



WASHINGTON COUNTY, ARKANSAS
County Courthouse

September 12, 2014

REGULAR MEETING OF THE
WASHINGTON COUNTY QUORUM COURT

Thursday, September 18, 2014
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 August 21 regular meeting as well as the August 25 and September 2 special meetings of the Quorum Court. **(5.1-5.3)**
6. **FINANCE REPORT.** **CANDY CLARK**
 - 6.1 **A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR AN INTERNET CRIMES AGAINST CHILDREN GRANT.**
 - 6.2 **APPROPRIATION ORDINANCE: AN ORDINANCE TRANSFERRING MONIES OF \$17,500 WITHIN THE COMPUTER/IS DEPARTMENT BUDGET IN THE GENERAL FUND FOR 2014.**
 - 6.3 **APPROPRIATION ORDINANCE: AN ORDINANCE TRANSFERRING MONIES OF \$8,000 WITHIN THE COMPTROLLER'S BUDGET IN THE GENERAL FUND FOR 2014.**

6.4 APPROPRIATION ORDINANCE: AN ORDINANCE CHANGING THE TITLE OF A LAW CLERK POSITION TO A CIRCUIT COURT STAFF ATTORNEY-COUNTY CIRCUIT COURTS POSITION; AND APPROPRIATING \$4,156 FROM THE GENERAL FUND TO PERSONAL SERVICES LINE ITEMS IN THE CIRCUIT COURT IV BUDGET FOR 2014.

7. COUNTY JUDGE'S REPORT.

JUDGE EDWARDS

8. COMMITTEE REPORTS. (8.1-8.5)

8.1 AMENDMENTS TO THE EMPLOYEE HANDBOOK.

The Personnel Committee is recommending a proposed amendment to the Overtime Compensation Policy. *Changes to the Employee Handbook must be approved by a majority vote of the full Quorum Court. (8.1A)*

BUTCH POND

9. AN EMERGENCY ORDINANCE RATIFYING THE APPROVAL OF FOUR CONDITIONAL USE PERMITS AND THE DENIAL OF A CONDITIONAL USE PERMIT ISSUED BY THE PLANNING AND ZONING BOARD.

The Planning Board granted Conditional Use Permits on September 4 for Teen Challenge Ranch of NWA Revised Expansion (Administrative Building), Saddlebock, Hale Mountain Free Holiness Church, and W. Wheeler Cell Tower; and denied a Conditional Use Permit on September 4 for Witter. This ordinance contains an emergency clause making it effective immediately upon passage. **(9.1-9.6)**

JOE PATTERSON

10. OTHER BUSINESS.

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

12. ADJOURNMENT.

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

Thursday, August 21, 2014

6:00 p.m.

Washington County Quorum Court Room

- 92.1 The Washington County Quorum Court met in regular session on Thursday, August 21, 2014. The meeting was called to order by Judge Marilyn Edwards.
- 92.2 E. Madison led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 92.3 MEMBERS PRESENT: Ron Aman, Rex Bailey, Harvey Bowman, Diane Bryant, Candy Clark, Rick Cochran, John Firmin, Barbara Fitzpatrick, Ann Harbison, Tom Lundstrum, Eva Madison, Jimmy Mardis, Joe Patterson, Butch Pond, and Bill Ussey.
- 92.4 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 92.5 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 92.6 **A motion was made and seconded to adopt the agenda as presented. The motion passed unanimously by voice vote. The agenda was adopted as presented.**
- 92.7 APPROVAL OF MINUTES: Judge Edwards asked for approval of the Minutes of the July 17 Regular Meeting of the Washington County Quorum Court.
- 92.8 **A motion was made and seconded to approve the minutes as distributed. The motion passed unanimously by voice vote. The minutes were approved.**
- 92.9 PUBLIC HEARING: Judge Edwards stated at this time that the Quorum Court will conduct a second public hearing concerning the implementation of an Arkansas Community and Economic and Development Program (ACEDP) grant for Economic Development for American Air Filter. The purpose of this hearing is to inform citizens of the current scope and progress of the ACEDP project; user fees or beneficiaries that have occurred since the first public hearing conducted on July 19, 2012; accept oral and written comments regarding the project; and, discuss any potential impacts upon citizens that

may/will result during the course of the project. Judge Edwards introduced Cassie Elliot with Visionary Milestones who would be making a presentation.

- 93.1 Cassie Elliot with Visionary Milestones addressed the Quorum Court stating as part of the grant requirement for the American Air Filter Project that was started in July 2012, they hold public hearings to answer any questions and give an update on the status of the grant. She stated she was proud to announce that they finished on time with a deadline of September 1. She stated that they are complete with the job tracking, noting that 58 new jobs were required as part of the grant to be created as part of the project, and 91 new jobs were created at American Air Filter.
- 93.2 Judge Edwards stated that having worked with Renee and Cassie, she is familiar with this work and noted that they have done an excellent job.
- 93.3 There were no comments made by JPs or public present to comment.
- 93.4 **The Public Hearing was closed.**
- 93.5 A RESOLUTION AUTHORIZING ALBERT NOLAN PENNINGTON TO SOLEMNIZE THE MARRIAGE OF KYLE DEMPSEY AND VICTORIA HELLWIG ON OCTOBER 4, 2014, IN WASHINGTON COUNTY, ARKANSAS: A. Harbison introduced **A Resolution Authorizing Albert Nolan Pennington To Solemnize The Marriage Of Kyle Dempsey And Victoria Hellwig On October 4, 2014, In Washington County, Arkansas,** and County Attorney George Butler read the resolution.
- 93.6 **A. Harbison made a motion to adopt the resolution. R. Bailey seconded.**
- 93.7 Citizen Comments: There were no citizen comments made.
- 93.8 A. Harbison noted that the bride's grandfather would be solemnizing this marriage. The couple who was present was given good luck wishes.
- 93.9 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 93.10 VOTING FOR: B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, and J. Firmin. **The motion passed unanimously. The resolution was adopted.**

RESOLUTION NO. 2014-15, BOOK NO. 3, PAGE NO. 80

- 94.1 FINANCE REPORT: C. Clark stated that she had four appropriation ordinances from the Finance Committee to address tonight.
- 94.2 AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$8,020 IN THE ANIMAL SHELTER GRANT FUND; AND APPROPRIATING THE AMOUNT OF \$8,020 FROM THE ANIMAL SHELTER GRANT FUND TO THE TRAP/NEUTER/RELEASE GRANT BUDGET FOR 2014: C. Clark introduced **An Ordinance Recognizing Additional Revenues Of \$8,020 In The Animal Shelter Grant Fund; And Appropriating The Amount Of \$8,020 From The Animal Shelter Grant Fund To The Trap/Neuter/Release Grant Budget For 2014**, and County Attorney George Butler read the ordinance.
- 94.3 **C. Clark made a motion to adopt the ordinance. D. Bryant seconded.**
- 94.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 94.5 VOTING FOR: B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, B. Ussey, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, and J. Firmin. **The motion passed unanimously. The ordinance was adopted.**

ORDINANCE NO. 2014-44, BOOK NO. 9, PAGE NO. 413

- 94.6 AN ORDINANCE APPROPRIATING \$11,000 FROM THE COUNTY LIBRARY FUND TO THE COUNTY LIBRARY BUDGET FOR 2014: C, Clark introduced **An Ordinance Appropriating \$11,000 From The County Library Fund To The County Library Budget For 2014**, and County Attorney George Butler read the ordinance.
- 94.7 C. Clark stated that this was not new money, but they were simply moving money into a different line item.
- 94.8 **C. Clark made a motion to adopt the ordinance. D. Bryant seconded.**
- 94.9 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**

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

ORDINANCE NO.2014-45, BOOK NO. 9, PAGE NO. 414

- 95.2 C. Clark stated that the next ordinance, addressing a request for an appropriation in the Election Commission Budget for 2014, was amended.
- 95.3 AN ORDINANCE ANTICIPATING ADDITIONAL REVENUES OF \$9,000 IN THE GENERAL FUND; AND APPROPRIATING \$22,000 FROM THE GENERAL FUND TO THE ELECTION COMMISSION BUDGET FOR 2014:
C. Clark introduced **An Ordinance Anticipating Additional Revenues Of \$9,000 In The General Fund; And Appropriating \$22,000 From The General Fund To The Election Commission Budget For 2014**, and County Attorney George Butler read the ordinance.
- 95.4 C. Clark stated that the Finance Committee heard a request from the Election Commission to add five new early voting sites that totaled somewhere in the neighborhood of \$43,000. She noted that this amended ordinance reflects the absence of the Fairground and Arvest Ball Park and the confirmation of the Boys/Girls Club, Medical Arts, and Prairie Grove which now totaled \$22,000.
- 95.5 **C. Clark made a motion to adopt the ordinance. A. Harbison seconded.**
- 95.6 R. Bailey stated his problem with this is that it is not equal and the only way he will support this ordinance is if the three locations would be Arvest Ball Park, Prairie Grove and Medical Arts to go along with the Rodeo Grounds and the Courthouse. He explained that they are not giving any consideration to Springdale, and they have people who live in Benton County that vote, and it is hard to get across town. He stated that a guy could look at this and think that politics was involved in this decision. R. Bailey stated that a site at Arvest Ball Park would cover the northwest portion of Washington County; a site at Prairie Grove would cover the southwest portion of the county; the Medical Arts and Rodeo Grounds sites would cover the central portion of the county. He questioned why Arvest Ball Park was not one of the sites.

- 96.1 Jennifer Price, Election Coordinator for Washington County, responded to R. Bailey stating the reason why they selected Boys/Girls Club over Arvest Ball Park was because the hours with Arvest Ball Park were only able to be open from 9:30 a.m. to 4:30 p.m. and the Boys/Girls Club is able to be open from 8:00 a.m. to 6:00 p.m. This allows voters who are on their way to work or on their way home to vote; Arvest Ball Park does not have the opportunity to catch those voters with the current hours.
- 96.2 In response to a question from R. Bailey about who Ms. Price spoke to at Arvest Ball Park, she stated that it was one of the facility managers, but she did not bring that information with her.
- 96.3 R. Bailey stated that the baseball team does not have any control over the ball park after August. He noted that he belongs to the Arvest Ball Park Facilities Board, and they are over that ball park and their board has not been approached regarding this issue. This is the board that needs to be contacted as they are responsible for the ball park during off season. He further noted that it is a distinct advantage to have it the way they are proposing. He is not accusing Ms. Price of anything, but they will be hard pressed for any Republicans to vote for this. R. Bailey suggested that they go back and ask more questions about Arvest Ball Park.
- 96.4 Ms. Price reiterated that when they talked to Arvest Ball Park, there was no mention of a Board; this is new information that they did not have. She noted that they toured the facility and the location of an early voter site would be in the Guest Locker Room which has its own entrance and is easier to find than the other portions of the ball park.
- 96.5 R. Bailey suggested that Ms. Price talk to the Mayor of Springdale, and he can call a special meeting of the Facilities Board.
- 96.6 Ms. Price stated that besides talking to the manager of Arvest Ball Park, she spoke to the gentleman who puts together the outreach type programs.
- 96.7 R. Bailey stated that there is a place where they could set up right in front of the ball park, a place to rent that would be convenient.

- 97.1 Ms. Price stated that there was another place that they showed them that had a meeting one day a week and would interfere with their equipment; they thought that the parking would be easier with signage in the Guest Locker Room. She stated when they put this proposal together, they obviously looked at the hours that would be most consistent and convenient; that was the only reason that they chose the Boys/Girls Club.
- 97.2 R. Bailey stated that he could not support this ordinance because it does not take care of Springdale at all. He stated that there are all kinds of people in the western part of the County and Springdale's city limits goes to the other side of Elm Springs.
- 97.3 R. Bailey stated that they take care of a lot of Benton County people that vote for the city councilmen; to which Ms. Price responded that they cannot vote in Washington County and verified that those that cannot vote for the city councilmen cannot come for early voting and only Washington County voters are eligible for this.
- 97.4 R. Bailey stated that he would not support this ordinance unless Arvest Ball Park is included.
- 97.5 R. Cochran thanked Ms. Price for curtailing the number of locations to keep it as an exploratory measure. He stated that she mentioned the location in Prairie Grove would be open on Saturday as well as late hours through the week which is an optimal time for most people to take advantage of an early voting site. He noted that some of these locations are not open past 5:00 and any of the locations that are chosen that he will strongly consider in his vote need to be open past 5:00 and need to be open at least one of the two Saturdays. He stated that he believes the Arvest Ball Park could probably accommodate them on Saturdays because the ball team will be gone at that point.
- 97.6 Ms. Price stated that they will be open at the Medical Arts Center from 8 a.m. until 6:00 p.m. Monday through Friday and the Boys/Girls Club from 8:00 a.m. until 6:00 p.m. Monday through Friday. She stated that they would not be able to be open the entire day at the Boy/Girls Club but would be able to adjust their hours at the Medical Arts Center to be open on Saturday. She explained the reason they did not choose to be open on Saturday at the

Medical Arts Center is that that first Saturday is homecoming at the University of Arkansas and early voting shuts down because no one wants to fight the traffic. She noted that when they are not open on Saturday, it saves them money as well. She stated that they could adjust the time and be open on Saturday from 8:00 a.m. until noon or 1:00 p.m. at the Boys/Girls Club; they are still open at the Quorum Court Room and Rodeo Grounds on Saturdays as well.

- 98.1 J. Mardis stated that Ms. Price provided him with information on the effect of early voting stations in relation to voting turn out. He stated that he took the information and broke it into presidential elections and the off year elections and found that early voting increased dramatically for presidential elections at 49% from 2004 to 2008 compared to 12% from 2008 to 2012; and in this situation there were all of the early voting locations available except for the Quorum Court Room. J. Mardis stated that looking at the period of 2006 to 2010; they went from only early voting at the Courthouse to increasing to two early voting sites, during which time early voting decreased 2.5%; however, when they went from just early voting at the Courthouse to having two more locations, including the Quorum Courtroom and Rodeo Grounds, the votes decreased by .5%. He stated that if they are going to do this, the better opportunity is during the bigger elections because more people will vote, and it allows people more time to vote. He stated that he would not be in favor of keeping the Fayetteville locations and not having the other locations, and he believes it would be very advantageous to have a location near Highway 540 because a high population of the county come and go through there to go to work.
- 98.2 J. Mardis asked about the radius in which the Courthouse, Boys/Girls Club and Medical Arts Center are located; to which Ms. Price responded that with the Medical Arts Center on Huntsville and Crossover, they expect voters from Elkins, Durham and those in proximity to their polling places. She stated with the Boys/Girls Club, voters from Wedington and Mount Comfort areas are expected with Mount Comfort being their second largest polling place.
- 98.3 Ms. Price further noted regarding the decrease in early voting in the 2010 election, that each election is based on the dynamics of the candidates running, and in 2010, they had the Governor's race with an incumbent running which draws less voters, as well as no incumbent running for the Senate with a strong Republican candidate which impacted their 2010

election. Ms. Price stated for the 2014 election, they have two new candidates running for Governor and those running for the Senate have been advertising for months, which she believes will increase their voter turnout. She stated for the 2014 election, they expect voter turnout to be more than numbers in 2010 but not as much as in 2012.

- 99.1 J. Mardis stated that he likes to look at the data that they have and he agrees that each election is different. It is hard to predict how an election will go and impossible to predict early voting. He stated that the way this is set up, it would be a lot more convenient if you lived in the Fayetteville area and a lot less convenient for people living north of there. He noted that most of the growth in Springdale is towards the west and now their polling place is out toward the east. In conclusion, he stated that he would not support this ordinance with the locations that they currently have.
- 99.2 Ms. Price stated that one of their growth areas is in Fayetteville out toward the Wedington and Wheeler areas and when she looks back at some of the numbers of the city votes that they had, 51% of the votes came from Fayetteville and only 30% of the total number came from Springdale.
- 99.3 J. Mardis stated that when he saw the early voting sites he wanted to look at the votes in the precincts in those areas to review the voting numbers; he could not find anything online in this regard, but believes that it would be helpful. He continues to believe that there are so many people that move up and down 540 to go to work regardless of where they live, that somewhere out there would make more sense. He stated that he would be in favor of keeping a Wedington site and getting rid of the Medical Arts Center.
- 99.4 In response to a question from J. Firmin about the procedure for amending this ordinance, County Attorney George Butler stated that normally, they would automatically do it, but theoretically, someone should have moved at the adoption of the agenda to have substituted this ordinance in its amended version as the original.
- 99.5 J. Firmin stated that he would like to see them open up another early voting location in Springdale as discussed by J. Mardis and R. Bailey even though it will cost a little bit more money and in this case, would be a better course of action. He stated if there was a way to amend the amended ordinance and they could get an idea on the cost of adding Arvest Ball Park, R. Bailey could

assist on getting the hours increased; he believes that this would be the best location to add for early voting.

- 100.1 R. Bailey stated his appreciation for J. Firmin's concern that the way the ordinance is currently drawn is not right and crossing Springdale to the Rodeo Grounds is difficult. They concurred that this ordinance would simply not pass the way it was currently drawn.
- 100.2 Ms. Price stated to add Arvest Ball Park back into the equation at the 9:30 a.m. to 4:30 p.m. hours would bring them to an additional \$4,587 and if they were able to adjust the hours as discussed, would add approximately \$2,000 for a total addition to the cost of approximately \$6,500.
- 100.3 J. Firmin asked if Ms. Price was still counting the Boys/Girls Club as he was counting taking it out of the ordinance if they add Arvest Ball Park; to which Ms. Price responded that she was keeping it in. She explained that the Election Commission decides on which polling places are open and concurred with J. Firmin that the Quorum Court makes the decision on the money. Ms. Price stated by adding \$6,500 that would take the appropriation up to \$28,587 that they would be requesting. She noted that part of that is what they consider fixed costs that will only be incurred once such as the signage and computers and the other costs they would be able to bill out to the cities. Therefore, she stated that the total cost that the Quorum Court actually would incur would around \$16,000. She stated opening up one more site does not cost that much more money.
- 100.4 **J. Firmin made a motion to increase the appropriation to \$28,587 with the intention to add Arvest Ball Park location. B. Pond seconded.**
- 100.5 E. Madison stated when she received the revised ordinance this afternoon; she called Ms. Price because she was concerned about the removal of Arvest Ball Park. She stated even if they can justify ratio to population and hours, it does not send a good message that all but one of the early voting sites are in the southern portion of the county. E. Madison stated that she had asked Ms. Price to be ready to talk about what it would cost to add Arvest Ball Park back into the ordinance.
- 100.6 E. Madison stated that after their last meeting, the Ms. Price and the Election Commission looked at all of the numbers again and looked hard at the expenditures that they were planning on spending for the election already and cut down to the bare bones. She stated her surprise that by dropping only

two early voting sites, they reduced the money by \$20,000 and Ms. Price explained that they looked at things such as having a one-page ballot instead of two-pages and getting a lot of mileage out of these dollars and making these numbers work. E. Madison stated that she would like to see all five early voting sites as she thinks that this is a good trial run and that this is how they are supposed to spend tax dollars. She stated if you asked an 18-year-old today, they probably believe that they can vote on their phone.

- 101.1 With respect to T. Lundstrum's statement that if people are committed to vote, that they will vote, E. Madison stated she is not so sure about that because not everyone is as committed as they are in this Quorum Court. She believes that people these days expect conveniences and expect things to be easy, and they need to spend dollars to make that work in this process. She also does not believe that every election should have different early voting sites but rather decide where the population centers are, decide where the early voting sites should be, and stick with those so that they have consistent sites. She noted that they have been told that this is the year to try this rather than during a presidential year due to the work. She stated that they are talking about less than a \$20,000 expenditure from the general fund, a drop in the bucket to really increase the access here and urged that they need to do this and should not be arguing over something that has such a direct translation back to the taxpayers. She stated that she would be supporting J. Firmin's amendment.
- 101.2 A. Harbison stated that she definitely supports adding Arvest Ball Park as an early voting site and believes that the Election Commission did due diligence because they put these early voting sites in high population areas. She stated that she is definitely in favor of the one on Highway 16 because it covers a large area and the east portion of the county. She stated that it is important for people to vote early because we are a busy society and people get busy and do not always take the time to vote and early voting is important to open the door for people to vote who normally would not vote. She stated that voting is a level field for everyone, whether you live in a \$2 million home, or out of your car, or are a homeless person, everyone's vote counts the same. She concurs with R. Bailey and J. Mardis that they need the Arvest Ball Park site in Springdale with only one other site.
- 101.3 B. Pond stated that he is counting on R. Bailey to see to it that they can increase the hours open at the Arvest Ball Park site and that they can get it added, but he also wants to keep the Boys/Girls Club site as it is a heavy voting area. He stated that the Election Commission has worked hard on this

and are being very accommodating. He stated that he understands R. Bailey's frustration with the Arvest Ball Park being pulled out of this ordinance, and he appreciates him coming forward and letting them know that this can happen.

- 102.1 T. Lundstrum stated that he is going to take a little different approach and will oppose J. Firmin's amendment and will oppose the ordinance altogether. He noted that the Springdale News had a good editorial on this subject recently and noted him as one who opposed putting early voting sites out to begin with, which is true. He stated that one of his main reasons for opposing this is because it is just simply a matter of convenience only. The editorial cited a research group who had done research on this topic, and they showed that early voting did not increase the total vote at all but actually tended to decrease the total vote. He stated that no one that he has discussed this with at the Election Commission has assured him that early voting actually increases the vote. He added that the research group's point of view was that early voting takes the urgency out of voting on Election Day and that is why people turn out in larger numbers to do that. T. Lundstrum stated that he does not believe they have a huge problem with people having access to early voting. T. Lundstrum stated that he is opposed to spending anymore taxpayer money for more early voting sites.
- 102.2 C. Clark stated that she had a lady at Senior Democrats come up to her last Tuesday incredibly excited about adding early voting sites, though this was when they thought that Arvest Ball Park was still in play. She pointed out that daylight savings time ends November 2 and our election is November 4 so she was excited about being able to vote early closer to home during daylight hours. C. Clark stated that she strongly supports J. Firmin's motion and believes the more that they can offer people lessens their excuses for not exercising the true fundamental right in our country to vote. She commended the Election Commission for cutting the cost and believes that this is the right thing to do.
- 102.3 R. Aman stated that most of his constituents were not for the sites; and those who were in favor were a member of the City Council and a school teacher. He stated that the school teacher wanted it so she could bring her class in to the site to see how it worked, and the City Council member reported that they passed a resolution in favor of it but received no comments for or against from the community. He concurs with T. Lundstrum and will oppose this ordinance but believes if they go forward with it, they should shorten the time for early voting from two weeks to one week

B. Fitzpatrick stated that she too was concerned to see the amended ordinance without Arvest Ball Park. She stated if they had to choose one of two on the west side of town then the Boys/Girls Club would be it because of its close proximity to 540. She stated since there is so much expansion going to the west in both Fayetteville and Springdale, they need both of these sites. She further pointed out that it is as difficult to get from the west side of Fayetteville to the east side as it is in Springdale. She stated that there is nothing in a country that claims to be free that is more important than providing its citizens with the opportunity to vote.

103.1 **B. Pond called for the question. A. Harbison seconded.**

103.2 County Attorney George Butler explained that there has been a call for the question, and they have someone who wants to continue discussion, so if they want to call off the debate they need a motion and second with a 2/3 vote to pass.

103.3 **Judge Edwards called for a vote on the call for the question.**

103.4 VOTING FOR: B. Pond. VOTING AGAINST: B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, and J. Firmin. **The motion failed with one member voting in favor and fourteen members voting against the call for the question.**

103.5 J. Mardis stated that he talked earlier about the original amendment, not to be confused with the new amendment presented to them to vote on tonight. He addressed J. Firmin, stating that he does not want to add any more sites on and wanted to replace one location for another location. He understands what everyone is saying, and he is all for everyone voting. While he believes that it is their right to vote, he also believes that it is our duty to vote. He wonders how they ever got along with everyone voting on one day. He pointed out that the percentage of registered voters has decreased in every election ever since they have had early voting, which indicates more of a trend of people who just do not vote.

103.6 J. Mardis stated if they vote against these early voting sites, it will sound in the press like they are against people voting and that is absolutely not true. He stated that he will not support this amendment. To the comment made earlier that if this is not successful that they will not do it, he questioned the definition of "successful" and what was meant by it.

- 104.1 Ms. Price stated in response to J. Mardis' comments that the voting has decreased every election since they have had early voting sites. Registered voters decreased in 2006 and 2010 compared to other years; however, in 2012, they had 107,307, and in the 2014 primary they actually increased their registered voters and in the May primary, they had 109,449 which is an increase this year from 2006.
- 104.2 J. Mardis stated that he was not talking about registered voters but rather the percentage that actually voted. He referred to the list sent out by Executive Assistant Karen Beeks; the percentage of voters has decreased after every cycle.
- 104.3 Ms. Price addressed J. Mardis, stating in 2012 it was 66% and 2008 it was 69%; however, in 2008, they had two new presidential candidates running while in 2012 they had an incumbent running which impacts the percentage of voters that they see. She stated that it is hard to look at elections in a vacuum because there are so many variables that go into an election and the numbers simply provide them with an idea of how they think the election will turn out.
- 104.4 A. Harbison stated that this particular year is an off year, but she does not think that they will see a decrease in the number of people voting. She pointed out that they have an important U.S. Senate race, Governor's race, Constitutional and Legislative races, as well as County Judge and Justice of the Peace races, and she believes that they will see a large number of people voting in this off year. She stated her understanding that in each of these areas identified, they had somewhere around 20,000 people to vote if they all voted.
- 104.5 Ms. Price responded to A. Harbison stating that there were between 12,000 and 20,000 voters per area depending on the area.
- 104.6 A. Harbison stated that the only polling place that she agreed with dropping was dropped and that was the Fairgrounds. She stated that she believes they are in a very important election cycle to this state and county, even though it is an off year, and it is important to give people the opportunity to vote.
- 104.7 T. Lundstrum stated that in the editorial that he referred to previously, the editor said that \$43,900 was very minuscule when compared to the Washington County budget. He agrees with this, but he tends to look at what

everyone is wanting. They could increase taxpayer spending by ½ million dollars by the end of the year; however, they keep wanting to look at these minuscule numbers and just vote for them which bothers him as he has watched the spending grow during the eight years he has been on this court. He stated that no one is keeping them from having the opportunity to vote in Washington County, and it does not seem to bother anyone nor has anyone rebutted that these early voting locations seem to reduce the total number of voters instead of increasing them.

- 105.1 H. Bowman stated that it is five miles from the Courthouse to the Boys and Girls Club, and he cannot see establishing another site in a five mile radius. He stated, as T. Lundstrum has indicated, it is really important that there be some validation that early voting sites will increase the number of people voting, and he has not heard any facts to support that. He stated that he will oppose this ordinance.
- 105.2 Ms. Price responded to H. Bowman stating if they look at Pulaski and Benton Counties, overall voter turnouts are slightly higher than Washington County, and they have more early voting sites.
- 105.3 H. Bowman asked whether Pulaski or Benton County could document the fact that adding early voting sites increased their total voter turnout; to which Ms. Price responded that she does know if they are able to reach closer to 50% of their early vote, than that will lessen some of their election day costs by 15% in regards to the number of ballots that they have to print. She stated that they might spend more money to early vote, but then they can turn around and save a percentage of that money on Election Day by not having to print as many ballots and lowering the number of poll workers that they have at polling places.
- 105.4 H. Bowman asked if Ms. Price has presented them with any numbers that show how many fewer ballots have been printed when they had a nice turnout in early voting.
- 105.5 Ms. Price responded that they do not have enough voting machines to offer that as another voting option and people still request paper ballots and they are currently 60% to 70% Election Day paper ballots vs. the touch screen. She reiterated that they can save 15% of the ballot costs which can be close to \$5,000 in that regard; and if they have fewer voters turning out on Election Day as well, then they can lower the number of poll workers that they have at

a location which also decreases the costs. She stated that all of these things go into play when they prepare their next year's budget.

- 106.1 B. Ussery stated that there should be some number that represents the number of people that they are anticipating these additional early voting sites will bring out to vote. He stated that they are shoveling nut shells, but at the end of the day, how much ahead will they be by doing this.
- 106.2 Ms. Price responded to B. Ussery stating that at Prairie Grove there is the potential of reaching 13,000 registered voters with that number currently being less than 20%, so they are hoping to increase that number of registered voters closer to the 35% to 40% that they have had at the Rodeo Grounds and Quorum Court. She stated that they do anticipate more people early voting because we have the opportunity for them to early vote which in turn will impact voting on Election Day because the lines will be shorter.
- 106.3 B. Ussery stated that he would like to hear a report after the election of at least a thumbnail sketch of what they gained by doing this.
- 106.4 Ms. Price stated that everyone knows that the Rodeo Grounds is open for voting as it has been open since 2008, and this year, they want to let people know that these new early voting sites are open. By doing it this year rather than waiting until the presidential Election in 2016, they have established that the sites are available and will remain available for future elections, so people get used to voting at those facilities.
- 106.5 J. Patterson stated when he first moved in 2000 to East Springdale, the Rodeo Grounds which was in his District until the last census, his District always ran low with only 13,500 citizens from the 2000 census. His District was one of the largest with almost 19,000 in 2010 when they took the census. However, the zoning percentage of his district actually went down because east Springdale traditionally does not vote at all. J. Patterson noted he won his first election at 68% with 3100 votes, and Jack Norton in the southwest portion of the county got 4200 votes and barely won. He usually ran 1200 to 1800 voters less voting than any of the other districts. He stated that he could never tell that it made any different by having early voting in his own district and felt that a lot of people just do not want to mess with it.
- 106.6 D. Bryant stated that she does support the amendment, having additional early voting sites and that they need a site on the west side of Springdale.

She feels like they have beaten this horse to death and would like to hear the amendment read and have them go ahead and vote on it.

- 107.1 E. Madison stated that she thinks they would have to suspend the rules but would like to see if there is anyone from the public present who wanted to comment on this before they vote. It was determined that there were no citizens present who wanted to comment.
- 107.2 **J. Firmin reread his motion to increase the appropriation to \$28,587 with the intention to add Arvest Ball Park location as an early voting site. B. Pond seconded.**
- 107.3 B. Pond asked if this figure was certain or an estimate; to which Ms. Price responded that the reason they were able to drop down from the initial \$43,900 that they asked for was by cutting some poll workers at some locations. She states that they initially asked for some computers for the Rodeo Grounds and Quorum Courtroom that they later took out of the proposal because they have been able to find computers to use from other departments. Ms. Price stated that they have been very frugal in the way they have spent their money every year and were able to cut the cost for ballots and therefore, that increase is sufficient with the money they are able to find from their General Election cost fund.
- 107.4 County Attorney George Butler stated that this vote would just require a majority to pass.
- 107.5 R. Bailey stated that he would have to call a special meeting of the Arvest Ball Park Facilities Board but did not anticipate any problems.
- 107.6 **With no further discussion, Judge Edwards called for a vote on the motion to amend #8.3 as above.**
- 107.7 **VOTING FOR: B. Fitzpatrick, A. Harbison, E. Madison, B. Pond, B. Ussery, R. Bailey, D. Bryant, C. Clark, and J. Firmin. VOTING AGAINST: T. Lundstrum, J. Mardis, J. Patterson, R. Aman, H. Bowman, and R. Cochran. The motion to amend passed with nine members voting in favor and six members voting against the motion. The ordinance was amended.**
- 107.8 County Attorney George Butler stated that they now needed to vote on the motion to adopt the amended ordinance and this would require ten votes to pass.

- 108.1 E. Madison asked County Attorney George Butler about the procedure for passing an ordinance by simple majority as compared to by 2/3 vote; to which he responded that in order for this ordinance to pass by a simple majority, they would have to read it three times, but the motion to suspend the rules and move the ordinance up on readings requires ten votes.
- 108.2 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance as amended.**
- 108.3 VOTING FOR: B. Fitzpatrick, A. Harbison, E. Madison, B. Pond, B. Ussery, D. Bryant, C. Clark, and J. Firmin. VOTING AGAINST: T. Lundstrum, J. Mardis, J. Patterson, R. Aman, R. Bailey, H. Bowman, and R. Cochran. **The motion failed with eight members voting in favor and seven members voting against the motion.**
- 108.4 Judge Edwards asked if this meant that they were going back to their original two early voting sites, to which Ms. Price responded that was the case.
- 108.5 E. Madison noted that they could call Special Quorum Court meetings in order for this ordinance to be heard three times at three meetings, and she would ask that they do that because this had 8 votes and support from the majority of the court. If it were not for the timing of the election, this would be heard three times and would pass. She feels that the will of the majority is going to be suppressed if they do not hold special meetings to get this done.
- 108.6 County Attorney George Butler noted that special meetings can be called by the County Judge or by the majority of the Quorum Court.
- 108.7 **C. Clark made a motion that they suspend the rules and place this ordinance on second reading by title only. E. Madison seconded.**
- 108.8 County Attorney George Butler stated that this would take 2/3 vote to pass; however, and C. Clark stated that she wants it on the record who is going to support this and who will not support this.
- 108.9 J. Mardis stated that he would be in favor of this ordinance if they trade out the Arvest Ball Park for one of the other locations, but the amendment ran off in another direction. He stated that this is a problem, but regardless, the facts do not support that the total number of votes will change; however, he does believe that it will make it more convenient for a lot of people. He does not agree with going from two to seven with very limited speaking time.

- 109.1 R. Bailey stated that he is fine with two sites in Fayetteville, two in Springdale, and one in Prairie Grove but will not support having the three sites in Fayetteville. He believes that it should have been Arvest Ball Park all along anyway.
- 109.2 **C. Clark withdrew her motion to suspend the rules and place the ordinance on second reading by title only.**
- 109.3 R. Aman said that he did have some support of the early voting in Prairie Grove. When he went on the State website, there was one place that they opened for two weeks by law and the rest of the sites were from 7 days or 15 days. He stated that he would support the ordinance with adding Arvest Ball Park and Prairie Grove, keeping the sites open at the Courthouse and at Parsons Stadium and having them open a minimum of seven days, plus Election Day. He stated that according to the website, the main early voter site that the County chooses would be open for two weeks and the remaining were open for seven days and the Election Day.
- 109.4 Renee Oelschlaeger, a Republican on the Election Commission, stated that the Election Commission is tasked with choosing the locations. She is all for keeping the Arvest Ball Park because she lives in this area and knows that the citizens of Springdale are not going to be happy if there is not an early voting site near them. She wished she had known about the option to change the hours ahead of time. She stated that she does not want the Quorum Court to think that the Election Commission is not interested in their point of view on this issue, but it is the Election Commission's job. It is the job of the Quorum Court to fund it or not. Therefore, she stated if their motion is to drop one site in favor of another, even though it is reasonable, that is getting into what the State has tasked the Election Commission to do.
- 109.5 E. Madison stated that the motion and ordinance passed with 8 votes or a quorum in the form with J. Firmin's amendment, and it is just put on a second reading, so it is not a reconsideration which would be them voting on it and it failing. She does not know how they can reconsider something that has passed, so she is not sure that C. Clark's motion is procedurally correct. She stated that they could have two special Quorum Court meetings at their very next committee meetings at no additional cost to the county, and the will of the majority can be carried out.

- 110.1 County Attorney George Butler responded to E. Madison, stating that the motion did not pass because it required a 2/3 vote and it has to be a full 24 hours before the ordinance can be on second reading or until the next time they meet.
- 110.2 Attorney Butler further explained that they need to back up and have a motion and second to reconsider which would require a 2/3 vote to pass.
- 110.3 A. Harbison stated if it gets eight votes again, it still does not pass. She asked how many votes it takes to call a Quorum Court meeting; to which Attorney George Butler responded that the County Judge has the authority and power to call a meeting herself or it takes a majority vote of the Quorum Court.
- 110.4 H. Bowman pointed out that Ms. Renee Oelschlaeger just got through telling them that it is not their job to be making decisions about adding Arvest Ball Park or cutting other sites, so all of these motions that are being thrown around are completely out of order.
- 110.5 County Attorney George Butler responded to H. Bowman stating that it is the call of the Election Commission; however, the Quorum Court can make their appropriations contingent on certain things such as certain early voting sites.
- 110.6 T. Lundstrum stated that this appropriation ordinance requires a 2/3 majority vote, and it failed on their first vote; and they knew that it was an appropriation ordinance when they voted on it, and it took ten votes to pass. He questioned how they can come back on a second reading of a failed ordinance.
- 110.7 County Attorney George Butler responded to T. Lundstrum that if they are going to have special meetings, the ordinance will just be randomly read and, they have done this before. He stated that C. Clark withdrew her motion to suspend the rules and place the ordinance on second reading and in lieu of that, she made a motion to reconsider the ordinance at this meeting.
- 110.8 **C. Clark made a motion to reconsider the ordinance at this meeting. E. Madison seconded.**
- 110.9 VOTING FOR: A. Harbison, J. Mardis, B. Ussery, and C. Clark. VOTING AGAINST: B. Fitzpatrick, T. Lundstrum, E. Madison, J. Patterson, B. Pond, R. Aman, R. Bailey, H. Bowman, D. Bryant, R. Cochran, and J. Firmin.

The motion failed with four members voting in favor and eleven members voting against the motion to reconsider.

111.1 **E. Madison made a motion that the Quorum Court hold Special Meetings on Monday, August 25th at 5:00 p.m. to take up this issue on second reading; and on Tuesday, September 2nd at 5:00 p.m. to hear this ordinance as amended on its third and final reading. A. Harbison seconded.**

111.2 E. Madison reiterated that they have already scheduled committee meetings on those dates and times and can get their per diem, so they can hold those meetings at no additional cost to the county and get this ordinance through to second and third reading.

111.3 **With no further discussion, Judge Edwards called for a vote on E. Madison's motion above.**

111.4 **VOTING FOR: B. Fitzpatrick, A. Harbison, E. Madison, B. Pond, B. Ussery, D. Bryant, C. Clark, and J. Firmin. VOTING AGAINST: T. Lundstrum, J. Mardis, J. Patterson, R. Aman, R. Bailey, H. Bowman, and R. Cochran. The motion passed with eight members voting in favor and seven members voting against the motion.**

111.5 Ms. Price noted that the Election Commission is meeting tomorrow for the ballot draw at 10:00 a.m. and will be able to revisit this issue, along with the hours that Arvest Ball Park can be open, and discuss before the Quorum Court meets again on Monday.

111.6 **AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$15,722 IN THE JAIL FUND; AND APPROPRIATING \$15,722 FROM THE JAIL FUND TO THE JAIL BUDGET FOR 2014: C. Clark introduced **An Ordinance Recognizing Additional Revenues Of \$15,722 In The Jail Fund; And Appropriating \$15,722 From The Jail Fund To The Jail Budget For 2014,** and County Attorney George Butler read the ordinance.**

111.7 C. Clark explained that this was insurance on the accident in Little Rock during ice and snow.

111.8 **C. Clark made a motion to adopt the ordinance. D. Bryant seconded.**

111.9 R. Cochran pointed out a scrivener's error in the ordinance.

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

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

ORDINANCE NO. 2014-46, BOOK NO. 9, PAGE NO. 415

112.3 COUNTY JUDGE'S REPORT: Judge Edwards stated that due to their lengthy meeting, she had nothing to report, but Shawn Shrum would give the Road Report.

112.4 Shawn Shrum, Assistant Road Superintendent, addressed the Quorum Court stating that they have been working hard on their reseal program with the 60 miles to complete which they should wrap up in the next couple of weeks if the weather cooperates. He stated that they continue to work on CR1090 and CR199 near Round Mountain and on CR17 near Summers, and the state line getting ready to chip and seal next year.

112.5 Mr. Shrum reported that there is a subdivision going in on the west side of Fayetteville on Hughmount Road and in the next couple of weeks they will be partnering with the developer to widen and pave Hughmount Road up to the subdivision. He explained that it helps everyone involved and will be safer since this subdivision will increase traffic. He noted that the developer is paying for the asphalt and hauling while the county will do the work.

112.6 Mr. Shrum reported on their two state aid projects, stating that they are finishing Blue Springs Road or CR70 east of Springdale putting them from the Goshen city limits all the way to Highway 412 with a new overlay surface and on Bush Valley Road or CR11. He noted that these bids were let on July 23, and they did not bid on them this year as they have a lot going on, and APAC won the bids.

112.7 Mr. Shrum noted that they are still working on the surveys in the area around the Woolsey Bridge. With regard to the Stonewall Bridge, he reported that they have all of the permits and plan to close the road and start that project on September 3. He stated that they have been trying to get the word out to people living in the area who use that road a lot, and the signs will be put up

tomorrow. He stated that they are hopeful to have this bridge project completed by next spring.

- 113.1 In response to a question from Judge Edwards, Mr. Shrum stated that he has visited with the State Highway Department about the location of Woolsey Bridge and the plan right now is to put it back in the same location which seems to be the desire of residents in the area as well as the State. He continued to explain that surveying is still going on for this and once the hydrology is done, they will draw the plans and put it out for bids next year.
- 113.2 R. Cochran addressed Mr. Shrum, stating that one of his constituents on CR86 where the Road Department has done some work contacted him to compliment the Road Department on great work.
- 113.3 R. Aman addressed Mr. Shrum on the work done on Strickler Road looks really good, and he appreciates it.
- 113.4 COMMITTEE REPORTS: J. Patterson, Chairman of the County Services Committee, reported that they met on August 4 and discussed an ordinance that would allow continuity of two at large members representing the county on the Library Board, and the Committee unanimously voted to forward the ordinance to the full Quorum Court with a do pass recommendation. The Committee heard a report from County Planning Director Juliet Richey regarding recent land development hearings and opposition to the Rich Red Dirt Pit. Ms. Richey reported that they will be upgrading their floodplain maps, and the total cost to map Washington County is \$300,000. The cost for the initial discovery portion is \$87,000, 25% of that coming from local cost share and so Washington County's portion is only \$1,000. The Committee heard an update from Lester Howick from the Animal Shelter who reported receipt of an \$8,000 grant for a Trap, Neuter, Release Program. J. Patterson stated that the Committee had a lengthy discussion on a Resolution opposing a proposed rule amending the definition of "waters of the U.S." under the Clean Water Act. He reported that the motion to forward the Resolution to the full Quorum Court failed; however, B. Pond would be presenting it tonight for discussion.
- 113.5 E. Madison, Chairman of the Public Works Committee, reported that that this committee met briefly on August 4 and heard a report from Buildings and Grounds Superintendent Ron Wood about the work that he is doing in county facilities, including the lighting projects for the Courthouse which are approximately 85% complete. He noted that they are taking advantage of

incentives to save money over the long haul. Mr. Wood stated that the new roof has been put on the Women's Department of Corrections building at a cost of \$79,991. He advised the Committee that it is inevitable that the security system at the Juvenile Detention Center will need to be replaced due to problems including doors becoming unlocked at strange times and cameras not working. The Committee discussed that potential expense.

- 114.1 B. Pond, Chairman of the Personnel Committee, reported that this committee met on August 11 and had lengthy discussion on one agenda item, a request from Circuit Judge Cristi Beaumont to increase the salary of a Law Clerk Position for 2014. He stated after much struggle and some lively discussion, they managed to approve a motion to forward this onto the Finance Committee.; however, the Finance Committee is sending this request back to the Personnel Committee who will take it back up next month.
- 114.2 T. Lundstrum, Chairman of the Jail/Law Enforcement/Courts Committee reported that they did not meet this month due to lack of an agenda.
- 114.3 C. Clark, Chairman of the Finance and Budget Committees stated she had nothing further to report.
- 114.4 AN ORDINANCE AMENDING ORDINANCE 2014-38 TO MAKE THE EFFECTIVE DATE OF SUCH JANUARY 31, 2016: J. Patterson introduced **An Ordinance Amending Ordinance 2014-38 To Make The Effective Date Of Such January 31, 2016**, and County Attorney George Butler read the ordinance that is on first reading and being recommended by the County Services Committee. This ordinance refers to the membership of the Washington County Library Board.
- 114.5 J. Patterson explained that they were only changing the dates of the terms that work better for the County.
- 114.6 **J. Patterson 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 voice vote.**
- 114.7 County Attorney George Butler read **An Ordinance Amending Ordinance 2014-38 To Make The Effective Date of Such January 31, 2016** by title only.

- 115.1 **J. Patterson made a motion to suspend the rules and place the ordinance on third and final reading by title only. D. Bryant seconded. The motion passed unanimously by voice vote.**
- 115.2 County Attorney George Butler read **An Ordinance Amending Ordinance 2014-38 To Make The Effective Date of Such January 31, 2016** by title only.
- 115.3 **J. Patterson made a motion to adopt the ordinance. C. Clark seconded.**
- 115.4 Citizen Comments: There were no citizen comments made.
- 115.5 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 115.6 VOTING FOR: B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, and J. Firmin. **The motion passed unanimously. The ordinance was adopted.**
- ORDINANCE NO. 2014-47, BOOK NO. 9, PAGE NO. 416**
- 115.7 Judge Edwards stated that she wants it noted and recorded that she is in total support of the resolution that B. Pond is about to introduce in its entirety.
- 115.8 B. Pond stated that this issue is near and dear to the hearts of a lot of people and once County Attorney George Butler reads the resolution, there were a couple gentlemen present that wished to comment.
- 115.9 A RESOLUTION OPPOSING A PROPOSED RULE AMENDING THE DEFINITION OF "WATERS OF THE U.S." UNDER THE CLEAN WATER ACT: B. Pond introduced **A Resolution Opposing A Proposed Rule Amending The Definition Of "Waters Of The U.S." Under The Clean Water Act**, and County Attorney George Butler read the resolution. This resolution is being brought to the Quorum Court by JP Butch Pond after it failed to be recommended by the County Services Committee.
- 115.10 **B. Pond made a motion to adopt the resolution. A. Harbison seconded.**
- 115.11 Jeff Williams, citizen of Washington County, addressed the Quorum Court stating that he brought this resolution to the County Services Committee and

everyone is aware of what occurred at that meeting. He noted that there is not much that he wanted to add but noted the addition of Article 2 to the Resolution, giving specific direction to the County Judge. He stated that most of what he has said the court has already heard; however, he introduced Ross Dunn from the Arkansas Farm Bureau who wished to express their position on this issue.

- 116.1 Ross Dunn with the Arkansas Farm Bureau Federation in Little Rock and Director of local affairs and rural development, addressed the Quorum Court stating that they have been dealing with this for quite sometime now. He stated that they very often deal with regulations, and they are not always a bad thing and necessary to continue on. He stated that these newly proposed regulations specifically define the term "waters of the U.S. or Lotus and would redefine navigable waters to include smaller waterways and go so far as to include ditches and pastures when they are holding water from a heavy rainfall which they flood into a navigable waterway.
- 116.2 Mr. Dunn explained that the waterways now fall under jurisdiction of the EPA and this would result in an increase in bureaucratic red tape for farmers and private landowners alike. It would cost money and time to build a fence, but if it goes across a ditch with water in it sometime, they are looking to whenever they had time to get a permit and spend more money to build a fence. He stated that the implementation of these rules would significantly increase the costs associated with carrying out normal farming and ranching practices and landowners would of course require permits to do things like build fences and run cattle. The rule would also alter the use of pesticides by requiring an added layer of permitting prior to application, making it more difficult for farmers to control bugs and weeds in a timely manner.
- 116.3 Mr. Dunn stated that the second proposed rule is referred to as the "interpretive rule" that is basically an end run around Congress intent. He stated in 1977 the Congress amended the Clean Water Act to exempt normal farming and ranching practices. The new interpretive rule would clarify 56 practices that were said to be normal and would place NRCS standards on the benchmark for how those practices must be carried out.
- 116.4 Mr. Dunn stated that the Arkansas Farm Bureau opposes these rules and have submitted formal comments against the rules and have actually engaged in the Federal Dish the Rule Campaign put on by the American Farm Bureau Association to educate individuals and bring on comments to both of the proposed rules. He noted that they have all four Congressmen

and both Senators Boozman and Pryor on board with that campaign, so they have both Democrats and Republicans on a bipartisan effort to ditch these rules. He noted that many individuals believe that this would continue to better our water supply and keep our water clean, but these rules are not here to do such although that is what the proponents would have you believe. Mr. Dunn stated that they already have intact regulations to keep our water supply clean and plentiful. Additionally, he noted that the State of Arkansas currently is in the process of forming a new water plan that will be finalized in October and will go through legislation in January that will continue to upgrade water quality and needs. He further pointed out that the proposed added regulations are simply to give the EPA and federal government more power over the private landowner.

- 117.1 Judge Edwards inquired about Federal litigation going on currently about this; to which Mr. Dunn responded that this is not only in the State of Arkansas but is Farm Bureaus and Economists Associations across the country have weighed in on this and that is how the "Ditch the Rule" campaign came about.
- 117.2 Judge Edwards stated that she has written many letters to our Congressmen and received letters back from them to let us know that they are trying to help us anyway they can in this effort.
- 117.3 Mr. Dunn stated that there is an entire breakdown of the "Ditch the Rule" campaign online.
- 117.4 E. Madison stated that she will be abstaining from this vote as she is not happy that this resolution was placed on the agenda without committee approval. She stated that they have the support of their entire congressional delegation already, and she asked for time to consider this incredibly complex issue but is feeling rushed to get this through. She noted that this resolution failed to pass out of committee, not because it was opposed but because they wanted more time to talk about it and think about it and understand the specifics as Mr. Dunn has explained. She stated that they have a committee procedure and Judge Edwards named members on that committee, and they should not be bypassing that procedure and believes that any other legislative body would not let that happen.
- 117.5 R. Bailey stated that he is unhappy that the committee did not forward it to the full Quorum Court. He stated in his time on this court he has voted in favor of passing items onto the full Quorum Court when he knew he would oppose it at that level and so he is frustrated because he only knows of two times this

has happened. He noted that both candidates for Governor oppose these regulations and the Benton County Quorum Court has already passed this resolution, as well as the Farm Bureau who is strictly against it, as well as his representative in Fayetteville. He honestly does not know of many people in favor of these regulations.

- 118.1 Mr. Dunn addressed R. Bailey's comments, reiterating that they have the regulations they need to protect their water supply and to protect our environment.
- 118.2 R. Bailey asked if coal-burning plants somehow fall under this; to which Mr. Dunn responded that the reason that these rules were attacked was because the EPA lost some court cases including an old mining operation that was no longer in process where a recycling and waste management group took over and used it as a landfill. Since there was water in the landfill, they came in and slapped them with some fines, but it was overturned in federal court.
- 118.3 A. Harbison stated that she and B. Pond are the only full-time farmers on this court. She does not think they need any more time to discuss this. They have the Farm Bureau and Cattlemen's Association representing them. We have enough rules and regulation for clean water at the present time.
- 118.4 R. Cochran asked County Attorney George Butler that since this resolution did not come from committee, should they not have voted to approve adding it to their agenda this evening; to which he responded that their Code of Order specifically allows that if something is defeated in committee that any member of the Quorum Court can bring it to the Quorum Court and the County Judge sets the agenda.
- 118.5 B. Pond noted that farmers are taking care of their piece of the world and doing everything they can to do by using the best farming practices to stay in the farming business, to produce quality products, and take care of their future. He stated that groups such as the EPA or some guy sitting in Washington, D.C. is not going to be able to give him cookie cutter instructions on how to take care of his upper 39 acres or lower 40 acres because they are totally different pieces of ground in this part of the country with many different factors to consider. He noted that the sort of thing that will happen is an individual will come out and give him specific instructions on how to manage his land and even though he knows nothing is wrong in this case, he has to do his job and that was what the guy above him told him to do. He stated that they are running the farmers out of business, and when they do that, they are

undermining everyone's food supply. B. Pond stated that this sort of thing has gone on for too long and they have put up with too much of it. He noted that they are running out of time on this and he does not know how to educate people but appreciates Mr. Dunn's efforts.

- 119.1 Citizen Comments: There were no citizen comments made.
- 119.2 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 119.3 VOTING FOR: A. Harbison, T. Lundstrum, J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, and J. Firmin. VOTING AGAINST: B. Fitzpatrick. ABSTENTION: E. Madison. **The motion passed with thirteen members voting in favor, one member voting against and one member abstaining. The resolution was adopted.**

RESOLUTION NO. 2014-16, BOOK NO. 3, PAGE NO. 81

- 119.4 OTHER BUSINESS: County Attorney George Butler reminded the Court that Judge Edwards will be out of town Monday and Tuesday next week, so the Court needs to elect somebody to Chair the Special Quorum Court meeting and that person cannot vote.
- 119.5 Executive Assistant Karen Beeks stated that the ordinance will only be on second reading and does not require a vote at that reading.
- 119.6 CITIZEN COMMENTS: There were no citizen comments made.
- 119.7 ADJOURNMENT: The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Jessica Ims
Quorum Court Coordinator/Reporter

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

Monday, August 25, 2014
5:00 p.m.
Washington County Quorum Court Room

- 120.1 The Washington County Quorum Court met in special session on Monday, August 25, 2014.
- 120.2 County Attorney George Butler explained that in the absence of County Judge, Marilyn Edwards, the Quorum Court shall elect a Chairman and under Robert's Rules, because they are considered a large assembly, the Chairman cannot vote unless it affects the outcome. He stated that they could either immediately by acclamation elect a temporary chairman just to conduct the election or they could do it by signed written ballot and then if no one gets a majority vote, they would take the top two and do another round of voting and then the majority vote becomes chairman.
- 120.3 **A motion was made and seconded for Eva Madison serve as Chairman of this meeting in the absence of Judge Edwards. The motion passed unanimously by voice vote by those present.**
- 120.4 The meeting was called to order by Chairman Eva Madison.
- 120.5 MEMBERS PRESENT: Ron Aman, Rex Bailey, Harvey Bowman, Diane Bryant, Candy Clark, Rick Cochran, John Firmin, Barbara Fitzpatrick, Ann Harbison, Tom Lundstrum, Eva Madison, Jimmy Mardis, Joe Patterson, and Bill Ussey.
- 120.6 MEMBERS ABSENT: Butch Pond.
- 120.7 OTHERS PRESENT: County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 120.8 J. Firmin led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 120.9 County Attorney George Butler noted that as Chairman since E. Madison is a member of the body, while she does not have the power to veto, she does the power to vote if it affects the outcome.
- 120.10 ADOPTION OF THE AGENDA: Chairman Eva Madison asked if there were any additions or deletions to the agenda.

- 121.1 **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.**
- 121.2 AN ORDINANCE ANTICIPATING ADDITIONAL REVENUES OF \$9,000 IN THE GENERAL FUND; AND APPROPRIATING \$28,587 FROM THE GENERAL FUND TO THE ELECTION COMMISSION BUDGET FOR 2014:
C. Clark introduced **An Ordinance Anticipating Additional Revenues Of \$9,000 In The General Fund; And Appropriating \$28,587 From The General Fund To The Election Commission Budget For 2014.** This ordinance is on second reading.
- 121.3 **C. Clark made a motion to suspend the rules and place the ordinance on second reading by title only. The motion was seconded. The motion passed unanimously by voice vote by those present.**
- 121.4 County Attorney George Butler read **An Ordinance Anticipating Additional Revenues Of \$9,000 In The General Fund; And Appropriating \$28,587 From The General Fund To The Election Commission Budget For 2014** by title only.
- 121.5 J. Firmin tried to make a motion to adjourn and take citizen comments, but County Attorney George Butler rules him out of order since R. Bailey had the floor.
- 121.6 R. Bailey stated that he has talked with Adam Wright with Arvest Ball Park, and they are willing to have the early voting site at their facility. He stated that he will also support all of the early voting sites referred to in the ordinance and believes that they should give them a chance. He reiterated that he simply wants to have both east and west Springdale covered. He stated that Jennifer Price will be working with Arvest on the hours they can be open.
- 121.7 R. Cochran stated that he has done a lot of research on the internet about increasing these early voting locations and the majority of what he has read says that the early voting myth does not increase voter turnout and despite the idea that they give more opportunity to vote, it basically goes the other way. He reported that the analysis that the University of Wisconsin came to the conclusion in the 2004-2008 Presidential Elections that they studied, they claimed that early voting created negative unanticipated consequences by

reducing the civic significance of elections for individuals in altering the incentives for political campaign to invest in mobilization, and the researchers concede that this result is counterintuitive and certainly runs against the grain of conventional wisdom, but facts are facts. He continued stating that the 2013 study of which the American Journal of Political Science funded by the Pew Charitable Trusts found early voting as effectively dissipating the energy of Election Day which historically has focused social and political activity in a single day a buzz with discussion, media coverage, last minute contacts from parties and candidates, and factors that exert a mobilizing impact on a wider group of potential voters. The number of pre-election day voters in Maryland's 2012 November voting jumped to 11.6%, and the overall turnout that year was 73.5%, the lowest percentage turnout in a Presidential Election since 1996, and they state clearly that early voting does not, as commonly believed, boost participation in the election process.

- 122.1 R. Cochran stated that he believes they are wasting taxpayer's money by passing this ordinance. He stated that he has only heard one comment about a problem with voting on a regular basis, and that was in the Prairie Grove area, and he will support an early voting site in that location only. The location at the Boys/Girls Club is just five miles away from the Courthouse, and it is not as far to go across Fayetteville east to west as it is in Springdale east to west. Further, he stated that the early voting locations should be open at least one of the two Saturdays, if not both, and open until 6:00 p.m. because the 4:30 cutoffs do not make any sense at all.
- 122.2 **J. Firmin made a motion that they adjourn and take citizen comments. D. Bryant seconded.**
- 122.3 County Attorney George Butler stated that at the end of each Quorum Court meeting there should be a 15 minute period to allow citizen comments and so J. Firmin's motion to adjourn would be subject to that, otherwise it is non-debatable.
- 122.4 Citizen Comments: There were no citizen comments made.
- 122.5 **With no further discussion, Chairman Eva Madison called for a vote on the motion to adjourn and take citizen comments.**

- 123.1 VOTING FOR: A. Harbison, T. Lundstrum, J. Mardis, R. Bailey, D. Bryant, C. Clark, J. Firmin, and B. Fitzpatrick. VOTING AGAINST: J. Patterson, B. Ussery, R. Aman, H. Bowman, and R. Cochran. **The motion passed with eight members voting in favor and five members voting against the motion.**
- 123.2 CITIZEN COMMENTS: There were no citizen comments made.
- 123.3 ADJOURNMENT: The meeting adjourned at 5:15 p.m.

Respectfully submitted,

Jessica Ims
Quorum Court Coordinator/Reporter

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

Tuesday, September 2, 2014
5:00 p.m.
Washington County Quorum Court Room

- 124.1 The Washington County Quorum Court met in special session on Tuesday, September 2, 2014. The meeting was called to order by County Judge Marilyn Edwards.
- 124.2 Judge Edwards stated that the purpose of this meeting was to consider the third reading of an appropriation ordinance concerning the Election Commission Budget for 2014; and to consider an ordinance anticipating and appropriating grant revenues to the Juvenile Court Grant Budget in the Law Enforcement Grant Fund.
- 124.3 T. Lundstrum led the Quorum Court in a prayer and C. Clark led them in the Pledge of Allegiance.
- 124.4 MEMBERS PRESENT: Rex Bailey, Harvey Bowman, 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.
- 124.5 MEMBERS ABSENT: Ron Aman.
- 124.6 OTHERS PRESENT: County Judge Marilyn Edwards, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 124.7 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 124.8 **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.**
- 124.9 AN ORDINANCE ANTICIPATING ADDITIONAL REVENUES OF \$9,000 IN THE GENERAL FUND; AND APPROPRIATING \$28,587 FROM THE GENERAL FUND TO THE ELECTION COMMISSION BUDGET FOR 2014: C. Clark introduced **An Ordinance Anticipating Additional Revenues Of \$9,000 In The General Fund; And Appropriating \$28,587 From The General Fund To The Election Commission Budget For 2014**, and County Attorney George Butler read the ordinance that is on third and final reading.

- 125.1 **C. Clark made a motion to adopt the ordinance. B. Fitzpatrick seconded.**
- 125.2 R. Bailey stated that he had planned to support this ordinance but voiced his disappointment that the Election Commission would even consider having three early voting sites in Fayetteville and only one in Springdale and stated that this would never have happened when John Burrows was Election Commissioner. He stated that they had worked out a deal with Arvest Ball Park but was quite angry at statements made in a newspaper article yesterday by the Election Commissioner Chairman that they “hated to loose, but on the other hand did not like to play games.” R. Bailey stated that he is not playing a game and has tried to compromise but this was flawed from the start and should never have happened. He suggested that they may just want to return to having one early voting site in Fayetteville and one in Springdale. He stated that he and the other JPs representing Springdale take their representation very seriously. R. Bailey stated at this time, he would not support the ordinance.
- 125.3 T. Lundstrum stated that everyone already knows his position on this issue, but he wanted to clarify that he does not come from Tontitown as has been published in the newspaper several times. He stated that he comes from Elm Springs and represents folks in Tontitown and Johnson as well, and folks in those towns are very conservative. He stated that the newspaper keeps pointing out how this was only .05% of the overall budget and how insignificant it was, but he wants to keep encouraging people to start adding those numbers because in the eight years he has served on this court they have spent over \$22 million to make parking and courts more convenient. He noted that everything seems to be for convenience, and he would like to see them start spending the taxpayers’ money for necessities.
- 125.4 C. Clark stated that she will take a different approach than R. Bailey and T. Lundstrum have taken. She stated that convenience for early voting can be used, but this is \$22,000 that is spent directly on every registered voter in this county. She stated that she supports Planning Director Juliet Richey’s request to get mapping right for flood insurance; and she will support JDC Director Jeanne Mack’s request for door locks, but these requests do not affect everyone in the county. She stated that this \$22,000 expenditure affects potentially every registered voter in Washington County and is a relatively small amount to spend on every registered voter. C. Clark stated that she is hopeful that this will get registered voters to the polls and give them the opportunity to vote in different locations early so they do not have to

worry about just getting to the two locations. She stated that she hopes they can get this ordinance passed and felt like it was the best investment that they have made in a very long time.

- 126.1 Citizen Comments: There were no citizen comments made.
- 126.2 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 126.3 VOTING FOR: E. Madison, B. Pond, B. Ussery, D. Bryant, C. Clark, J. Firmin, B. Fitzpatrick, and A. Harbison. VOTING AGAINST: T. Lundstrum, J. Mardis, J. Patterson, R. Bailey, H. Bowman, and R. Cochran. **The motion passed with eight members voting in favor and six members voting against the motion. The ordinance was adopted.**

ORDINANCE NO.2014-48, BOOK NO. 9, PAGE NO. 418

- 126.4 AN ORDINANCE ANTICIPATING ADDITIONAL REVENUE OF \$16,600 IN THE LAW ENFORCEMENT GRANT FUND; AND APPROPRIATING \$16,600 FROM THE LAW ENFORCEMENT GRANT FUND TO THE JUVENILE COURT GRANT BUDGET FOR 2014: C. Clark introduced **An Ordinance Anticipating Additional Revenue Of \$16,600 In The Law Enforcement Grant Fund; And Appropriating \$16,600 From The Law Enforcement Grant Fund To The Juvenile Court Grant Budget For 2014**, and County Attorney George Butler read the ordinance.
- 126.5 C. Clark explained that this has been requested by County Grant Administrator Wayne Blankenship and was put on this agenda as it is a time sensitive item.
- 126.6 **C. Clark made a motion to adopt the ordinance. A. Harbison seconded.**
- 126.7 County Grant Administrator Wayne Blankenship addressed the Quorum Court stating that the Department of Health wants to send both Benton and Washington County Juvenile Courts for onsite visits to California and Oregon to see how the facilities are being operated. He explained that they want to leave the middle of September and have to get everything purchased and rooms paid for as soon as possible.
- 126.8 In response to a question from D. Bryant, Mr. Blankenship explained that these are federal funds coming through the state to the counties.

- 127.1 In response to a question from R. Cochran, Mr. Blankenship stated that there are seven going from Washington County and eight from Benton County.
- 127.2 Norma Frisby, Chief Juvenile Probation Officer for Washington County Juvenile Court, addressed the Quorum Court and explained that in 2013, the Division of Youth Services approached Benton and Washington County to participate in a pilot program called the Juvenile Detention Alternative Initiative. Their hope is to be able to spread this initiative throughout the state. She stated that they created a governing board and two groups of seven from the governing board making the site visits. She further noted that these were three-day trips during which they will be meeting with staff at these facilities to discuss what works for them and bring back ideas to improve our services here. Ms. Frisby stated that ultimately they do not want the wrong kids going to detention, and they want services to be provided for those who end up in detention as well as for those who do not.
- 127.3 Judge Zimmerman addressed the Quorum Court stating that there are different model sites throughout the nation and Washington and Benton Counties were approached by Division of Youth Services to be model sites for Arkansas, and the sites were chosen as they most closely resemble the kids and families that they serve. She noted that they chose Santa Cruz, California that has a very large Latino population, as well as Multnomah County in Portland, Oregon as it has a very large Marshallese population. She noted that the Marshallese population in Northwest Arkansas is the largest outside the Marshall Islands. Judge Zimmerman stated that the grant will reimburse the county for the costs. She further noted that their goal in Juvenile Detention Alternative Initiative is to reduce the number of kids who ultimately end up in prison.
- 127.4 Judge Zimmerman gave the names of those going to Santa Cruz, California which included Circuit Judge Zimmerman, Prosecutor Seth Creed, Public Defender Suanne Jeffus, Chief Juvenile Probation Officer Norma Frisby, WACO DCFS Supervisor Nirika Morris, Youth Bridge Program Director Kath Lott, and Lead Intake Officer Jernifer Bryant. Those going to Multnomah County, Oregon were Circuit Judge Zimmerman, Prosecutor Seth Creed, Public Defender Suanne Jeffus, Lead Probation Officer Jeremy Kelley, School Marshallese Interpreter Rillan Kaisha, School Resource Officer Hunter Carnahan, and ASN Family Supports Advocate Irene Clark.
- 127.5 In response to a question from D. Bryant, Judge Zimmerman stated that they would be making two trips.

- 128.1 Citizen Comments: There were no citizen comments made.
- 128.2 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 128.3 VOTING FOR: T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, and A. Harbison. **The motion passed unanimously by those present. The ordinance was adopted.**
- ORDINANCE NO. 2014-49, BOOK NO. 9, PAGE NO. 419**
- 128.4 CITIZEN COMMENTS: There were no citizen comments made.
- 128.5 ADJOURNMENT: The meeting adjourned at 5:20 p.m.

Respectfully submitted,

Jessica Ims
Quorum Court Coordinator/Reporter

RESOLUTION NO. 2014-_____

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

A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR AN INTERNET CRIMES AGAINST CHILDREN GRANT.

WHEREAS, Washington County has received said grant in the past; and,

WHEREAS, it is the desire of the Sheriff, the County Judge and the Quorum Court to submit an application for said grant to be used for internet crimes against children; and,

WHEREAS, if approved, said grant will be for a maximum amount of \$11,847 and requires no match by the County.

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

ARTICLE 1. It hereby authorizes and approves the submission of a grant application as stated above.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

ORDINANCE NO. 2014-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE TRANSFERRING MONIES
OF \$17,500 WITHIN THE COMPUTER/IS
DEPARTMENT BUDGET IN THE GENERAL
FUND FOR 2014.**

ARTICLE 1. The Computer/Machinery Equipment Line Item of the Computer/IS Department Budget in the General Fund (10000115-4009) is hereby reduced by \$17,500 for 2014.

ARTICLE 2. There is hereby appropriated the total amount of \$17,500 from the General Fund to the following line items in the Computer/IS Department Budget for 2014:

Computer/IS Department

Computer IT Equipment (10000115-2009)	\$ 4,000
Software Support & Maintenance (10000115-3102)	<u>13,500</u>
TOTAL APPROPRIATION:	<u>\$ 17,500</u>

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

ORDINANCE NO. 2014-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE TRANSFERRING MONIES
OF \$8,000 WITHIN THE COMPTROLLER'S
BUDGET IN THE GENERAL FUND FOR
2014.**

ARTICLE 1. The Full-time Salaries Line Item in the
Comptroller's Budget is hereby reduced in the following slots by the total amount of
\$8,000 for 2014:

Full-time Salaries, Slot 0113003 (10000113-1001)	\$ 1,500
Full-time Salaries, Slot 0113004 (10000113-1001)	<u>6,500</u>
TOTAL REDUCTION:	<u>\$ 8,000</u>

ARTICLE 2. There is hereby appropriated the total amount
of \$8,000 General Fund to the Part-time Salaries Line Item in the Comptroller's Budget
(10000113-1002) for 2014.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

ORDINANCE NO. 2014-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE CHANGING THE TITLE OF A
LAW CLERK POSITION TO A CIRCUIT COURT
STAFF ATTORNEY-COUNTY CIRCUIT COURTS
POSITION; AND APPROPRIATING \$4,156 FROM
THE GENERAL FUND TO PERSONAL SERVICES
LINE ITEMS IN THE CIRCUIT COURT IV BUDGET
FOR 2014.**

ARTICLE 1. The title of the Law Clerk Position (Slot 001) in the Circuit Court-Division IV Budget is hereby changed to Circuit Court Staff Attorney-County Circuit Courts for 2014.

ARTICLE 2. There is hereby appropriated the amount of \$4,156 from the General Fund to the following personal services line items in the Circuit Court IV Budget for 2014:

<u>Circuit Court-Division IV</u>	
Full-time Salaries, Slot 001 (10000404-1001)	\$ 3,395
Social Security Matching (10000404-1006)	260
Noncontributory Retirement (10000404-1008)	<u>501</u>
TOTAL APPROPRIATION:	<u>\$ 4,156</u>

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

15. OVERTIME COMPENSATION:

- A. Elected officials, executive, administrative, and professional employees, and other employees exempted by the Fair Labor Standards Act are not subject to the minimum wage and overtime provisions of Washington County Policy. An employee designated as 207(k) shall not be eligible for over-time until he or she works hours in excess of the number designated for his or her work period. Any employee that meets the definition of an executive, administrative, or professional employee, as set forth in the Fair Labor Standards Act, shall be paid as an exempt employee by Washington County except for exempt employees of the Sheriff's Department if specifically agreed to by the Quorum Court.
- B. No County employee may work more than 40 actual hours in one week without prior Elected Official authorization. Work weeks may be restructured on an individual basis to accommodate particular situations.
- C. Hours worked in excess of 40 actual work hours per week shall be compensated by compensatory time at the rate of one and one-half hours for each hour of overtime actually worked in a work week.
- D. An employee who has accrued compensatory time and who has requested the use of such compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not disrupt the operation of the employee's office or department. Nothing herein shall be construed as prohibiting an Elected Official from requiring that an employee use compensatory time.
- E. No County employee may accrue more than 40 hours compensatory time. After any employee has accrued the maximum compensatory time and not used it as leave, all overtime in excess of maximum limits must be paid in cash at the rate of 1 ½ times his or her regular rate of pay for each additional overtime hour worked.
- F. Employees being considered for promotion who have a compensatory time balance shall either be given such compensatory time off or paid for the compensatory time at their current rate of pay before the promotion can become effective.
- G. Upon termination of employment with Washington County, an employee who has accrued compensatory time shall be paid for unused compensatory time at a rate of compensation not less than:
1. The average regular rate received by the employee during the last three (3) years of the employee's employment, or

2. The final regular rate received by the employee, whichever is higher.
 3. If a county employee is paid for accrued compensatory time subsequent to the time such compensatory time is earned other than upon termination of employment, the employee shall be paid for such compensatory time at the regular rate earned by the employee at the time the employee receives the payment.
- H. Overtime pay at the rate of one and one-half (1 ½) times the regular rate may be paid to the county employees in accordance with Quorum Court approved appropriations.
- I. If an employee agrees, and with the approval of his or her elected official and solely at the option of the individual, to substitute during scheduled work hours for another such employee, hours worked as a substitute shall be excluded in the calculation of the hours worked for which the employee is entitled to overtime compensation.
- J. The term "compensatory time" shall mean hours worked during the applicable work week or other work period for purposes of overtime compensation, and for which the employee is compensated at the employee's regular rate.
- K. The Fair Labor Standards Act prohibits employees from volunteering to perform the same type of services, which the individual is employed to perform for Washington County, in excess of 40 hours without compensatory time or overtime pay as compensation.
- L. Procedures to document the accrual and use of compensatory time have been developed by the County Human Resources' Office and must be followed by all County offices and employees.

(Rev. October 12, 2000)

(Rev. June 12, 2003)

(Rev. February 20, 2014)

MARILYN EDWARDS
County Judge



280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING REPORT OF THE
WASHINGTON COUNTY QUORUM COURT
COUNTY SERVICES COMMITTEE

Tuesday, September 2, 2014
5:30 p.m.

Washington County Quorum Court Room

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

Others Present: Harvey Bowman, Rick Cochran, Candy Clark, Butch Pond, George Butler, Ann Harbison, Diane Bryant, Bill Ussey, Sue Madison, Juliet Richey, Angela Ledgerwood, and Dan Holtmeyer (NWA Times).

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

Report from the Washington County Planning Office. Planning Director, Juliet Richey, reported that things have really picked up over the past few months. There are twelve items on the agenda for the month. The West Wheeler Cell Tower is coming back, the property owner didn't want to dedicate right of way along the whole piece of property, because it is a large parcel. Instead of dedicating right of way for the entire parcel, it will be dedication of right of way for a portion of the parcel and state that they will keep the utilities 30' from the centerline of the road to not hamper road expansion. There is an expansion CUP for Saddlebrock Brewery. They are expanding their use. Hale Mountain Free Holiness Church is on Hale Mountain Road. They are building a new, larger church. Eastern Park Subdivision CUP, this is a request for about 2.5 units per acre and is on the east side of Fayetteville off of Hwy. 45. Teen Challenge Ranch in Morrow came through approximately a year ago for a CUP, they were unable to work with Lincoln Water to do water main extensions. They have effectively divided the building into three smaller spaces with fire walls and then they are going to do a combination pond and dry hydrant to make up for their fire protection issues. Next, she stated Rich Red Dirt will be tabled, the applicant is still working through a site distance visibility issues for their entrance. Butch Pond asked if a traffic study will still be required? Juliet Richey replied that currently it is a condition for the time of Large Scale Development.

Update from the Lester C. Howick Animal Shelter. Animal Shelter Director, Angela Ledgerwood, reported that things are hectic. Puppies and kittens are still trickling in. All of the puppies are being sent through PetSmart Charities Rescue Wagon. Kittens are being adopted. There have been 12 feral cats sent out through the TNR program. Eva Madison asked what type of agreement was put into place with the organizations to sustain the TNR program? County Attorney George Butler replied that the agreement was with the Humane Society, that they would not allow feral cat colonies to be abandoned. Euthanasia is up simply because it is litter season, if there is a mama and a litter, typically they all become infected with disease if one is diseased.

The part time position has been filled and the vet tech position has been filled as well. The applicant that was hired has worked for the emergency clinic in Springdale and at the Crossover Clinic and is very qualified.

Rick Cochran asked how the comp time is working? Angela Ledgerwood replied that it is still there. Every position is covered, if everybody comes to work and does not take vacation or sick time, then the shelter is covered. She further stated that she personally works 50 to 60 hours per week. She is trying to keep comp time to a minimum.

Eva Madison asked why the adoption fees are down dramatically from last year? Angela Ledgerwood replied that there have been specials just to get animals out the door. Eva Madison stated that she is not a fan of doing the specials, and would like months when there are not specials. She believes that sales on animals are harmful to the revenue streams and perhaps harmful for animals. In 2013 the revenue was \$35,000, and for 2014 it is at \$14,000. Angela Ledgerwood replied that she is also looking at the competitors in the area. Fayetteville and Springdale are constantly running specials. Eva Madison stated that she is also opposed to Fayetteville doing it, she believes the County should set the bar higher. Next, Eva Madison asked how many employees are considered exempt from over-time? Angela Ledgerwood replied that she, her office manager, and the vet techs are exempt.

Rick Cochran stated he agrees to setting the standards high, and does not agree with selling the animals for less than what is invested in them.

Butch Pond commented that the competition was created when the county built its own shelter, it is unfortunate when government entities compete. He further stated, that the animal shelter, just looking at it in dollars and cents, is a money pit, and we have to do with it what we can.

Diane Bryant noted that Farmington's numbers seemed higher than other towns. She also commented that she would rather the animals have a home than note.

Barbara Fitzpatrick commented that the things that the shelter does as far as vaccinations and spay and neutering, are things that low income people may not be able to do, but

they are capable of caring for pets such as feeding and watering them and animals can also be therapeutic for lower income people. She also noted that the shelter was depending on money from small cities that is not coming in. Further commented that it would be a good idea if the shelters got together and decided not to compete.

John Firmin stated he would like to go to quarterly meetings for the animal shelter and made a motion to review the animal shelter every quarter rather than every month. Jimmy Mardis seconded. The motion failed.

Eva Madison commented that in January there needs to be discussions to balance the committee meetings, and it may be best to wait until then to decide how often the animal shelter needs to come to meetings.

Tom Lundstrum commented he likes to get the reports on a monthly basis and then look at it in January.

Harvey Bowman asked if there is documentation to show that the animal population is being reduced? Angela Ledgerwood replied that the purpose for the animal shelter is to provide a service for taxpayers in the county. Harvey Bowman replied that the people who are using the service are not the only ones paying. His intent is to find a way to minimize that expense.

Tom Lundstrum stated that Springdale is operating its shelter for \$600,000 per year with eleven employees, including animal control officers, and he is interested in reducing the costs that the county has.

With other business or public comment, the meeting adjourned at 6:25 p.m.

/rb

MARILYN EDWARDS
County Judge



280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING REPORT OF THE
WASHINGTON COUNTY QUORUM COURT
PERSONNEL COMMITTEE

Monday, September 8, 2014
5:30 p.m.

Washington County Quorum Court Room

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

Others Present: Rick Cochran, Jimmy Mardis, Tom Lundstrum, Joe Patterson, George Butler, John Firmin, Eva Madison, Bill Ussery, Lindsy Huffaker, Jay Cantrell, Tim Helder, Jeane Mack, Cristi Beaumont, Renee Biby, and Dan Holtmeyer (NWA Times).

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

Request from Circuit Judge Cristi Beaumont to Increase the Salary of a Law Clerk Position for 2014. This request was discussed by the Personnel Committee last month at which time it was forwarded to the Finance and Budget Committee for funding consideration. The Finance and Budget Committee voted to remove the item from its agenda. Judge Beaumont is resubmitting her request to the Personnel Committee. This position does not fall under the County's Job Evaluation/Salary Administration Program.

Judge Beaumont explained that a \$20 user fee per month is paid by the participants of Track 1 Drug Court. The fund is anticipated to be at least \$26,000 by the end of the year, and that is used to pay for the position. The position will be used for other judges for case research, but another aspect is case management. This will save the county \$30,000-\$40,000 but not having to hire a social worker that is needed. She reminded the Court that before she became the Judge the previous drug court judge asked for \$125,000, she requested \$25,000 last year and has used less than \$5,000. As another example of savings, she stated that through the SAMHSA grant, she was able to obtain laptops and iPads that will also cut costs for paper and copying. She stated she is constantly looking for ways of cutting money. Courts also ask for money for attorney ad litem costs, the Court budgeted \$7,500 for 2014, to date she has paid only one attorney through that fund. She believes that the parties should have to pay for it first. She also explained that the position she is requesting is responsible for assisting veterans court. She believes this position is essential and it will make Washington County's Drug Court and Veterans Treatment Court better, and continue to be better.

Harvey Bowman asked what the position does that Social Services won't do? Judge Beaumont replied that it is very difficult to get in touch with someone at Social Services and get them to do something. Harvey Bowman replied that he will be in support of this request, however, in the future he hopes that the request is made on the front end, rather than after an action has been taken.

Eva Madison stated that she thinks that her work as an attorney has made her especially interested in this. She began her career as a law clerk for a year, and she believes that this position should remain an opportunity for a young lawyer to spend one or two years in the position and then go out and practice law. She further stated that she does not believe that this position should become a career position. The first person to hold this position, the position was meant for a young person to be a law clerk at a starting salary. Pulaski County is the only other county in the state that has law clerks. The average salary for the Pulaski County law clerk is \$49,000. The salaries for the Supreme Court and Court of Appeals Law Clerks, for fiscal year 2015 the average Supreme Court Justice Law Clerks are making \$50,000. The only clerks who have been on the job for more than a decade are making \$55,000. She further stated she thinks the salary is off from every comparable position in the state, it is just too high. She also stated that it is still a state position, and is unsure whether the County should be funding the position at all. She continued that the position is now serving all seven divisions, because Judge Mason couldn't fill the Law Clerk's time, she was answering phones and doing clerical work, and from her research, she doesn't think the other judges are using the Law Clerk very often. The request is to convert it from a high turn-over, low paying position, to a long term expensive lawyer cost. Judge Beaumont replied that there were 90 Law Clerks in the Little Rock area, and the average salary was very similar. Eva Madison replied that was from the Department of Labor numbers and she believes those numbers were skewed.

Ann Harbison stated Washington County has always been on the cutting edge. Drug Courts are evolving, and she believes it is much better to save the people on this end and spend \$13,000 rather than \$25,000 to incarcerate a person for a year. She will support this request because she thinks it is something that is needed because it is needed to help people recover from addiction. It is better to have someone with the legal experience and the social service experience to help these people.

Judge Beaumont stated that the previous drug court judge did not utilize the Law Clerk position in the same manner she believes the position is necessary. She stated she does not have the time to train a baby lawyer every year or two, by getting an experience attorney, they can do their job, they can start immediately, and adding the social work aspect, the case management, makes sense. This will cost \$56,000, which \$47,000 was already being spent, why would it make sense to hire another position for a case manager and add it on, which would cost \$80,000 for both positions. She believes that this will be beneficial to the county, and save tax payer dollars.

Tom Lundstrum thanked Eva Madison for the research that she did. He further stated that the request is roughly a 23% increase. He asked the Judge why the Veterans

Service office that the County has isn't being used. Judge Beaumont replied that the particular veteran she cited does not qualify for veterans services because he only served in the military for 22 months, and the requirement is that they serve for 24 months. Tom Lundstrum stated he cannot support the position based on just a few incidents.

Diane Bryant stated she believes this is a different job than what it has been in the past, and is different than what Eva Madison has cited in comparison.

Candy Clark stated she understands that the Personnel Committee's duty is to look at the position, not the money. She struggles with the position, she understands the need for a Law Clerk and the need for a Social Worker. She recommended that it be moved to the Finance Committee and then discuss the salary range.

Candy Clark made a motion to forward the request to the Finance Committee. Diane Bryant seconded. The motion was approved unanimously.

Consideration of an Amendment to the Employee Handbook. County Attorney George Butler stated this is being brought forward at the request of the Sheriff. The reason for this is because there are many deputies that are called upon by the University to work security at the various University activities.

Other Business. Rick Cochran asked for a discussion on salaries for law enforcement personnel to discuss the differential between what county law enforcement officials are paid verses what city law enforcement officials are paid. With the recent event of one of the county's officers being shot, he would like to look at the type of duties and backup that the deputies have, and the compensation.

With no public comment, the meeting adjourned at 6:25 p.m.

/rb

MARILYN EDWARDS
County Judge



280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING REPORT OF THE
WASHINGTON COUNTY QUORUM COURT
JAIL/LAW ENFORCEMENT/COURTS COMMITTEE

Monday, September 8, 2014
6:30 p.m.

(Immediately following Personnel)
Washington County Quorum Court Room

Members Present: Butch Pond, Joe Patterson, Tom Lundstrum, Candy Clark, Ron Aman, Jimmy Mardis and Bill Ussery.

Others Present: Harvey Bowman, Rick Cochran, George Butler, Ann Harbison, Diane Bryant, Eva Madison, Barbara Fitzpatrick, John Firmin, Renee Biby, Tim Helder, Jay Cantrell, Jeane Mack, and Daniel Holtmeyer (NWA Times).

The meeting was called to order at 6:30 p.m. by Chair Tom Lundstrum. The agenda was adopted as presented.

Report from the Juvenile Detention Facility. Juvenile Detention Director, Jeane Mack, reported that the numbers are remaining low. There were 14 transports. The inspection from the state was recently completed and the facility received very good reviews. School has recently begun and she is enjoying the new teachers. The Outdoor Adventure Club will be starting on the 20th with the canoe and kayaking at Lake Wedington.

Report from the Sheriff's Office on Enforcement and Adult Detention. Chief Deputy, Jay Cantrell, reported that the big thing is always the Jail. There are fewer intakes for this year, however, the inmates are staying longer. There have been 56,000 boarding days for state prisoners year date verses 35,000 last year. The state is looking at building a 1,000 bed facility but there are 2,300 in county jails currently. The state has been paying very well, except the state is almost out of money until the 2015 budget. There was a recent article that said the state had about 5 million dollars in bills and about 1 million dollars to pay those bills with.

Next, Deputy Cantrell, stated that the Sheriff's office will put together a presentation to show what happened with the recent officer involved shooting incident.

Update on a Medical Provider for the Adult Detention Facility. Sheriff Tim Helder, reported that five companies turned in qualifications and the Department has narrowed it down to one company. Major Denzer will be visiting a similar sized facility to be sure that the company can produce what they say they can. The numbers are getting down as bare bones as he believes that the county is going to be able to get them.

With no other business or public comment, the meeting adjourned at 6:45 p.m.

/rb

MARILYN EDWARDS
County Judge



280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

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

Tuesday, September 9, 2014
5:30 p.m.

Washington County Quorum Court Room

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

Others Present: George Butler, Renee Biby, Wayne Blankenship, Marilyn Edwards, Cheryl Bolinger, Ashley Farber, Jay Cantrell, Rick Hoyt, Lisa L. Ecke, Roger Haney, Bobby Hill, and Dan Holtmeyer (NWA Times).

The meeting was called to order at 5:30 p.m. by Chair Candy Clark and the agenda was adopted with the addition of an appropriation ordinance forwarded by the Personnel Committee concerning the Circuit Court IV budget.

Financial Report. County Treasurer Roger Haney and Comptroller Cheryl Bolinger will update the Committee on the monthly financial report.

County Treasurer, Roger Haney, reported that the General Fund appears a little low right now, just because of the time of year and the expenditures. That will increase with the property taxes that are due in October, in the next couple of months more than half of the property taxes will be collected. The Road and Jail Funds are fairly low as well. There was an infusion from the General Fund of \$500,000 in the Jail Fund and \$300,000 into the Road Fund. Revenues are coming in at 67%, which is what was anticipated. The State Worker's Compensation program reimbursed the County this month as well. The ending balance for all funds for the month totaled \$22,750,000. Sales tax collections were up a little more than 4%, that average collection is 1.85% over last year, with what he predicts are the best months yet to come with the fall festivals and activities coming up.

Comptroller, Cheryl Bolinger, reported that the unappropriated reserves remained the same for the month.

Report from County Grant Administrator Wayne Blankenship on Grants Awarded to the County and Related Appropriation Requests and Resolutions Needed for the Submission of Grant Applications. Assistant Grant Administrator, Renee Biby, presented A Resolution Authorizing The Submittal Of An Application For An Internet Crimes Against Children Grant, and reported that this is a grant for the Sheriff with no match requirement.

Barbara Fitzpatrick made a motion to forward the Resolution to the full Quorum Court with a do pass recommendation. Rex Bailey seconded. The motion was approved unanimously.

Request from Computer Administrator John Adams to Transfer \$17,500 Within the Computer/IS Department Budget for 2014. IT Director, John Adams, reported that this request is due to the change to virtual devices verses physical devices. The request is budget neutral.

A motion and second was made to forward the request to the full Quorum Court with a do pass recommendation. The motion was approved unanimously.

Request from Comptroller Cheryl Bolinger to Transfer \$8,000 Within the Comptroller Budget for 2014. Comptroller, Cheryl Bolinger, reported that this request is budget neutral. There was a person that was out for an extended leave this summer, and this will allow her to have a temporary person through the end of the year and cross train the permanent staff in the Comptroller's office.

Barbara Fitzpatrick made a motion to forward the request to the full Quorum Court with a do pass recommendation. Rick Cochran seconded. The motion was approved unanimously.

Request from Circuit Judge Cristi Beaumont to Change the Title of a Law Clerk Position and Related Appropriation for 2014. The Committee continued discussion from the previous two monthly Personnel Committee meetings. Judge Beaumont advised the Committee that she has researched the position further in reference to handouts JP Eva Madison distributed concerning similar positions in Pulaski County, and noted that Pulaski County pays all of the Health Insurance costs and benefits for the positions referenced in the handouts, whereas, Washington County's employees are required to contribute to Health Insurance costs as well as retirement benefits.

Ron Aman made a motion to set the pay at \$49,000. Tom Lundstrum seconded.

There was a discussion of the requested salary verses other Law Clerk positions in the State of Arkansas. Eva Madison reiterated that she felt that this was an entry level position and the description as written is requiring the position to perform duties that are not those that a qualified attorney who is higher paid should be performing.

Rick Cochran offered an amendment to set the pay at \$53,136, the amendment was not seconded and not accepted.

The motion to amend the pay to \$49,000 failed.

Ann Harbison made a motion to forward the request to the full Quorum Court as written. Diane Bryant seconded. The motion was approved with Joe Patterson abstaining.

Preliminary Revenue Projections for 2015- County Treasurer Roger Haney. County Treasurer, Roger Haney, remarked that it is getting more and more difficult to make revenue projections. It is difficult to predict the number of prisoners, or how the economy will go with sales tax collections. In county budgeting the carryover figure is considered revenue for the following year. It is unappropriated money. Generally elected officials do not spend 100% of their budget. The carryover figure for the beginning of the year is a stab in the dark. The projection for 2014 was 44 million dollars. The projection for 2015 is 38.5 million dollars. Assessment values are particularly important when discussing real estate tax revenues. He noted by the Quorum Court rolling back the millage from 4.4 to 3.9 the county has decreased revenues, although the economy is increasingly coming back.

The General Fund is the most flexible fund and can be used for other funds. However, most of the other funds cannot be taken and used for operations or expenses somewhere else in the county.

General Revenue turn back is from the state. Property tax relief funds are funds that come from the state that pay for the homestead tax. That is based on a certification that the Collector makes. Fund 7022, a General Turn back Supplement, is appropriated by the Legislature and the County has been getting it for several years, there is no assurance that the County will continue to get that. Fund 7055, Real Estate Transfer Tax Surplus, is generated by a fee that is done on recordings done in the Circuit Clerk's office, it is sent to the state and then divided several different ways. The county got \$43,000 this year, the year before the County didn't get any. Fund 7301 is sales tax, he is projecting a 1% increase, versus the 2% projected for 2014. Overall, Washington County is probably in better shape than most counties in the state.

The Road Department is being helped out by the ½ cent state tax.

The Jail Fund is a difficult fund to project. The biggest problem with the Jail is the fact that the state pays \$28 per day and it costs the county close to \$60 per day. The \$20 jail fee that was established has helped a lot, it is projected that it is going to bring in \$610,000 for 2015.

Other Business. Chairperson Candy Clark advised the Committee that the meeting scheduled for Monday, September 15th has been rescheduled to 5:30p.m. rather than 6:30 p.m.

With no public comment, the meeting adjourned at 7:05 p.m.

/rb

ORDINANCE NO. 2014-_____

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

**AN EMERGENCY ORDINANCE RATIFYING
THE APPROVAL OF FOUR CONDITIONAL
USE PERMITS AND THE DENIAL OF A
CONDITIONAL USE PERMIT ISSUED BY
THE PLANNING AND ZONING BOARD.**

WHEREAS, the Planning and Zoning Board granted Conditional Use Permits on September 4 for Teen Challenge Ranch of NWA Revised Expansion (Administration Building), Saddlebock, Hale Mountain Free Holiness Church, and W. Wheeler Cell Tower; and,

WHEREAS, the Planning and Zoning Board denied a Conditional Use Permit on September 4 for Witter; 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 Permits for Teen Challenge Ranch of NWA Revised Expansion (Administration Building), Saddlebock, Hale Mountain Free Holiness Church, and W. Wheeler Cell Tower granted by the Planning and Zoning Board are hereby ratified; and that the denial of the Conditional Use Permit for Witter 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: _____ Joe Patterson

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

Teen Challenge Ranch of NWA Revised Expansion (Administration Building) CUP

The Planning Board/Zoning Board of Adjustments unanimously approved Teen Challenge Ranch of NWA Revised Expansion (Administration Building) Conditional Use Permit (with conditions) on September 4, 2014.

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

County

g. Teen Challenge Revised CUP

Conditional Use Permit Approval Request

Owner/Applicant: Teen Challenge Ranch of NWA/Steadfast, Inc., Randy Ritchey

Location Address: 19778 Boys Home Road, Morrow, AR 72749

26.66 acres (1 unit) / Proposed Land Use: Institutional

Project #: 2014-150 Planner: Courtney McNair email cmcnair@co.washington.ar.us

BACKGROUND/ PROJECT SYNOPSIS:

The owner/applicant of this of this project is the Teen Challenge Ranch of NWA. Randy Ritchey is the engineer. This property is located near Morrow on Boys Home Road WC# 43.

A similar CUP request was approved on June 27, 2013. The applicant is essentially asking for the same use that was approved with project 2013-090, but with several layout and fire protection changes. Additionally, the CUP approval for 2013-090 is now expired. New approval must be granted in order for this project to move forward.

This CUP request is to allow the Teen Challenge Ranch of NWA to construct a multi-purpose administration building (21,575 sq ft) that will house the Chapel, Administration, Education Facilities, Dining Hall, and Food Preparation. No additional students will be housed with this addition, but there may be a few more staff. The final capacity of this building is for 80 students and 25 staff (there will be no residences, but the kitchen will serve meals to this many people. Offices and classrooms will be occupied). The project will also include upgrades to the internal drives and parking, and upgrades to the electric line servicing the property. The existing pond is proposed to be expanded and will be used for fire-fighting. The parcel is approximately 26.66 acres

This proposed CUP is located on the property adjacent to the current Teen Challenge location. The Teen Challenge Ranch of NWA currently leases property from the State of Arkansas for their existing operation. Many of these existing buildings are in need of repair or upgrade. Teen Challenge would eventually like to move all of the operations onto the adjacent property under review with this project. However, the only building being proposed at this time is the administration building. The applicants are aware that any additional buildings will be required to come through the CUP and LSD processes separately.

The main differences between the 2013-090 project and this proposal involve fire protection and septic layout.

Project 2013-090 proposed to upgrade a water line and use a sprinkler system in the Administration building. It was discovered that Lincoln water did not have the capacity to serve those needs and could not provide water for fire-fighting purposes. Therefore, this project (2014-150) proposes to use a series of fire walls within the building, and plans to expand the pond for fire protection. A dry hydrant, well, and fire access road are proposed in conjunction with the pond expansion.

This project must abide by all applicable Rules and Regulations as set by Washington County Ordinances 2006-52 and 2006-77, as well as "First Rules and Regulations of the County Fire Marshal and the Public Utilities Coordinator Regarding Land Developments Utilizing Fire Flow Tanks"

The septic system that was approved in 2013 did not adequately address the full planned use of the building. The system was therefore not sized correctly. A much larger septic system is required to be proposed. The details of this system are being discussed, but staff feels comfortable making this a condition of approval.

The proposed building will be separated into three sections by fire walls. The applicant is proposing that the full build out of each section be phased. They plan to construct the exterior of the building entirely in Phase 1, and then finish out the building interior within 3-5 years. The phases of the building that are not complete are NOT to be used in any manner. The architect is required to submit plans for phase 2 and 3 to the Washington County Fire Marshal, prior to commencing construction on those phases. The Fire Marshal will review and approve each phase. The Fire Marshal will then inspect the building prior to the building being occupied.

The applicant must complete all phases within the time limits they proposed (3-5 years). Any extension of this time must be approved by the Washington County Planning Director. The Planning Director may grant up to two (2) ninety-day extensions; the denial of any such extension may be appealed to the Board. However, in no event shall more than two (2) extensions be granted.

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project (CUP and Preliminary Large Scale were sent together). No comments were received.

This project was not contentious and staff recommended approval of the proposed Teen Challenge Ranch of NWA Revised Expansion (Administration Building) Conditional Use Permit with conditions.

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

Water/Plumbing/Fire Conditions:

1. All access roads and fire lanes must support 75,000lbs in all weather conditions.
2. The fire lane drive providing access to the dry hydrant must be a minimum of 20-foot wide, support 75,000lbs in all weather conditions, and be marked as fire lane (can be signage-if the drive and lots are gravel; or paint-if the drive and lots are paved). It must also be marked "one-way" as per the LSD plans submitted.
3. Interior drives must support 75,000lbs in all weather conditions and be a minimum of 26-foot wide with a 30-foot radius on all turns.
4. The entrance drive is still labeled at 24-foot wide, but measures wider. This must be corrected.
5. In addition, the curve radius measurement should be called out for all fire lanes.
6. All fire lanes must have signs indicating they are fire lanes. (Can be signage-if the drive and lots are gravel; or paint-if the drive and lots are paved).
7. All fire lanes must be compacted to support 75,000lbs in all weather conditions.
8. An Engineer statement regarding compaction is required.
9. The existing structures will still be in use once the proposed building is completed. They will be used for different purposes though. Prior to changing the use of the current structures, the Washington County Fire Marshal must be contacted and must approve the use change. It is anticipated that all new uses will be less intensive than the current uses, so no additional CUP's will be required for the existing buildings.
10. This project will abide by all applicable Rules and Regulations as set by Washington County Ordinances 2006-52 and 2006-77, as well as "First Rules and Regulations of the County Fire Marshal and the Public Utilities Coordinator Regarding Land Developments Utilizing Fire Flow Tanks"
11. All notes on the LSD plans regarding the fire protection system shall be adhered to for this project.

12. The fire protection system includes, but is not limited to, the expanded pond, the clay liner, dry hydrant assembly, float device, pump, and all mechanical elements
13. The fire protection system will be constructed as stated in the plans.
14. Washington County Fire Marshal will inspect the fire protection system quarterly.
15. Site and pond plans must be submitted to the State Fire Marshal for approval. A letter was provided saying the State Fire Marshal would accept a pond as an alternative fire protection system, but it also says the applicant should submit these plans. (Staff has asked for clarification from the State Fire Marshal to make sure we understand his letter correctly, if Staff receives clarification that is contrary to this condition, this condition will be revised).
16. Add note: The Washington County Fire Marshal will inspect quarterly as per County Ordinance requirements.
17. The managing entity of the fire protection system will be required to keep maintenance record and provide these to the Fire Marshal during his inspections.
18. Add note: The algae level must be kept to a level so as it does not impact the functionality of the fire protection system.
19. The Washington County Fire Marshal will visually inspect the algae level at his quarterly inspections.
20. The hydrant assembly must have a protective barrier. Please update plan of hydrant to show this barrier.
21. No cattle are to water in this pond.
22. Revise note: "A bond shall be purchased for 25% of the cost of construction for the pond and related system (including, but not limited to, the clay liner, dry hydrant assembly, float device, pump, and all mechanical elements)."
23. Add note: "The bond is to be approved by the Washington County Attorney as to form and content with Washington County as the beneficiary."
24. Add note: "This project will abide by all applicable Rules and Regulations as set by Washington County Ordinances 2006-52 and 2006-77, as well as "First Rules and Regulations of the County Fire Marshal and the Public Utilities Coordinator Regarding Land Developments Utilizing Fire Flow Tanks""
25. The notes on sheet 3 are cut off and staff cannot read them entirely. These will need to be reviewed, and corrections may be required.
26. The building must meet Arkansas State Fire Code.
27. All requirements made by the State Fire Marshal's office shall apply to this approval.
28. The Washington County Fire Marshal will inspect all improvements prior to the building being occupied.
29. Prior to changing the use of the current structures, the Washington County Fire Marshal must be contacted and must approve the use change.

Phasing:

1. Construct the exterior of the building entirely in Phase 1.
2. Finish out the building interior within 3-5 years.
3. The phases of the building that are not complete are NOT to be used in any manner.
4. The architect is required to submit plans for phase 2 and 3 to the Washington County Fire Marshal, prior to commencing construction on those phases. The Fire Marshal will review and approve each phase. The Fire Marshal will then inspect the building prior to the building being occupied.
5. The applicant must complete all phases within the time limits they proposed (3-5 years). Any extension of this time must be approved by the Washington County Planning Director. The Planning Director may grant up to two (2) ninety-day extensions; the denial of any such extension may be appealed to the Board. However, in no event shall more than two (2) extensions be granted.

Phasing Plan:

- Phase 1 (to be completed under the normal time limits):
 - Building 1-
 - Kitchen, dining, chapel, meeting room, and small restroom facilities.

- Phase 2 (to be completed within 3-5 years):
 - Building 2-
 - Several offices, larger restroom facilities, and a hospitality/conference room. This area is NOT to be occupied in any manner until construction is complete and inspected by the Washington County Fire Marshal.
- Phase 3 (to be completed within 3-5 years):
 - Building 3-
 - Several classrooms, computer study lab, library and media room, a few offices, and additional restroom facilities. This area is NOT to be occupied in any manner until construction is complete and inspected by the Washington County Fire Marshal.

Septic Conditions:

1. The general location of the system is indicated on the plans. Discussion between the applicant and Washington County Health Department has been ongoing.
2. Prior to construction, the septic system(s) must be approved by the Arkansas Health Department (ADH). Then the system must be installed and inspected by ADH prior to occupation of the building.
3. No parking is allowed on any portion of the septic system including the alternate area. (No overflow parking either). The alternate area must remain undisturbed.

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

1. All entrance drives and parking areas must support 75,000lbs in all weather conditions.
2. No parking is allowed within the Washington County Right-of-way.
3. A new culvert will be necessary since the width of the entrance drive is increasing. The applicant is responsible for paying for the extension and the Washington County Road Department will install it.
4. Any work to be completed in the County ROW must be permitted with the Road Department prior to construction.
5. The engineer is showing 30-feet of ROW on the project property. There is an existing fence within this ROW which must be relocated.

Environmental Conditions:

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

Utility Conditions:

1. Generally, any damage or relocation of utilities will be at the expense of the owner/applicant.
2. This project requires 3-Phase electric power.
3. The engineer needs to show a 30-foot utility easement for the existing overhead power lines.
4. Ozarks Electric Comments:
 - General Comments:
 1. Any relocation of existing facilities or extension of line that has to be built specifically to feed this project will be at full cost to the developer.
 2. All property corners and easements must be clearly marked before construction will begin.
 3. If off site easements are needed for Ozarks to provide electricity to the development, easements must be obtained by developer and provided to Ozarks before the design will begin. On site easements must be shown on plat and recorded with the county.
 4. All conduits placed at road crossings by developer must have 48 inch of cover at final grade and marked with post to identify end of conduits. (3 – 4 inch schedule 40 conduits to be used for electric only at all road crossings, conduits must extend past the edge of any obstructions so that they are accessible during construction.) There must be minimum separation of 12

inches between conduits for electric and conduits for other utilities. This is NESC code 354. All conduits for road crossings and specific widths of U.E. must be shown on final plat before Ozarks Electric will sign the final plat.

5. Pad mounted transformer must have a minimum of 30 feet clearance from any structure. Any variation of this requirement must have written approval from an Ozarks representative.
6. Developer will need to contact Justin Northcutt at Ozarks Electric (684-4911) and provide him with electrical load information before any cost to developer can be determined.
7. Developer to provide all trench and PVC conduits including PVC sweeps in accordance with OECC specifications. No metal conduit or metal sweeps are to be used.
8. Developer must provide Ozarks Electric with a Digital copy (AutoCAD 2004) of the Final plat as well as a hard copy.
9. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
10. Developer or contractor must apply for electric temporary construction and permanent service before any design and cost is determined by Ozarks.
11. Please contact me when construction begins on this project and again when construction is within three months of completion. Mike Phipps OECC 684-4696 e-mail mphipps@ozarksecc.com

Additional Comments: Contractor will need to contact Mike Phipps with OECC for the installation and routing of the electric primary conduits from overhead power pole to the transformer location.

Signage/Lighting/Screening Conditions:

1. Signage cannot be place in the County Right-of-Way.
2. No additional signage is being requested or approved with this CUP.
3. Add note to plans: Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.
4. Any outdoor storage must be screened with an opaque material. If a dumpster is used, it must be screened with an opaque material (the gate must be opaque as well).

Standard Conditions:

1. Pay engineering fees. Staff will prepare a statement once all invoices are received. If less than one hour of review, there will be no billed charges.
2. Pay neighbor notification mailing fees (\$16.60) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 08/28/2014).
3. Show building address on the plans.
4. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
5. This CUP must be ratified by the Quorum Court.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project requires additional review (Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.

Saddlebock Brewery Expansion CUP

The Planning Board/Zoning Board of Adjustments unanimously approved Saddlebock Brewery Expansion Conditional Use Permit (with conditions) on September 4, 2014.

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

County

Saddlebock Brewery Expansion CUP

Conditional Use Permit Request

Owner/Developer: Carolyn Rehbock/ Steven Rehbock/White River Specialty Leasing

Location Address: 18250 Habberton Road, Fayetteville, AR

2 acres (expansion)/ Proposed Land Use: Brewery Expansion

Project #2014-048 Planner: Courtney McNair, e-mail at cmcnair@co.washington.ar.us

BACKGROUND/ PROJECT SYNOPSIS:

The owner of this property is White River Specialty Leasing; the applicant is Steve Rehbock. The Engineer is Phil Swope with Gray Rock Consulting. This property is located off Habberton Road, WC #89 (near the intersection of Guy Terry Road and Habberton Road). The address is 18244 Habberton Road.

This Conditional Use Permit approval request is to allow the expansion of the previously approved brewery use on 2.02 acres. The applicant is proposing to construct an additional deck (22'x20'), increase the size of the existing tasting room (within the existing building), add a restroom, allow un-amplified music to be played outdoors, allow volleyball and horseshoe areas, extend operating hours (Monday-Thursday 2pm-9pm, and Friday-Sunday noon-9pm), and bring into compliance several additions that were not reviewed with the original CUP approval in 2011.

The project received approval in 2011 for the brewery. Since then, two decks have been added. These decks had basic Fire Marshal approval for standing only; no seating was allowed. This has been a problem. Many times there have been chairs on the decks when Staff has inspected the project. The applicant is asking to add seating to these decks. Additionally, coolers and a boiler room were added without review, and the parking lot and septic system have been expanded. The applicant is asking for review and approval of these additions and changes.

The applicant's engineer set the allowed occupancy load for each area at a total of 70 seats. The engineer's calculated occupancy must be used:

Expanded Tasting Room: 25 (approved for 20 seats in 2011).

Two Existing Decks: 20 (10 each)

Proposed Deck: 25

The State Alcohol Beverage Control (ABC) Board will regulate all conditions that deal with the manufacturing and distribution of alcohol for the proposed micro-brewery. Washington County Planning will require that the applicant abide by all conditions made by the ABC Board and that the applicant will provide Planning Staff with copies of all permits issued to them by the ABC Board. The preliminary request for expansion has been approved, and the applicant is aware that another inspection will be conducted once construction is complete.

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project (CUP and Preliminary Large Scale were sent together). One "in favor" comment was received.

This project was not contentious and staff recommended approval of the proposed Saddlebock Brewery Expansion Conditional Use Permit with conditions.

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

Water/Plumbing/Fire Conditions:

1. All access roads and parking areas must support 75,000lbs in all weather conditions.
2. Fire lanes along the drive and within the parking area must be marked (can be signage-if the drive and lots are gravel; or paint-if the drive and lots are paved).
3. The Fire Marshal has asked for two additional fire lane signs to be placed in order to provide a "Y" turn around for emergency vehicles. The parking spaces shown are fine and should not impact the fire lane (as long as there is a clear 20-foot wide fire lane). This has been shown on the latest digital submittal, but staff will need hard copies as well.
4. The building must meet Arkansas State Fire Code.
5. Fire exit paths must meet State Fire Code (including decks). This needs to be shown on the architectural drawings.
6. Exit lights/emergency lights and fire extinguishers are required.
7. The Fire Marshal will inspect all improvements prior to the building being occupied.
8. Restroom must be ADA compliant.

Septic Conditions:

1. An alarm system must be installed for the holding tank. There is a note on the plans stating that one will be installed. This must be installed and operational prior to Final LSD approval.
2. No parking is allowed on any portion of the septic system including the alternate area. The alternate area must remain undisturbed.
3. The alternate area is on an adjacent property (owned by the applicant). A separate easement legal description has been written and shall be filed. This easement area is shown on the plans.

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

1. All entrance drives and parking areas must support 75,000lbs in all weather conditions.
2. No parking is allowed within the Washington County Right-of-way.
3. The connection from the handicapped parking to the handicap ramp must be ADA compliant.
4. Parking cannot block fire lane at any time.

Environmental Conditions:

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

Utility Conditions:

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

Signage/Lighting/Screening Conditions:

1. Signage cannot be placed in the County Right-of-Way.
2. No additional signage is being requested or approved with this CUP.
3. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.
4. No additional lighting is proposed or approved with this CUP.

5. The existing vegetation along the North side of the property shall be retained for screening. If vegetation is removed, Planning Staff will review for additional screening requirements.
6. No additional screening is required at this time.

Standard Conditions:

1. Only un-amplified music is allowed.
2. The project should be developed as stated in the applicant's CUP letter with additional conditions proposed by staff.
3. All conditions approved with project 2011-129 shall apply to this project as well.
4. Hours of operation must be generally as stated, Monday-Thursday 2pm-9pm, and Friday-Sunday noon-9pm.
5. No additional employees are proposed or approved at this location.
6. Occupancy is limited to that set by the engineer: Expanded Tasting Room: 25, Two Existing Decks: 20 (10 each), Proposed Deck: 25
7. Pay engineering fees. Staff will prepare a statement once all invoices are received. If less than one hour of review, there will be no billed charges.
8. Pay mailing fees (\$33.20). Staff emailed invoice to applicant on 8/28/14.
9. A statement from the applicant, owner, architect or engineer must be submitted prior to the building being occupied that says the building, parking, access, and restrooms are in compliance with all ADA regulations.
10. The applicant must comply with the Alcohol Beverage Control board and submit copies of all permits issued by the ABC for this project.
11. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
12. This CUP must be ratified by the Quorum Court.
13. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
14. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project requires additional review (Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.

Hale Mountain Free Holiness Church CUP

The Planning Board/Zoning Board of Adjustments unanimously approved Hale Mountain Free Holiness Church Conditional Use Permit (with conditions) on September 4, 2014.

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

The property owner is Hale Mountain Church; the applicant is Wayne Hunt. The surveyor is Eddie Gore of Gore Surveying. This property is located south of Lincoln off Hale Mountain Road WC# 3, south of Morrow. This Conditional Use Permit request is to allow the use of a church on one acre of land.

This proposed church will replace the congregation's existing Hale Mountain Free Holiness Church located to the south of the subject property.

The church will consist of approximately 5600 sq ft. It will contain a fellowship hall, a sanctuary, three classrooms, a sound room, women's restroom, men's restroom, and a foyer. The applicant is also proposing parking and a septic system. Thirty-eight parking spots are required.

The project's surveyor reported to staff that the northern sight distance is 564 feet and the southern sight distance is 768 feet; these measurements meet Washington County code. However, because the left hand turn distance is close to that required by code, in order to ensure that sight distances are indeed sufficient, two conditions stating specific sight distance measurement requirements were added to this project.

Currently, about forty-five people attend the existing Hale Mountain Free Holiness Church located adjacent to the south; it is planned that the new church building will provide services to up to one hundred members. Hours of operation will be Sundays at 10:00 am and 6:00 pm and Thursdays at 7:00 pm. A four foot by four foot sign is proposed.

One neighbor contacted staff about this project; the neighbor is in favor of this church.

Large Scale Development review is not required of this project because the church will only occupy one acre of land.

This project was not contentious and staff recommended approval of the proposed Hale Mountain Free Holiness Church Conditional Use Permit with conditions. The two below bolded conditions were added to the conditions in the Staff Reports in order to address sight distances.

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

Planning Conditions:

1. Signed Architect building plans must be submitted prior to construction.
2. All health safety conditions recommended by the architect must be followed.
3. Church should be approximately sized as proposed, less than 6,000 sq ft.
4. Architect must submit an egress plan (to address Fire Code issues) for the building. This plan must be reviewed by the Washington County Fire Marshal and found to be sufficient.
5. Hours of operation, days, and day-to-day operations should be generally as stated by the applicant:
 - a. Sundays at 10:00 am and 6:00 pm
 - b. Thursdays at 7:00 pm

6. Only the proposed use of a church facility is allowed with this CUP; no additional uses are allowed unless additional review takes place. (i.e. daycare, school, etc...)
7. Generally, restrict grading and tree removal only to that necessary for development.
8. A deed for tract split 2014-00014497, project number 2014-092, shall be filed in order to create the one acre parcel this church will occupy.

Water/Plumbing/Fire Conditions:

1. Water: Apply to Washington Water Authority for a water tap.
2. Water: Plumbing plans must be submitted to WWA, then to the State for review and approval. Plumbing must be done by a master plumber licensed accordingly.
3. Fire: The project must meet State Fire Code.
4. Fire: Facility should be entirely sheet rocked prior to use as an assembly area.
5. Fire: No holes may be made in the fire wall.
6. Fire: Lighted exit signs, fire extinguishers, emergency lighting, and panic hardware on exit doors are required.
7. Fire: The Fire Marshal will complete all inspections necessary for the building, and the final building and parking/drive inspections.
8. Fire: A "warming kitchen" only is allowed. If the kitchen use changes from "warming" to a commercial type kitchen, several additional conditions will be required. The project must come back through the CUP process to make this change.

Sewer/Septic/Decentralized Sewer Conditions:

1. The septic system(s) must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to occupation of the residence(s).
2. No parking is allowed on any portion of the septic system including the alternate area (no overflow perking either).
3. The septic system area must not be disturbed.
4. The Washington County Fire Marshal will complete the final inspection of the site.

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

1. The Washington County Road Department requires an apron to connect entrance drives to the County Road. The apron(s) must be paved (asphalt or concrete) and at least 20' deep x the width of the driveway. This must be completed prior to the operation of the church. Any extensions must be approved by the Washington County Road Department Superintendent.
2. All entrance drives and parking areas must support 75,000 lbs in all weather conditions. A compaction statement stating this is required.
3. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
4. Once the surveyor knows the exact location of this project's entrance onto Hale Mountain Road, the surveyor must submit to Staff what the sight distances are and from what height the measurements were taken. Sight distances must meet Washington County code.
5. **Submit the location within the drive from which you took the submitted sight distances. The sight distance measurements should be taken from the lane or area within the driveway that a vehicle would use to make the corresponding turn movement. If the sight distance measurements submitted were not taken within the correct locations, you may need to re-take these measurements. Submit final sight distance determinations in the form of a signed/stamped letter.**
6. **The ingress/egress lanes on the drive should be marked (presumably striped) when the drive is constructed. Please update your CUP site plan to show these designations. The plan should also be updated to show the first 20' from the road being paved.**

Environmental Conditions:

1. No stormwater permit is required by Washington County at this time; however, applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality. www.adeq.state.ar.us

Utility Conditions:

1. Ozarks Electric - any damage or relocation of existing facilities will be at the developer's expense and any extension of a line that has to be built specifically to feed this property will be at full cost to the developer.
2. Ozarks Electric - they have a single phase overhead power line on this property that will supply a single phase service and there is no three phase power available on this property. If a three phase service is required for this project, there will be significant charges involved to extend the three phase line.

Signage/Lighting/Screening Conditions:

1. Signage cannot be placed in the County Road right-of-way.
2. A four foot by four foot sign is approved with this project. It must be located out of the road Right Of Way
3. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately. Please refer to the diagram in the staff report attachments.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$29.26) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant and the Engineer on 8/28/2014).
2. Pay any engineering fees within 30 days of project approval. Any extension must be approved by the Planning Office. Staff will notify the applicant if any engineering fees were incurred.
3. Pay the \$100 CUP review fee within 30 days of project approval. Any extension must be approved by the Planning Office.
4. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
5. Lots that are over one-half acre in size will need to be addressed after the home location is known.
6. This CUP must be ratified by the Quorum Court.
7. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
8. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project does NOT require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

W. Wheeler Cell Tower CUP

The Planning Board/Zoning Board of Adjustments unanimously approved **W. Wheeler Cell Tower CUP** Conditional Use Permit (with conditions) on **September 4, 2014.**

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

The Conditional Use Permit Request to allow a 150' unlit monopole cell was approved by the Planning Board/Zoning Board of Adjustments on May 1, 2014 and ratified by the Quorum Court on May 15, 2014.

Since the time of that approval, it has come to Planning Staff's attention that one of the conditions of this Conditional Use Permit was not palatable to the owner of the parcel where the tower will be placed.

This proposed CUP hearing will determine whether the following condition may be stricken or amended:

Roads/Ingress-Egress Conditions:

4. *Must give right-of-way for county roads that touch effected parcel. The right-of-way may be needed on both sides of one side of road.*

The existing condition was desired by the County Road Department in order to ensure that the County had a defined R.O.W. along their roads so that if any electric or phone line extensions/upgrades were needed to service this tower that those lines would be located outside of the area the Road Department generally needs for maintenance.

The parcel on which the tower is proposed is quite large (26.97 acres) and has road frontage along both Adams Road and Weir Road. It is our understanding that the owner of the parcel does not wish to dedicate Right of Way along Weir Road, but would be agreeable with dedicating R.O.W. along Adams Road.

The Road Department and Planning Department are supportive of a CUP condition change that would require only the dedication of ROW along Adams Road and a condition that stated that if any new (underground or aboveground) fiber, telephone wire, or electric service needs to be extended to this site to serve the proposed tower that such lines will not be placed closer than 30' from the centerline of any existing County Road.

The proposed condition should serve the same functional purpose as the originally proposed condition without the property owner having to dedicate as much R.O.W.

All other conditions and aspects of the proposed tower are proposed to remain as approved May 1 and May 15, 2014.

If this CUP is approved, then this tower must go through Washington County's communications tower approval process.

All neighbors within 300' of the exterior boundary of the parcel were notified. No neighbors have submitted comments for or against the CUP at this time.

The County Planning Board/Zoning Board of Adjustments voted unanimously to approve the CUP with the below conditions:

General Conditions:

1. The project shall generally adhere to the plans submitted.

Fire Conditions:

1. Access road must be at least 20' wide and support 75,000 lbs in all weather conditions.
2. Existing cattle guard must also support 75,000 lbs or be bypassed
3. Access road must have a turnaround with 28' radii.
4. Existing overhead electric must have appropriate clearance for fire trucks.
5. Any additional generators or tanks must be reviewed by Fire Marshal.
6. Please put a NFPA placard on the generator tank.

Roads/Ingress-Egress Conditions:

1. Any work that may be done in the County road right-of-way will require a permit from the Washington County Road Department.
2. No new utility lines may be in the existing county road right-of-way and must be at least 30 feet from the center of any county road.
3. Prior to any construction taking place, the landline phone utility (AT&T) must set up a meeting with Washington County Road Department to discuss route of any new or updates to utility lines.
4. ~~Must give right-of-way for county roads that touch effected parcel. The right-of-way may be needed on both sides of one side of road.~~
The property owner must dedicate right-of-way along Adams Road (where it touches the affected parcel) . If any new (underground or above ground) fiber, telephone wire, electric service, or other utility needs to be extended to this site to serve the proposed tower, such lines shall not be placed closer than 30' from the centerline of any existing County Roads.
5. County Road Dept. staff will inspect the site immediately post construction to evaluate whether any damage to the road has occurred. If so, the applicant or tower company will be responsible to remedy the situation.

Environmental Conditions:

1. No stormwater permit will be required by Washington County, at this time. Must comply with all ADEQ rules and regulations. www.adeq.state.ar.us

Utility Conditions:

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

Signage/Lighting/Screening Conditions:

1. All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors.
2. All security lighting must be shielded appropriately.
3. The compound area should be screened by using opaque material or privacy fencing a minimum of 6' in height.

Standard Conditions:

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office.
2. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
3. This CUP must be ratified by the Quorum Court.
4. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
5. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - a) This project requires additional review (Communications Tower Approval), and therefore, the applicant must submit for Communication Tower Approval within 12 months of this CUP project's ratification.

Witter CUP

The Planning Board/Zoning Board of Adjustments denied Witter Conditional Use Permit request on September 4, 2012 (4 members voted “in favor” of denial, 2 members voted “against” denial, 1 member was not present).

The 30-day appeal window for this project has not run. No appeals of this denial are expected to be filed because the applicant has submitted a new project for the site to Staff. Staff recommends ratification of the denial of Witter CUP.

The property owners are Morris and Kathryn Witter. The applicant is Morris Witter. The surveyor is Bates & Associates. The property is located west of Fayetteville just outside of Fayetteville’s City Limits line off West Salem Road WC #894.

The Conditional Use Permit Request is to allow the division of a 1.79 acre tract into two parcels (each around 0.895 acres in size) in an area where a maximum of 1 unit per acre is allowed by right and any higher density must be reviewed as a Conditional Use Permit Request by the County Planning Board/ Zoning Board of Adjustments and the Quorum Court.

There are no existing homes on the property; the applicant wishes to construct a home on each parcel. The property division is required to process through the City of Fayetteville and be approved before the Washington County Planning Office will review the tract split as an Administrative Exempt Tract split.

Water and electric are available. Melissa Wonnacott-Center reported that the soil information submitted to her shows that the soils in this area are suitable for a standard septic design. While Ms. Wonnacott-Center had some concerns regarding loading, she thinks that the submitted soil work is feasible for a CUP and she requires a full permit when the property is split through Fayetteville.

Three neighbors spoke at the September 4th Planning Board/Zoning Board of Adjustments meeting against this project. The voiced concerns were:

- Renters might move into the proposed homes; this concern is not one that can be considered with a CUP request.
- Buried trash: staff saw no evidence of *buried* trash but did see some tires, metal, and a couple containers. A condition was added to this project requiring the trash to be cleaned up.
- Soil ok for septic? ADH reviewed the soils and conditions were placed upon the project to make sure the soils would properly handle the septic systems before homes are built.
- Property not 1 acre such as zoning allows by right. It was requested that the County enforce the current zoning of Ag/SFR 1 unit/1ac and there was concern voiced that an adjacent property is not being protected if this CUP is approved.

- Property is on a hill and it would be visible with higher density than 1 unit per 1 acre

While surrounding densities were lower (0 homes per 8.45 acres to 1 home per 1.23 acres) than what this project was proposing (1 home per 0.895 acres), staff still feels that this CUP request is in keeping with this area of the County where there are many surrounding subdivisions.