported that this committee met on July 7 and reviewed a resolution authorizing the Clerk of the District Court of Elkins to destroy certain records and this was passed on to the full Quorum Court with a do pass recommendation. He noted that the Clerk had called him regarding the necessity for her to be present tonight, and he advised her that this resolution should pass and her presence was not necessary.
- 86.5 T. Lundstrum stated that the committee heard their monthly reports from the Juvenile Detention Facility and Sheriff's Office on enforcement and adult detention. He stated that high jail population continues to be an issue with state prisoners averaging 72 per day in the jail with a total jail population averaging 634 daily. He noted that they heard an update from Randall Denzer on a medical provider for the Adult Detention Facility with five companies interested in this business. Jay Cantrell gave a report from Sheriff Helder on the recent Special Legislative Session regarding jail overcrowding, noting that the State did approve money to open up 604 additional beds to help relieve the overcrowding problem.

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- 87.1 In E. Madison's absence, H. Bowman reported that the Public Works Committee did not meet due to lack of an agenda.
- 87.2 B. Pond, Chairman of the Personnel Committee, reported that this committee met on July 7 and heard a report from Insurance Consultant Nelson Driver on the Employee Insurance Fund that is in very good shape at this time. They heard a report from Blair Johanson, Salary Consultant including updates on JESAP activities.
- 87.3 B. Pond reported that the committee heard a request from Sheriff Helder to reclassify two personnel positions, changing Deputy First Class position to a civilian Animal Control Officer position which should solve some of the turn over problems with this position. There was also a request for a change from an Adult Detention Officer position to a Warrants Records Supervisor.
- 87.4 B. Pond stated that Human Resource Director Lindsay Huffaker gave a quarterly report on new hires, terminations and turnover analysis.
- 87.5 J. Patterson, Chairman of the County Services Committee, reported that they met on June 30 and heard a report from the Washington County Planning Office that there have been seven lots created. He stated that the committee heard a brief report on the cell tower lawsuit. He noted that they had discussion on the Animal Shelter building utility expenses and reviewed the Sheriff's budget expense in relation to the Animal Shelter. J. Patterson stated that he has asked for numbers on what the cost savings would be if the euthanasia time period was changed from the current holding time of 45 days down to 30 or 15 days. T. Lundstrum has estimated that it is costing \$830,000 a year to run the shelter.
- 87.6 C. Clark, Chairman of the Finance and Budget Committees stated she had nothing further to report.
- 87.7 AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD: J. Patterson 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 a Conditional Use Permit on June 26 for Block Auction. This ordinance contains an emergency clause making it effective immediately upon passage.
- 87.8 **J. Patterson made a motion to adopt the ordinance. B. Pond seconded.**

- 88.1 Citizen Comments: There were no citizen comments made.
- 88.2 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 88.3 VOTING FOR: J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, and R. Cochran. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2014-42, BOOK NO. 9, PAGE NO. 408

- 88.4 A RESOLUTION AUTHORIZING THE CLERK OF THE DISTRICT COURT OF ELKINS TO DESTROY CERTAIN RECORDS PURSUANT TO ACT 627 OF 2007 (A.C.A. §16-10-211) AND AUTHORIZING THE COUNTY JUDGE TO SIGN ANY NECESSARY DOCUMENTATION TO ACCOMPLISH SUCH:
T. Lundstrum introduced **A Resolution Authorizing The Clerk Of The District Court Of Elkins To Destroy Certain Records Pursuant To Act 627 of 2007 (A.C.A. §16-10-211) And Authorizing The County Judge To Sign Any Necessary Documentation To Accomplish Such**, and County Attorney George Butler read the resolution that is being recommended by the Jail/Law Enforcement/Courts Committee.
- 88.5 **T. Lundstrum made a motion to adopt the resolution. The motion was seconded.**
- 88.6 B. Fitzpatrick stated that these records are from old closed cases that have been microfilmed and so this is getting ready of the paper, not information.
- 88.7 Citizen Comments: There were no citizen comments made.
- 88.8 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 88.9 VOTING FOR: J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, and R. Cochran. **The motion passed unanimously by those present. The resolution was adopted.**

RESOLUTION NO. 2014-13, BOOK NO. 3, PAGE NO. 77

- 89.1 AN ORDINANCE AMENDING WASHINGTON COUNTY CODE 2.7-21 ET SEQ AUTHORIZING CIVILIAN ANIMAL CONTROL OFFICERS TO ENFORCE THE PROVISIONS SETOUT THEREIN: R. Cochran introduced **An Ordinance Amending Washington County Code 2.7-21 Et. Seq. Authorizing Civilian Animal Control Officers To Enforce The Provisions Setout Therein**, and County Attorney George Butler read the ordinance that is on first reading and was brought to the Quorum Court by JP Rick Cochran.
- 89.2 R. Cochran stated that at the Finance Committee meeting, it was pretty obvious that the chances of passing the change to a civilian animal control officer was very likely to pass, so he asked County Attorney George Butler to draft something that would allow them to get their ordinances in order to allow a civilian animal control officer to enforce the County Ordinances which is what this ordinance is for.
- 89.3 **R. Cochran made a motion to suspend the rules and place the ordinance on second reading by title only. R. Bailey seconded. The motion passed unanimously by those present by voice vote.**
- 89.4 County Attorney George Butler read **An Ordinance Amending Washington County Code 2.7-21 Et. Seq. Authorizing Civilian Animal Control Officers To Enforce The Provisions Setout Therein** by title only.
- 89.5 **R. Cochran 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.**
- 89.6 County Attorney George Butler read **An Ordinance Amending Washington County Code 2.7-21 Et. Seq. Authorizing Civilian Animal Control Officers To Enforce The Provisions Setout Therein** by title only.
- 89.7 **D. Bryant made a motion to adopt the ordinance. B. Pond seconded.**
- 89.8 Citizen Comments: There were no citizen comments made.
- 89.9 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 89.10 VOTING FOR: J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, and R. Cochran. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2014-43, BOOK NO. 9, PAGE NO. 412

- 90.1 A RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS COLLECTED UNDER ACT 833 OF 1991 TO THE VARIOUS FIRE DEPARTMENTS IN WASHINGTON COUNTY, ARKANSAS: T. Lundstrum introduced **A Resolution Approving The Distribution Of Funds Collected Under Act 833 Of 1991 To The Various Fire Departments In Washington County, Arkansas**, and County Attorney George Butler read the resolution that is being recommended by the Intergovernmental Cooperation Council and is being brought to the Quorum Court by JP Tom Lundstrum.
- 90.2 County Attorney George Butler noted that only change is that Tontitown had combined their rural and city to 4.54%, and it would now be distributed to the city at 3.13% and rural at 1.41%.
- 90.3 T. Lundstrum noted that this Act 833 money is state money that is distributed once a year to the fire departments, and the distribution of these funds is determined by the Intergovernmental Cooperation Council. He stated one of the reasons they are doing this now is because Tontitown Fire Department has started their own fire department and wanted to resolve what money they would get.
- 90.4 R. Aman asked if Lincoln was handling Cincinnati and Winslow being handled by West Fork; to which County Attorney George Butler responded that someone was covering these two communities.
- 90.5 B. Pond stated that Winslow is covered by Boston Mountain and T. Lundstrum noted that Elm Springs is covered by Cave Springs.
- 90.6 **T. Lundstrum made a motion to adopt the resolution. B. Pond seconded.**
- 90.7 Citizen Comments: There were no citizen comments made.
- 90.8 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 90.9 VOTING FOR: J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, and R. Cochran. **The motion passed unanimously by those present. The resolution was adopted.**

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RESOLUTION NO. 2014-14, BOOK NO. 3, PAGE NO. 79

- 91.1 OTHER BUSINESS: D. Bryant stated that she had talked to Cheryl Bolinger about the finances of the County, and she was wonderful to explain things. She stated that she had a great conversation with her and was really pleased with the information she received.
- 91.2 CITIZEN COMMENTS: There were no citizen comments made.
- 91.3 ADJOURNMENT: The meeting adjourned at 6:40 p.m.

Respectfully submitted,



Jessica Ims
Quorum Court Coordinator/Reporter