



WASHINGTON COUNTY, ARKANSAS
County Courthouse

October 10, 2014

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

Thursday, October 16, 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 September 18 regular meeting as well as the September 22 and September 30 special meetings of the Quorum Court. (5.1-5.3)

6. FINANCE REPORT. CANDY CLARK

6.1 A RESOLUTION ENDORSING THE PARTICIPATION OF PACIFIC VET GROUP – USA IN THE SALES AND USE TAX REFUND PROGRAM AUTHORIZED BY THE CONSOLIDATED INCENTIVE ACT OF 2003 AND ARK. CODE ANN. §15-4-2706(d).

6.2 **APPROPRIATION ORDINANCE:** AN ORDINANCE REDUCING THE AMOUNT OF \$351,604 FROM PERSONAL SERVICES LINE ITEMS IN VARIOUS COUNTY BUDGETS AND RESTORING THOSE FUNDS TO UNAPPROPRIATED RESERVES; APPROPRIATING THE AMOUNT OF \$34,939 FROM UNAPPROPRIATED RESERVES TO VARIOUS BUDGETS FOR 2014.

- 6.3 **APPROPRIATION ORDINANCE: AN ORDINANCE TRANSFERRING MONIES OF \$8,232 WITHIN THE BUILDINGS AND GROUNDS BUDGET IN THE GENERAL FUND FOR 2014.**
- 6.4 **APPROPRIATION ORDINANCE: AN ORDINANCE APPROPRIATING \$5,000 FROM THE GENERAL FUND TO THE HEALTH DEPARTMENT BUDGET FOR 2014.**
- 6.5 **APPROPRIATION ORDINANCE: AN ORDINANCE ANTICIPATING REVENUE OF \$324,613 IN THE DEM GRANT FUND; AND APPROPRIATING \$324,613 FROM THE DEM GRANT FUND TO VARIOUS HOMELAND SECURITY BUDGETS FOR 2014.**
- 6.6 **APPROPRIATION ORDINANCE: AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$55,253 IN THE LAW ENFORCEMENT GRANT FUND; AND APPROPRIATING THE AMOUNT OF \$55,253 FROM THE LAW ENFORCEMENT GRANT FUND TO THE SCAAP 2014 BUDGET FOR 2014.**
- 6.7 **APPROPRIATION ORDINANCE: AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$27,282 IN THE ANIMAL SHELTER GRANT FUND; AND APPROPRIATING THE AMOUNT OF \$27,282 FROM THE ANIMAL SHELTER GRANT FUND TO THE PET SMART – ADVERTISING GRANT BUDGET FOR 2014.**
- 6.8 **APPROPRIATION ORDINANCE: AN ORDINANCE ANTICIPATING REVENUE OF \$10,000 IN THE ENVIRONMENTAL AFFAIRS GRANT FUND FOR 2014; AND APPROPRIATING \$10,000 FROM THE ENVIRONMENTAL AFFAIRS GRANT FUND TO THE WC04-14 BUDGET FOR 2014.**
- 6.9 **APPROPRIATION ORDINANCE: AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$40,000 IN THE RURAL COMMUNITY GRANT FUND; AND APPROPRIATING \$40,000 FROM THE RURAL COMMUNITY GRANT FUND TO THE WHEELER FIRE DEPARTMENT BUDGET FOR 2014.**

- 6.10 **APPROPRIATION ORDINANCE: AN ORDINANCE ANTICIPATING ADDITIONAL REVENUES OF \$3,500 IN THE RURAL COMMUNITY GRANT FUND; AND APPROPRIATING \$3,500 FROM THE RURAL COMMUNITY GRANT FUND TO THE RHEAS MILL BUDGET FOR 2014.**
- 6.11 **APPROPRIATION ORDINANCE: AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$20,000 IN THE RURAL COMMUNITY GRANT FUND; AND APPROPRIATING \$20,000 FROM THE RURAL COMMUNITY GRANT FUND TO THE RHEAS MILL 2 BUDGET FOR 2014.**
- 7. **COUNTY JUDGE'S REPORT.** **JUDGE EDWARDS**
- 8. **COMMITTEE REPORTS. (8.1-8.4)**
- 9. **A RESOLUTION AUTHORIZING EXEMPT EMPLOYEES OF THE SHERIFFS DEPARTMENT TO RECEIVE OVERTIME COMPENSATION IN CERTAIN INSTANCES.** This resolution is being recommended by the Personnel Committee. (9.1) **BUTCH POND**
- 10. **AN EMERGENCY ORDINANCE RATIFYING CONDITIONAL USE PERMITS GRANTED BY THE PLANNING AND ZONING BOARD.** The Planning Board granted Conditional Use Permits on October 8 for Witter Family and Cane Hill Historic Structures. This ordinance contains an emergency clause making it effective immediately upon passage. (10.1-10.3) **TOM LUNDSTRUM**
- 11. **A RESOLUTION ORDERING THAT AN ELECTION BE HELD ON NOVEMBER 4, 2014 INVOLVING THE ISSUE OF THE SALE OF ALCOHOLIC BEVERAGES IN THE CITY OF JOHNSON, ARKANSAS.** Signatures have been obtained to place this issue on the November 4 ballot and action is required by the Quorum Court. (11.1, 11.2) **TOM LUNDSTRUM**
- 12. **OTHER BUSINESS.**
- 13. **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
- 14. **ADJOURNMENT.**

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

Thursday, September 18, 2014
6:00 p.m.

Washington County Quorum Court Room

- 129.1 The Washington County Quorum Court met in regular session on Thursday, September 18, 2014. The meeting was called to order by County Judge Marilyn Edwards.
- 129.2 R. Aman led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 129.3 MEMBERS PRESENT: Ron Aman, Rex Bailey, Harvey Bowman, Diane Bryant, Candy Clark, Rick Cochran, Barbara Fitzpatrick, Ann Harbison, Tom Lundstrum, Eva Madison, Jimmy Mardis, Joe Patterson, Butch Pond, and Bill Ussery.
- 129.4 MEMBER ABSENT: John Firmin.
- 129.5 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 129.6 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 129.7 C. Clark stated that they needed to add an appropriation ordinance concerning the Jail Fund at the recommendation of the Finance and Budget Committee; and board reappointments to the Northwest Arkansas Regional HIV Clinic Board and Washington County Bar Association.
- 129.8 **C. Clark made a motion to adopt the agenda as amended. B. Pond seconded. The motion passed unanimously by those present by voice vote. The agenda was adopted as amended.**
- 129.9 APPROVAL OF MINUTES: Judge Edwards asked for approval of the minutes of the August 21 regular meeting and the August 25 and September 2 Special Meetings of the Washington County Quorum Court.
- 129.10 **A motion was made and seconded to approve the minutes as distributed. The motion passed unanimously by those present by voice vote. The minutes were approved.**
- 129.11 FINANCE REPORT: C. Clark stated that she had one resolution and four appropriation ordinances from the Finance Committee to address tonight.

130.1 A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR AN INTERNET CRIMES AGAINST CHILDREN GRANT: C. Clark introduced **A Resolution Authorizing The Submittal Of An Application For An Internet Crimes Against Children Grant**, and County Attorney George Butler read the resolution.

130.2 C. Clark noted that this grant requires no match from the County.

130.3 **C. Clark made a motion to adopt the resolution. D. Bryant seconded.**

130.4 Citizen Comments: There were no citizen comments made.

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

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

RESOLUTION NO. 2014-17, BOOK NO. 3, PAGE NO. 84

130.7 AN ORDINANCE TRANSFERRING MONIES OF \$17,500 WITHIN THE COMPUTER/IS DEPARTMENT BUDGET IN THE GENERAL FUND FOR 2014: C. Clark introduced **An Ordinance Transferring Monies Of \$17,500 Within The Computer/IS Department Budget In The General Fund For 2014**, and County Attorney George Butler read the ordinance.

130.8 C. Clark explained that this was not new money, but rather a budget adjustment between line items.

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

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

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

ORDINANCE NO. 2014-50, BOOK NO. 9, PAGE NO. 420

- 131.1 AN ORDINANCE TRANSFERRING MONIES OF \$8,000 WITHIN THE COMPTROLLER'S BUDGET IN THE GENERAL FUND FOR 2014: C, Clark introduced **An Ordinance Transferring Monies Of \$8,000 Within The Comptroller's Budget In The General Fund For 2014**, and County Attorney George Butler read the ordinance.
- 131.2 C. Clark stated that this was not new money, but simply a budget adjustment.
- 131.3 **C. Clark made a motion to adopt the ordinance. D. Bryant seconded.**
- 131.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 131.5 VOTING FOR: E. Madison, J. Mardis, J. Patterson, B. Pond, B. Ussey, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, B. Fitzpatrick, and T. Lundstrum. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2014-51, BOOK NO. 9, PAGE NO. 421

- 131.6 **A. Harbison arrived at meeting.**
- 131.7 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: C. Clark introduced **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**, and County Attorney George Butler read the ordinance.
- 131.8 C. Clark asked if they are going to take this ordinance to next month for the second reading, since J. Firmin is not present tonight and A. Harbison just arrived, how they should handle this; to which County Attorney George Butler stated that they can vote on this and if it doesn't pass, then it can come up next month.
- 131.9 Judge Beaumont addressed the Quorum Court stating that she has created a flow chart and she knew that their Drug Court numbers were up and that they were paying more per user fees into the system, but she was not able to obtain the actual numbers for how much the prior years were and how much they have collected this year. She stated that she obtained 2012 and 2013

salaries from Human Resources. She stated that the user fees paid to the County that go directly to pay for that salary in 2012 were \$15,874.17 and the cost to the County was almost \$29,500; and in 2013, the user fees paid to the County after she took over increased approximately \$2,000 and were at \$17,642.87 and the cost to the County was \$28,699.53.

- 132.1 Judge Beaumont noted during 2014, their numbers have increased dramatically and they added 62 people to the program since she started back in 2013 and the participants paying the user fees have significantly increased. She reported that thus far through August of this year, the user fees have paid the County \$17,247.61 which is extremely close to the full year of user fees last year. She stated that averaging per month what they are collecting in user fees, not including the increase in numbers in the last couple of months, that would project what they will have paid in user fees for this year at between \$26,000 to \$36,000. She stated that what they are paying for the staff attorney position has increased significantly and based on their Drug Court numbers which continue to grow and she anticipates will continue to grow next year, she projected based on 2015, that those numbers will be higher as far as how much money they are putting into this position. She stated based on those numbers, it appears that with the cost to the County of transferring the Law Clerk Salary from the Prosecutor's Office and making it \$55,952.81 and adding in the APERS and FICA, that would make the projected cost to the County for this year between \$21,500 and 25,000 which is significantly less than what was budgeted last year to pay for this County position, and projections for 2015 would actually continue to decrease the amount that the County is paying for this position. She stated that based on the numbers that she has from this year, they will bring in an extra \$8,000 to \$10,000 this year that they were having to pay through county money which according to the numbers that HR provided, should encompass for a full year the increase that she is asking for this position.
- 132.2 Judge Beaumont stated that she is not asking for any new money and the increase in drug court participant user fees is covering it. She further stated that she wanted T. Lundstrum to know that she contacted the Veteran's Services for Washington County who advised her that they will help fill out paperwork if there are payment problems, help them fill out retired military pay claims for widows, and overpayment waivers. She stated that the VA does not do anything in reference to housing and they stated that the route of going through Boozman's Office was usually where they send people who do not qualify for VA benefits because this does tend to speed up the process.
- 132.3 In response to a question from Judge Edwards, Judge Beaumont stated that she was fine with putting the vote on this off until next month.

- 133.1 T. Lundstrum stated that he appreciates the fact that there is the extra money coming in, but he has a problem with just changing the job title to justify paying a person more money. He stated that he has been trying for several years to get more money for the County's janitorial staff because they are so lowly paid and this has been an impossible task to accomplish, but he may suggest that they change the title to sanitation staff and give them a \$5 an hour raise. He stated that it doesn't matter to him so much where the money is coming from, but rather it is the principal of taking a \$43,000 job and making it a \$55,000 job which is a very large increase in pay for that position and justifying it by just changing the title of the position.
- 133.2 Judge Beaumont noted that the salary was \$47,964 or almost \$48,000 last year and it is not just as simple as changing the title of the position. She noted that Ms. Darling was a Washington County employee and the county deemed that her experience, training and skills warranted paying her \$55,952.81. She stated that Ms. Darling has already been deemed in a sense worthy for that salary, noting that they have increased her duties dramatically and her qualifications just don't exist because she can do that much more. Judge Beaumont gave an example of a Drug Court participant who came in this week was homeless and staying in a not so good environment. She explained that if they didn't find him some place to live, he would end up back in jail and they all would end up paying for him to sit in the Washington County Jail because they were out committing a new offense or drunk, etc. She noted that Ms. Darling met with this participant the next day and by that afternoon, found him a place to live.
- 133.3 T. Lundstrum responded to Judge Beaumont stating that they have all kinds of facilities in the county for the homeless that all they have to do is make application to. He stated that he just wanted to state his position on this issue for having that significant of a pay raise and she was getting paid by the county because of longevity and the position itself. He stated that this title was changed in this court with that stated reason in mind.
- 133.4 R. Bailey suggested that the VA and Decision Point in Springdale take people in with drug and alcohol problems and he really feels that this should be the VA's responsibility and not that of the Drug Court or this county.
- 133.5 Judge Beaumont responded to R. Bailey that the VA and Decision Point work with them all the time, but the participant has to be a veteran and the one she was talking about was not and another one she had spoken about didn't qualify for VA services even though he was a veteran.

- 134.1 R. Bailey stated that the County is not in good enough shape financially to give their county employees a raise and pointed out that County Comptroller Cheryl Bolinger and Court Secretary Karen Beeks are two prime examples of employees that work long hours and deserve a raise. He stated if they give this court employee a 27% raise, he wouldn't be able to look either Cheryl or Karen in the eyes.
- 134.2 Judge Beaumont responded to R. Bailey that she wouldn't be getting a 27% raise because she would get the same salary she was receiving three months ago from the county.
- 134.3 R. Bailey pointed out that this employee was not asked to take this job and somehow Judge Beaumont would need to make up the difference. He further stated that he will not support this salary increase while not giving the people that he represents a raise and doesn't see how anyone on the Quorum Court could justify it.
- 134.4 Judge Beaumont stated even though it would not cost the county anything; to which R. Bailey reiterated that she voluntarily took the position with the decreased salary.
- 134.5 B. Ussery stated that he is looking at this from a completely different point of view – not what this would cost the county, but rather what it would save them. He stated that there are a whole lot of things that they can find to throw rocks at with the way that this came about, but the bottom line is if she keeps 5 people out of jail for the rest of this year, that money has already been reimbursed to the county. He stated that they have an opportunity to save money by not throwing people in jail and that is why he will support this ordinance. Secondly, he pointed out the value of a human being because sometimes you only get one shot when you are at the bottom and when they walk out the door, they may never come back and spend the rest of their life in jail.
- 134.6 **E. Madison made a motion to cut off the debate. B. Fitzpatrick seconded.**
- 134.7 In response to a question from Judge Beaumont, County Attorney George Butler stated that this ordinance will automatically come up on the agenda next month and the County Judge establishes the agenda.
- 134.8 C. Clark asked for a point of information that if they cut off the debate, that

just automatically puts this on the agenda next month for the second reading absent any further motions and County Attorney George Butler verified the same.

135.1 **Judge Edwards called for a vote on the motion to cut off the debate.**

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

135.3 Judge Edwards stated that there were not enough votes to cut off the debate.

135.4 H. Bowman stated that he has made himself clear regarding a performance based compensation program and he believes that they have found a person here doing a phenomenal job for the Drug Court and performing at a much higher level than what they have seen before. He addressed R. Bailey's statement about county employees deserving a salary increase, stating with a performance based compensation program, that would be possible, as would it with the janitorial staff.

135.5 A. Harbison stated that she is aware that money is tight, but she will be supporting this ordinance as she concurs with B. Ussery that this is saving human lives and making productive citizens of people who have had problems in the past. She stated that this will save them money in the long run, not cost them money and the \$4,000 that they are quibbling over is so minute in this situation. She pointed out if they don't approve the increase and lose this employee, they will just have to look for someone else who can do the same thing and that may take time.

135.6 **A. Harbison made a motion to adopt the ordinance. R. Cochran seconded.**

135.7 County Attorney explained that they would need 10 votes to pass the ordinance tonight on one reading and if they get less than 10 votes, it automatically rolls over to second reading next month. He further stated that on third reading, it will take eight votes to pass.

135.8 B. Pond stated that he will be supporting this ordinance, pointing out that there are probably a lot of county employees who deserve more money than they are making, but are they really earning it and doing something to give back to the people of this county. From what he has heard in reports on this

- young lady, she is more than giving back to the taxpayers of this county in the things that she does. In both the long run and even short run, it appears that she is saving the county tax money keeping people out of jail. He stated that they are not giving her a pay increase, because they are just trying to give her the same amount of pay that she was making at the Prosecutor's Office. He stated he does not believe that anyone at the Prosecutor's Office is helping the county in anyway to keep people out of jail or help to make them more productive citizens.
- 136.1 R. Cochran stated that he applied a formula in their earlier meeting that took a base salary of this position, added a percentage for each year of experience, for the qualifications of that position, and added a bump because that is what you do when you want an A+ player on your team. He stated that this person is that caliber and in a previous position with the county was paid that same salary. He stated that he finds no fault in paying this salary because they need the quality employees. He stated when you have performance based pay, you get performance from your employees. He commended Judge Beaumont for coming here and challenging the Quorum Court to do the right thing and he will be supporting this ordinance.
- 136.2 R. Bailey stated that he has no problem with paying for performance as he had previously given two examples of high performances that may not get a raise. However, in this case, he will not change his mind and will not support the ordinance.
- 136.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 136.4 **VOTING FOR:** J. Mardis, B. Pond, B. Ussery, H. Bowman, D. Bryant, R. Cochran, B. Fitzpatrick, and A. Harbison. **VOTING AGAINST:** E. Madison, J. Patterson, R. Aman, R. Bailey, D. Bryant, and T. Lundstrum. **The motion failed with eight members voting in favor and six members voting against the motion.**
- 136.5 Judge Edwards stated that the ordinance will be on the agenda again next month.
- 136.6 C. Clark suggested that they do as they did with the Early Voting locations and hold special meetings next week prior to their committee meetings to take up the second and third reading of this ordinance.
- 136.7 **A. Harbison made a motion that they hold Special Quorum Court**

Meetings on Monday, September 22 and Tuesday, September 23 at 5:30 p.m. before committee meetings. D. Bryant seconded. The motion passed by voice vote.

- 137.1 E. Madison stated that they need to remember calling special meetings is usually done to benefit every citizen of the county and they have now set special meetings for a single county employee which she sees as a bad precedent to be setting.
- 137.2 B. Fitzpatrick responded to E. Madison that this is not for a single county employee, but for every single person who goes through the Drug Court Program.
- 137.3 C. Clark stated that they have already voted on this and will be taking it back up on Monday, suggesting that they stop this discussion and continue with their agenda.
- 137.4 AN ORDINANCE APPROPRIATING \$340,000 FROM GENERAL FUND TO THE TRANSFERS OUT BUDGET; RECOGNIZING REVENUE OF \$340,000 IN THE JAIL FUND; AND APPROPRIATING THE AMOUNT OF \$340,000 FROM THE JAIL FUND TO THE JAIL BUDGET FOR 2014: C. Clark
- 137.5 Introduced **An Ordinance Appropriating \$340,000 From General Fund To The Transfers Out Budget; Recognizing Revenue Of \$340,000 In The Jail Fund; And Appropriating The Amount Of \$340,000 From The Jail Fund To The Jail Budget For 2014**, and County Attorney George Butler read the ordinance.
- 137.6 C. Clark explained that this was a line item transfer to cover medical expenses in the new program at the jail and bump up food. She stated that there was no new money, just transferring.
- 137.7 **C. Clark made a motion to adopt the ordinance. B. Pond seconded.**
- 137.8 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 137.9 **VOTING FOR: E. Madison, J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, and T. Lundstrum. The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2014-52, BOOK NO. 9, PAGE NO. 422

- 138.1 C. Clark concluded her report stating that sales tax was up and budgets were fine.
- 138.2 COUNTY JUDGE'S REPORT: Board Reappointments - Judge Edwards stated that she would like to recommend the reappointment of Rick Johnson for another 3-year term to the Northwest Arkansas Regional HIV Clinic Board. Further, she reported that the Washington County Bar Association has recommended the reappointment of George Butler to the Law Library Board.
- 138.3 **C. Clark made a motion to confirm these reappointments. B. Fitzpatrick seconded. The motion passed unanimously by those present by voice vote. The reappointments were confirmed.**
- 138.4 Update from Ozark Regional Transit – Joel Gardner, Executive Director of Ozark Regional Transit, addressed the Quorum Court stating that he was there to provide a semi-monthly update on ORT. As an organization, last year compared to this year shows overall ridership is up 5%; on the fixed route, ridership was up 2.8%; and on demand response and para-transit was up 34.1%. He noted that the 34.1% is really what this Quorum Court was interested in on how they get people within the more rural areas, outside of Springdale and Fayetteville, rides connecting them to doctors, schools, etc. He stated that one of the things the Quorum Court authorized was \$122,970 from the Constitutional Amendment #1 which provided for the Route 620 which is a fixed route connecting West Fork up through Greenland, past Central Lot 56 in Fayetteville, then out to Farmington, Prairie Grove and Lincoln. Mr. Gardner reported in his opinion, that route has been going swimmingly well, noting that they have picked up people riding the fixed route in every community mentioned. He stated as far as origin of the trips for the Washington County demand response trips, 4,659 trips have been made so far this year, including some of the return trips coming from Fayetteville and Springdale.
- 138.5 Mr. Gardner stated that they have themselves to the point where over the last two weeks, their regular scheduled trips for the demand response has hit new records. He stated another new record that they are hitting is the fact that they have actually served 192 days without a preventable accident, noting that 192 days roughly translates into 648,722 miles over 43,915 man hours without a preventable accident. He stated that they are spending the time necessary to increase the effectiveness, overall safety and reliability of the public transit system that serves Washington County. He stated with all of the additional services, they also measure road calls or vehicle failure on the road by maintenance, and have reduced their road calls by 30%.
- 138.6 Mr. Gardner thanked the Quorum Court for their support this past year.

- 139.1 R. Bailey reported that he has not received a complaint this year on ORT and he appreciates that.
- 139.2 T. Lundstrum stated that he is not fond of percentages and asked if Mr. Gardner had the numbers of increased riders from rural areas on the demand response service.
- 139.3 Mr. Gardner responded to T. Lundstrum that on a 34% increase globally for the entire system, for the month of August 2013 they moved 1,710 people and for the month of August 2014 they moved 2,676 people. He noted that year-to-date through August in 2013, it was 13,250 people and year-to-date through August 2014, it was 17,765. He stated that he does not have those numbers specifically for Washington County, but can get them.
- 139.4 J. Firmin asked who made the decision to stop at Prairie Grove at the City Hall; to which Mr. Gardner responded that he made that decision. J. Firmin commented that this location is furthest from the businesses in Prairie Grove that you can get. Mr. Gardner stated that this was one of the requested areas, as well as just south of the grocery store at the major intersection, on the backside of where the baseball fields are in the park, and the Neighborhood Market. J. Firmin stated that he didn't realize that there were other stops as well. Mr. Gardner stated that the idea is for ORT to provide stops in the areas where people have indicated during the community meetings that they would like them to stop for one reason or another. He further reported that the biggest complaint that he has about this Route 620 is people calling to report that it does not quite meet their schedules. He stated that about the only thing that they can do to remedy this would be to put two buses on the route, but he just doesn't have the fleet to do that at this point in time.
- 139.5 In response to a question from Judge Edwards, Mr. Gardner stated when ORT started serving Washington County, they had 14 buses and they now have 20 buses, so they have grown the fleet to just about maximizing it on any given day. He stated if things go well with their push for surface transportation program money, they will be able to increase their fleet for Washington County.
- 139.6 County Road Report – Judge Edwards stated that she was going to skip this report as there was nothing new to report.
- 139.7 COMMITTEE REPORTS: B. Pond, Chairman of the Personnel Committee, reported that this committee met on September 8 and heard a request from Circuit Judge Cristi Beaumont to increase the salary of a Law Clerk position and passed it onto the Finance Committee with a do-pass recommendation.

He stated that they further passed onto the Full Quorum Court consideration of an amendment to the Employee Handbook Overtime Compensation Policy.

- 140.1 County Attorney George Butler noted in the Employee Handbook under 15 – Overtime Compensation, paragraph A, the following highlighted language was added, “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.**
- 140.2 **A. Harbison made a motion to approve the amendment to the Employee Handbook. The motion was seconded.**
- 140.3 **With no further discussion, Judge Edwards called for a vote on the motion to approve the amendment to the Employee Handbook.**
- 140.4 **VOTING FOR: E. Madison, J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, and T. Lundstrum. The motion passed unanimously by those present. The amendment to the Employee Handbook was approved.**
- 140.5 County Attorney George Butler stated related to this, there are officers that are signed up to work this weekend at the University and the University needs to know how to pay them. He stated that there is a contract from the University for the Quorum Court to authorize the exemption and they would need a motion from the Quorum Court to pay exempt employees overtime.
- 140.6 **A motion was made and seconded to pay 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.**
- 140.7 J. Patterson, Chairman of the County Services Committee, reported that they met on September 2 and heard a report from County Planning Director Juliet Richey noting that things have really picked up over the past few months, but nothing that the committee had to deal with. He further reported that the committee heard a report from the Animal Shelter and had discussion on various issues trying to make it work.
- 140.8 E. Madison, Chairman of the Public Works Committee, reported that that this committee did not meet due to lack of an agenda.

- 141.1 T. Lundstrum, Chairman of the Jail/Law Enforcement/Courts Committee reported that this committee met on September 8 and heard monthly reports from the Juvenile Detention Facility and Sheriff's Office on enforcement and adult detention. Juvenile Detention Director, Jeane Mack, reported that the numbers were remaining low and they had 14 transports last month. Chief Deputy, Jay Cantrell, reported from the Sheriff's Office that everything was pretty much normal except that they still have a lot of state prisoners, noting that year-to-date they have had 56,000 boarding days for state prisoners this year vs. 35,000 boarding days last year at this time. However, it was reported that the State is paying very well for their prisoners and hopefully they will get an increase on that. He noted that Sheriff Tim Helder gave an update on a medical provider for the Adult Detention Facility, stating that five companies turned in qualifications and the Department has narrowed it down to one company and County Attorney George Butler is working on a contract with them.
- 141.2 C. Clark, Chairman of the Finance and Budget Committees stated she had nothing further to report.
- 141.3 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: J. Patterson introduced **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**, and County Attorney George Butler read the ordinance. 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.
- 141.4 In response to a question from R. Bailey, County Attorney George Butler stated that Witter could have appealed to the Quorum Court, but instead decided to resubmit to the Planning Board with some small changes which is why she presented it for ratification.
- 141.5 Planning Director Juliet Richey stated that the applicant decided instead of appealing, they would make some changes to their submittal and are on the next agenda.
- 141.6 County Attorney George Butler noted that there was a CUP that was not included because they know this will be appealed.

142.1 **J. Patterson made a motion to adopt the ordinance. D. Bryant seconded.**

142.2 Citizen Comments: There were no citizen comments made.

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

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

ORDINANCE NO. 2014-53, BOOK NO. 9, PAGE NO. 423

142.5 OTHER BUSINESS: E. Madison reported as the AAC representative for this Quorum Court, she also sits on the Board of the Quorum Courts Association for the Third Congressional District and they called an emergency meeting of the board to consider some legislation regarding the salary ranges set for elected officials. She stated that the AAC had passed a statute that said that every elected county official would have 3% increases in the salary range every year and the Attorney General recently gave an opinion that this did not include Quorum Court members because they are township officers, not county officers. She stated that the AAC wanted to add in Quorum Court members and the statute sets a range depending on the size of the county for the minimum and maximum and then they decide where in that range the Quorum Court should be. She stated that the Quorum Court was sort of stuck at this one place because they had not been included in these increases, so the Board voted to have it as part of the Legislative Packet that the AAC would have during the next legislative session. She noted that 3% of \$125 is not a lot, so the increase for the Quorum Court is pretty minor.

142.6 E. Madison further reported that the Board also put forth the statewide initiative to have alcohol be a state issue instead of a local issue. She noted that the County Judge's Association had something on that, so there was a move at their Board meeting to have the Quorum Court's Association discuss this, but during the conference call, she begged off and asked that they please delay this. She asked that the Quorum Court think about their position on that because she has no idea what everyone's sentiments were on this issue. She reported that the County Judge's Association voted to oppose that initiative because they feel that alcohol sales should be a local issue, but for many of our districts, this is already a decided issue.

- 143.1 H. Bowman asked E. Madison whether they passed a resolution about insisting on a 3% raise for all elected officials.
- 143.2 E. Madison responded to H. Bowman, stating that the existing statute had a sort of cost of living adjustment for those ranges for elected officials every year and that range has increased 3% automatically every year by state statute and Justices of the Peace were excluded from that because of the Attorney General's interpretation. She stated that there is still a range and nothing forces the County to raise the JP's unless they were at the minimum, and then they are required to be raised by 3%, but this was already law. She stated that the only thing that they voted on was to ask the Legislature to include JPs in that.
- 143.3 CITIZEN COMMENTS: There were no citizen comments made.
- 143.4 ADJOURNMENT: The meeting adjourned at 7:10 p.m.

Respectfully submitted,

Jessica Ims
Quorum Court Coordinator/Reporter

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

Monday, September 22, 2014

5:30 p.m.

Washington County Quorum Court Room

- 144.1 The Washington County Quorum Court met in special session on Monday, September 22, 2014. The meeting was called to order by County Judge Marilyn Edwards.
- 144.2 A. Harbison led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 144.3 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 Ussery.
- 144.4 OTHERS PRESENT: County Judge Marilyn Edwards; County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 144.5 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 144.6 **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.**
- 144.7 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: C. Clark introduced **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**, and County Attorney George Butler read the ordinance that is on second reading.
- 144.8 E. Madison stated that she was told that the Fayetteville City Counsel who follows Roberts Rules does a vote to move to which County Attorney George Butler responded that the Attorney General has stated that they don't have to do that. He stated that their Code of Ordinances does state is that the County Judge shall establish the agenda for the Quorum Court meetings and the Committee Chairman and County Judge establish the agendas for committee

meetings. He stated that they are talking about ordinances and Roberts Rules talks about civil procedures. He stated that they have always voted to move an ordinance up to the next reading, but they don't say that in their Code of Ordinances.

- 145.1 E. Madison stated that at their last meeting, they voted to move it to second reading by virtue of it not getting ten votes to pass, that automatically happened; to which County Attorney George Butler responded that if something is going to take three readings, it automatically comes up and it is up to the County Judge to put it on the agenda as per our Washington County Code of Ordinances.
- 145.2 E. Madison stated that people have asked her and she feels like they need a motion and doesn't agree with County Attorney George Butler that it is not necessary or understand what the County Judge establishing the agenda has to do with moving our own ordinances to third reading.
- 145.3 County Attorney George Butler responded to E. Madison that the County Judge establishes whether an ordinance is going to be on an agenda.
- 145.4 **A. Harbison made a motion that they adopt the ordinance on to third reading. Diane Bryant seconded.**
- 145.5 **B. Pond made a motion to suspend the rules and place the ordinance on third and final reading by title only.**
- 145.6 County Attorney George Butler stated that B. Pond would have to amend A. Harbison's motion and this vote would require two-thirds or 10 people to suspend the rules.
- 145.7 A. Harbison stated that she would accept B. Pond's motion as a friendly amendment.
- 145.8 In response to a question from B. Pond, County Attorney George Butler stated if it passes to third reading, then the ordinance would only need simple majority to pass.
- 145.9 E. Madison asked when they would have the opportunity for public comments because the public was notified that this would just be the second reading and she has received some feedback from the public who is expecting to come to be able to talk about this at the meeting tomorrow.

- 146.1 County Attorney George Butler responded to E. Madison, stating that there is always the chance that the rules can be suspended. He noted that this is an appropriation ordinance for which they don't take public comments.
- 146.2 E. Madison stated she understands what is possible, but questioned what is fair, to which County Attorney George Butler responded that she is talking about a faulty argument, not a legal argument.
- 146.3 E. Madison stated that the impression was given that tonight's meeting would just be ad ministerial and not substantive, and she puts this out there because she doesn't believe that they should be in the business of trying to stifle public comment on issues.
- 146.4 County Attorney George Butler explained that as a friendly amendment, they needed to dispose of B. Pond's motion with discussion and vote.
- 146.5 J. Mardis stated when they scheduled these special meetings the other night, he wasn't paying attention, but he will be out of town for the remainder of the week, so he will not be able to vote tomorrow. He stated that he would like to request one of two things; to either move it forward to do the final vote tonight or make a motion to move it until next week. He stated if the ordinance doesn't pass tonight, then he will make that motion later.
- 146.6 B. Pond questioned whether they could simply table the ordinance to which County Attorney George Butler stated that they need to deal with B. Pond's motion first.
- 146.7 R. Aman asked for clarification on this vote, to which County Attorney George Butler explained if they vote "yes", they are suspending the rules and placing the ordinance on final reading only and the ordinance can pass by simple majority; and if they vote "no", they will have another meeting at which the ordinance can pass by simple majority.
- 146.8 **With no further discussion, Judge Edwards called for a vote on the motion to suspend the rules and place the ordinance on third and final reading by title only.**
- 146.9 **VOTING FOR: J. Mardis, B. Pond, H. Bowman, D. Bryant, J. Firmin, B. Fitzpatrick, and A. Harbison. VOTING AGAINST: J. Patterson, B. Ussery, R. Aman, R. Bailey, C. Clark, R. Cochran, T. Lundstrum, and E. Madison. **The motion failed with seven members voting for and eight members voting against the motion.****

- 147.1 County Attorney George Butler stated that was B. Pond's motion to amend A. Harbison's motion, so now A. Harbison's motion is just to move it onto third reading; however, J. Mardis may have a motion to make.
- 147.2 **J. Mardis made a motion to change the Special Quorum Court meeting from 9/23/14 to 9/29/14 for the ordinance to go to final reading. R. Cochran seconded.**
- 147.3 County Attorney George Butler responded to a question from J. Mardis, that his motion would take a simple majority to pass. He stated that the ordinance automatically goes to third and final reading and they have that meeting already scheduled.
- 147.4 E. Madison reiterated that the notice had already gone out that they were going to have the Special Quorum Court meeting tomorrow, and it is now less than 24 hours to cancel; and County Attorney George Butler responded that there is no requirement of 24 hours to cancel a meeting. E. Madison questioned how the public planning to attend tomorrow's meeting would even find out that the date had been changed.
- 147.5 Judge Edwards confirmed that what they had on the floor was to change the meeting date from tomorrow night to 9/30/14 at 5:30 p.m.
- 147.6 R. Aman stated just as a courtesy to those people who do plan on coming to the meeting tomorrow, he will be voting against the ordinance.
- 147.7 J. Firmin asked for clarification on whether if the ordinance fails today, it will automatically go to third reading.
- 147.8 B. Fitzpatrick asked whether they actually needed to vote to move the Special Quorum Court meeting to the 30th since it was at the discretion of the County Judge; to which County Attorney George Butler responded that the County Judge can call a special meeting or a majority of the JPs can call one, so he assumes that a majority of the JPs could also move the meeting. B. Fitzpatrick stated that she doesn't have a problem with it either way, she just thought that it could be handled that way.
- 147.9 B. Pond asked for clarification that what was being discussed currently was if this vote to table the ordinance until 9/30 fails, then the vote will happen tomorrow and the ordinance will most likely fail since J. Mardis is going to be absent.

- 148.1 **With no further discussion, Judge Edwards called for a vote on the motion to move the special Quorum Court meeting to September 29, 2014.**
- 148.2 **VOTING FOR: J. Mardis, B. Pond, B. Ussery, H. Bowman, D. Bryant, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, and A. Harbison. VOTING AGAINST: J. Patterson, R. Aman, R. Bailey, T. Lundstrum, and E. Madison. **The motion passed with ten members voting for and five members voting against the motion.****
- 148.3 County Attorney George Butler stated that her motion was amended that the Ordinance be placed on third and final reading on 9/29/14 at 5:30 at a special meeting.
- 148.4 E. Madison stated that the Finance and Budget Committee by ordinance meets at 5:30 and asked if they could do that; to which County Attorney George Butler responded that there was nothing to say that a special meeting cannot be called at the same time, but since they do have that ordinance that it needs to be either set after or before the committee meeting.
- 148.5 B. Pond stated that since there are people planning to attend a special meeting tomorrow night to discuss this issue, he does not see why they can't suspend the rules and let people come in at the beginning of their Finance and Budget Committee meeting and make their comments.
- 148.6 R. Bailey stated that he would hope the newspaper specifically says that this special meeting has been moved to September 29 because he has received a lot of comments from people against this ordinance.
- 148.7 E. Madison asked for clarification of what time the meeting will be conducted because she doesn't think it is fair to have it just indefinitely after they have concluded other meetings because she knows how they get at the end of these meetings.
- 148.8 Judge Edwards stated that she suggested 5:30 p.m.
- 148.9 E. Madison stated that they have a standing committee meeting that meets at 5:30 p.m. that they can't move because it is set by ordinance and it would require a super majority of this court to amend that ordinance to move the start time for that meeting.

- 149.1 County Attorney George Butler responded to E. Madison's comment, stating that it was possible that they could hold the special Quorum Court meeting and Committee meeting simultaneously, by calling their committee meeting to order, vote to take a recess and go into the special Quorum Court meeting to pass it, and then go back into committee.
- 149.2 **R. Cochran made a motion to set a special Quorum Court meeting at 5:30 p.m. with the two committee meetings be adjusted to follow subsequently. B. Pond seconded.**
- 149.3 George Butler responded to R. Cochran's motion stating that E. Madison is correct that they have by ordinance that County Services Committee meetings start at 5:30 p.m., so it will have to start at that time and then at some point if the members vote. He further stated that you have to have an ordinance to amend an ordinance.
- 149.4 **R. Cochran withdrew his motion.**
- 149.5 C. Clark stated that the Finance and Budget Committee meeting time is not set by ordinance, so she suggested that they move the special Quorum Court meeting to Tuesday, September 30, like she suggested and she will be happy to step out of the way if it doesn't take this long, they have the third reading and be done with it.
- 149.6 **C. Clark made a motion to set the Special Quorum Court Meeting for September 30 at 5:30 p.m. before the scheduled Finance and Budget Committee meeting. T. Lundstrum seconded.**
- 149.7 **With no further discussion, Judge Edwards called for a vote on C. Clark's motion to set the next Special Quorum Court Meeting on September 30 at 5:30 p.m. before the Budget and Finance Committee meeting.**
- 149.8 VOTING FOR: J. Mardis, B. Pond, B. Ussery, R. Aman, H. Bowman, D. Bryant, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, and A. Harbison.
VOTING AGAINST: J. Patterson, R. Bailey, T. Lundstrum, and E. Madison.
The motion passed with eleven members voting for and four members voting against the motion.
- 149.9 Judge Edwards announced that they will hold the next special Quorum Court meeting to consider this ordinance on Tuesday, September 30, at 5:30 p.m. before the Finance & Budget meeting.

150.1 CITIZEN COMMENTS: There were no citizen comments made.

150.2 ADJOURNMENT: The meeting adjourned at 5:55 p.m.

Respectfully submitted,

Jessica Ims
Quorum Court Coordinator/Reporter

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

Monday, September 30, 2014

5:30 p.m.

Washington County Quorum Court Room

- 151.1 The Washington County Quorum Court met in special session on Monday, September 30, 2014. The meeting was called to order by County Judge Marilyn Edwards.
- 151.2 B. Pond led the Quorum Court in a prayer and the Pledge of Allegiance.
- 151.3 **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 Ussery.
- 151.4 **OTHERS PRESENT:** County Judge Marilyn Edwards; County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 151.5 **ADOPTION OF THE AGENDA:** Judge Edwards asked if there were any additions or deletions to the agenda.
- 151.6 **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.**
- 151.7 **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:** C. Clark introduced **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**, and County Attorney George Butler read the ordinance that is on third and final reading.
- 151.8 **A. Harbison made a motion to adopt the ordinance. B. Fitzpatrick seconded.**
- 151.9 Madison stated that everyone knows her position on this and she will not be changing her mind. However, she stated for the record it is important to note that this position was posted at \$43,139.20 which was a fact that they were not told and uncovered on their own; they are being asked to pay \$55,952.00 which is a 29.7% increase. She stated that some will argue that this is not an

increase, but it is 100% new money and money that the county does not have. She stated that she stayed up late last night going through all of the budget numbers and spoke today with Bobby Hill, our incoming County Treasurer. She stated that the budgets that they have looked at so far, as compared to the projected revenue, puts them at \$6.2 million over our projected revenue. E. Madison stated that this is shocking and they have a lot of work to do.

- 152.1 E. Madison stated she is a little astonished at the efforts that they have gone to give one county employee such a large raise when nobody has said anything else about a raise for any other county employee and she doesn't see that it will happen with a \$6.2 million shortfall. She stated that she is hoping that those who have fought for this employee will do half as much to fight for raises for the other county employees because she intends to find some way to try to give at least a 2% increase to county employees. She pointed out that it is easy to look at every individual and say that they have merits, as does Leta Darling, but when she hears things like she will be saving lives, she notes that our Sheriff's Deputies save lives and risk their lives every day and no one has fought for their raises like those who have fought for this one.
- 152.2 E. Madison stated that she knows this ordinance is going to pass unless something dramatic has happened since last week, but she challenges the members of this Quorum Court to do their homework and figure out if they can afford this raise, then they can make it work so that everyone else gets a raise. She pointed out that there are county employees who have expressed their thoughts to her privately and wanted to say what she has said tonight after watching what the court has done, but they feel uncomfortable challenging a sitting Judge and disagree with what they are doing. She further stated that people who were going to come to the meeting last week have since been stifled and may not be here tonight.
- 152.3 B. Fitzpatrick stated that the Budget Committee has not started discussions on raises for county employees, but will be doing so at their meeting following this Special Quorum Court meeting. She concurred with E. Madison that every single county employee deserves a raise and she will fight for those raises as she has for the entire time that she has served on this court as they want to keep these good employees. She stated as for this particular situation, she thinks it is a pity that lawyers don't fall under JESAP because when someone is in a position under a JESAP and have a rated position, more responsibilities are added and the job has changed to the extent that they are moved up by two steps, then the policy is that their pay increases

with it. She stated that it is not unusual when they add extra duties to the extent that have been added here to have an increase in salary to go along with it, but since lawyers don't fall under JESAP, they have to do this on the wing.

- 153.1 R. Bailey stated that this is nothing personal against Judge Beaumont, but this has been one of the most confusing situations that he has encountered during the six years he has been on this court. He noted that talk with respect to our President has referred to "fuzzy math" and he sees this as "fuzzy money" because though it won't cost them anything, Judge Beaumont has come to them asking for money and it will cost them eventually. He stated that if you are paying more money than when you started out, that is a raise to him and he will not support this 27% raise and probably won't support raises for the rest of the county employees.
- 153.2 T. Lundstrum stated that he has worked for the last few years trying to get raises for their lowest paid employees in this county and because of JESAP, he has not been able to accomplish that at all. He stated his frustration because when the value of a dollar goes from 35 cents to 17 cents, a \$10 to \$12 an hour job doesn't provide very much purchasing power, where a \$50,000 to \$60,000 a year job falls into a different category altogether. He questioned whether they could change the title of their janitors' jobs to sanitation experts in order to get them a raise. T. Lundstrum stated for these reasons, he will not support this ordinance.
- 153.3 B. Pond stated that JESAP has been brought up by 2-3 different individuals and he has set in on several JESAP committee meetings which are quite educational and when they review a position, they evaluate the job, not the individual. He stated that they don't look at who it is or who wants what, but rather they look at the position, the importance of that position, or what kind of service is provided for the county, but doesn't consider what others in the county may think about it. He stated in other words, politics is not involved in a job evaluation.
- 153.4 J. Mardis stated that he could go through a long list of reasons why he doesn't like the way this is set up, many of which have been addressed tonight. He thinks it is ridiculous that they are talking one employee and their salary because usually a department head comes in and wants to do something requiring them to move money from one area to another, but in this case, that is not an option. He stated that they have this position that was set and put in place by someone's wisdom years ago and the JPs have to

make the decision. J. Mardis stated that he has found that it is very difficult sometimes to do a better thing with so many people voting the way it works. He stated that he will support this ordinance because at the end of the day, the Judge is trying to do this for her court in taking care of what she needs to get done and hopefully this will benefit her court in the future. He wishes that there was a way to require her to move money out to make up for the increase, but they don't have authority to do that.

- 154.1 H. Bowman stated that it was very important to remember that Judge Beaumont came to them and talked about numerous cases that were falling through the cracks where people were not being appropriately served and this young lady has skills that have contributed to solving those problems. He states when they look at the situation in this regard and hear the stories about the things that she has done to help those people who are falling through the cracks and not receiving needed services, he will be supporting this ordinance.
- 154.2 B. Ussery concurred with J. Mardis and firmly believes that this will save the County more money in the long run. He further pointed out that this person is educated and has gone to the effort to learn an additional set of skills and anytime there is someone worthwhile who will really aide in the overall direction that a department is going, it is very wise to take advantage of that. He stated if he didn't believe that it would save the County in the long run, he would not be supporting it.
- 154.3 Judge Cristi Beaumont addressed the Quorum Court stating that she thinks they have gotten somewhat sidetracked because this 27% increase has been a complete misrepresentation. She explained that she was hired on at a salary of \$47,964 and no one hid the fact that it was originally posted at \$43,000 because that was the salary back from 2007, and she was never hired at a lower salary. She stated it was supposed to have the full range, but when her trial court's assistant put it in there, the second salary didn't get put in. She further noted that this position had not been reevaluated in seven years and they have significantly increased the duties for this position. She stated in looking at a comparable market in Pulaski County, they start every one of their first year attorneys at \$49,117.90 which is higher for someone with over six years' experience in their case. She stated that Ms. Darling worked for the county for more than six years and was being paid by the county this salary that they are asking for. Judge Beaumont stated that this is being referred to as a raise and for this position, it is an increase, but it is not a raise for her and the same exact salary she has been paid by the County for years.

- 155.1 Judge Beaumont stated in reference to this position, this is not costing the County any more money than it did last year because this is the one position that she is aware of in the county that is paid for per statute by participants paying a user fee in Drug Court. She reported that last year participants paid in \$17,642.87 and as of August 2014, they had already paid in that same amount. She stated that their numbers when she started were 160 participants and as of today, there are 233 participants in the Drug Court and with 73 more participants in the program, they have to have extra help. She stated she could have come to the Quorum Court and asked to hire a new person at \$30,000 to \$40,000 and the court could have turned her down. She referred to comments made the other day that it was nothing for an attorney to make \$40 an hour, and pointed out that at the salary that they are asking for, she is making \$27 an hour. She stated that they are asking the Quorum Court to do what is best for this county and she wants to continue to assist in keeping people off of drugs and out of jail and state prisons which they will all be paying for. Judge Beaumont stated that she would not be asking for this if it was not essential for this county and to save lives. She reiterated that she is not taking money from anyone to get raises because their Drug Court participants are paying for the difference and it is not taking one cent out of the county budgeted money that was already there. She noted that she has asked the Legislature to require that the Drug Court participants pay \$5 more a month and she is hopeful that the county will eventually not have to pay a dime for this person's salary.
- 155.2 E. Madison stated that she wants to respond to Judge Beaumont's statement that she is misrepresenting the facts. She stated that R. Bailey came to the Court with this position, this person along with several others that applied for the job knowing that the salary was \$47,000, but to the contrary they applied to a posting supplied to her by Lindsie Huffaker at a salary of \$43,000 because that was the starting salary for the position. She stated that they weren't told that information, but rather that the salary was a measly \$47,000 and they needed to raise it to almost \$56,000. She stated then it was discovered in the budget for this year was a salary of between \$47,000 and \$48,000 because the person in that position had held that job long enough to get raises.
- 155.3 Judge Beaumont responded to E. Madison's comments, stating that Ms. Darling did not apply for the position until she knew the salary was \$47,964.
- 155.4 E. Madison reiterated that she has not misrepresented anything and everyone here knows what they have and have not been told; when the first round didn't justify the salary, they changed the title and added more duties. She believes that this process has been very difficult. She pointed out that the Drug Court is a great program, but it is a State program and the County does

not need these services; the State needs them to keep people out of the state prisons. She believes that the state should step up and pay for the help the Drug Court needs, but the state already provides 11 additional employees to the Drug Court that none of the other Circuit Judges have. She questioned whether it was really the Drug Court's responsibility to find people a place to live when there is a very capable case coordinator and Sheriff's employee that are dedicated to doing just that and they don't need a lawyer doing this job.

- 156.1 **A. Harbison called for the question. There were no objections made.**
- 156.2 **T. Lundstrum made a motion to suspend the rules and take public comments. The motion passed unanimously by those present by voice vote.**
- 156.3 Citizens Comments: Lorraine O'Neal, resident of Ward 4, addressed the Quorum Court and stated that she agrees 100% with E. Madison.
- 156.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 156.5 VOTING FOR: B. Pond, B. Ussery, H. Bowman, D. Bryant, J. Firmin, B. Fitzpatrick, A. Harbison, and J. Mardis. VOTING AGAINST: J. Patterson, R. Aman, R. Bailey, C. Clark, R. Cochran, T. Lundstrum, and E. Madison. **The motion passed with eight members voting for and seven members voting against the motion. The ordinance was adopted.**
- ORDINANCE NO. 2014-54 , BOOK NO. 9, PAGE NO. 439**
- 156.6 CITIZEN COMMENTS: There were no citizen comments made.
- 156.7 ADJOURNMENT: The meeting adjourned at 5:55 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 ENDORSING THE PARTICIPATION OF PACIFIC VET GROUP – USA IN THE SALES AND USE TAX REFUND PROGRAM AUTHORIZED BY THE CONSOLIDATED INCENTIVE ACT OF 2003 AND ARK. CODE ANN. §15-4-2706(d).

WHEREAS, in order for a business to be eligible for participation in the investment tax incentives provided in the Consolidated Incentive Act of 2003 and Ark. Code. Ann. §15-4-2706(d), the local governing body must specify that the Department of Finance and Administration is authorized to refund local sales and use taxes to a business participating in the tax refund program; and,

WHEREAS, Pacific Vet Group – USA is expanding its facility to Fayetteville and wishes to participate in, and be eligible for, the investment tax incentives contained in Ark. Code Ann. §15-4-2706(d), due to the establishment of its facilities and the purchase of new equipment in Washington County, Arkansas; and,

WHEREAS, Pacific Vet Group – USA agreed to furnish Washington County all information necessary for compliance in the tax refund program.

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

ARTICLE 1. That the participation of Pacific Vet Group – USA in the sales and use tax refunds as provided by the Consolidated Incentive Act and Ark. Code Ann. §15-4-2706(d) is hereby endorsed.

ARTICLE 2. It is further resolved that that the Department of Finance and Administration is authorized to refund local sales taxes to Pacific Vet Group – USA.

ARTICLE 3. That this Resolution shall take effect immediately.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

ORDINANCE NO. 2014-_____

APPROPRIATION ORDINANCE:

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

AN ORDINANCE REDUCING THE AMOUNT OF \$351,604 FROM PERSONAL SERVICES LINE ITEMS IN VARIOUS COUNTY BUDGETS AND RESTORING THOSE FUNDS TO UNAPPROPRIATED RESERVES; APPROPRIATING THE AMOUNT OF \$34,939 FROM UNAPPROPRIATED RESERVES TO VARIOUS BUDGETS FOR 2014.

ARTICLE 1. Appropriations are hereby reduced by the total amount of \$351,604 from Personal Services line items in the various County budgets for 2014 as outlined in Attachment "A" and summarized by Fund as follows; these funds shall be restored to unappropriated reserves in all Funds:

General	\$ 208,000
Road	103,000
Jail	18,402
HIV Clinic	<u>22,202</u>
TOTAL REDUCTIONS:	<u>\$ 351,604</u>

ARTICLE 2. There is hereby appropriated the total amount of \$34,939 from unappropriated reserves to line items in various County budgets as outlined in Attachment "B" and summarized by Fund as follows for 2014:

General	\$ 18,320
Road	4,441
Jail	12,173
Emergency 9-1-1	<u>5</u>
TOTAL APPROPRIATIONS:	<u>\$ 34,939</u>

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk:

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

3RD Quarter Housekeeping for 2014

Reductions, Attachment "A"

County General

1000 0102008	Circuit Clerk	SALARIES, FULL-TIME	1,000.00
1000 0102015	Circuit Clerk	SALARIES, FULL-TIME	2,000.00
1000 0104108	Tax Collector	SALARIES, FULL-TIME	3,000.00
1000 0105043	Assessor	SALARIES, FULL-TIME	1,000.00
1000 0105051	Assessor	SALARIES, FULL-TIME	1,000.00
1000 0105053	Assessor	SALARIES, FULL-TIME	2,000.00
1000 0105054	Assessor	SALARIES, FULL-TIME	4,000.00
1000 0108011	Buildings/Grounds	SALARIES, FULL-TIME	11,000.00
1000 0108100	Buildings/Grounds	SALARIES, FULL-TIME	9,000.00
1000 0108101	Buildings/Grounds	SALARIES, FULL-TIME	4,000.00
1000 0400025	Sheriff-Enforcement	SALARIES, FULL-TIME	3,000.00
1000 0400093	Sheriff-Enforcement	SALARIES, FULL-TIME	3,000.00
1000 0400094	Sheriff-Enforcement	SALARIES, FULL-TIME	1,000.00
1000 0400102	Sheriff-Enforcement	SALARIES, FULL-TIME	1,000.00
1000 0400104	Sheriff-Enforcement	SALARIES, FULL-TIME	13,000.00
1000 0400105	Sheriff-Enforcement	SALARIES, FULL-TIME	1,000.00
1000 0400106	Sheriff-Enforcement	SALARIES, FULL-TIME	10,000.00
1000 0400185	Sheriff-Enforcement	SALARIES, FULL-TIME	20,000.00
1000 0400209	Sheriff-Enforcement	SALARIES, FULL-TIME	2,000.00
1000 0400210	Sheriff-Enforcement	SALARIES, FULL-TIME	12,000.00
1000 0400218	Sheriff-Enforcement	SALARIES, FULL-TIME	1,000.00
1000 0400221	Sheriff-Enforcement	SALARIES, FULL-TIME	16,000.00
1000 0400303	Sheriff-Enforcement	SALARIES, FULL-TIME	1,000.00
1000 0400305	Sheriff-Enforcement	SALARIES, FULL-TIME	2,000.00
1000 0400313	Sheriff-Enforcement	SALARIES, FULL-TIME	3,000.00
1000 0400316	Sheriff-Enforcement	SALARIES, FULL-TIME	3,000.00
1000 0400330	Sheriff-Enforcement	SALARIES, FULL-TIME	3,000.00
1000 0400331	Sheriff-Enforcement	SALARIES, FULL-TIME	7,000.00
1000 0400332	Sheriff-Enforcement	SALARIES, FULL-TIME	13,000.00
1000 0403003	Circuit Court III	SALARIES, FULL-TIME	5,000.00
1000 0416001	Prosecuting Attorney	SALARIES, FULL-TIME	4,000.00
1000 0416010	Prosecuting Attorney	SALARIES, FULL-TIME	2,000.00
1000 0416013	Prosecuting Attorney	SALARIES, FULL-TIME	5,000.00
1000 0416015	Prosecuting Attorney	SALARIES, FULL-TIME	3,000.00
1000 0444023	Juvenile Detention Center	SALARIES, FULL-TIME	1,000.00
1000 0444024	Juvenile Detention Center	SALARIES, FULL-TIME	8,000.00
1000 0444028	Juvenile Detention Center	SALARIES, FULL-TIME	2,000.00
1000 0444029	Juvenile Detention Center	SALARIES, FULL-TIME	7,000.00
1000 0444031	Juvenile Detention Center	SALARIES, FULL-TIME	5,000.00
1000 0444035	Juvenile Detention Center	SALARIES, FULL-TIME	13,000.00
			208,000.00

Jail

3017 0418030	Jail	SALARIES, FULL-TIME	12,525.00
3017 0418031	Jail	SALARIES, FULL-TIME	3,354.00
3017 0418117	Jail	SALARIES, FULL-TIME	2,523.00
			18,402.00

Road

2000 0200155	Road	SALARIES, FULL-TIME	10,000.00
2000 0200200	Road	SALARIES, FULL-TIME	10,000.00
2000 0200210	Road	SALARIES, FULL-TIME	1,000.00
2000 0200223	Road	SALARIES, FULL-TIME	11,000.00
2000 0200224	Road	SALARIES, FULL-TIME	5,000.00
2000 0200225	Road	SALARIES, FULL-TIME	2,000.00
2000 0200226	Road	SALARIES, FULL-TIME	4,000.00
2000 0200228	Road	SALARIES, FULL-TIME	18,000.00
2000 0200231	Road	SALARIES, FULL-TIME	4,000.00
2000 0200232	Road	SALARIES, FULL-TIME	7,000.00
2000 0200235	Road	SALARIES, FULL-TIME	2,000.00
2000 0200239	Road	SALARIES, FULL-TIME	12,000.00
2000 0200240	Road	SALARIES, FULL-TIME	4,000.00
2000 0200243	Road	SALARIES, FULL-TIME	3,000.00
2000 0200244	Road	SALARIES, FULL-TIME	10,000.00
			103,000.00

HIV Clinic

3401 0305003	HIV Clinic	SALARIES, FULL-TIME	22,202.00
--------------	------------	---------------------	-----------

Appropriations, Attachment "B"

County General

1000 0102009	Circuit Clerk	SALARIES, FULL-TIME	215.00
1000 0104006	Tax Collector	SALARIES, FULL-TIME	467.00
1000 0104070	Tax Collector	SALARIES, FULL-TIME	10,804.00
1000 0104071	Tax Collector	SALARIES, FULL-TIME	257.00
1000 0118002	Purchasing	SALARIES, FULL-TIME	427.00
1000 0121004	HR	SALARIES, FULL-TIME	383.00
1000 0400024	Sheriff-Enforcement	SALARIES, FULL-TIME	166.00
1000 0400091	Sheriff-Enforcement	SALARIES, FULL-TIME	140.00
1000 0400200	Sheriff-Enforcement	SALARIES, FULL-TIME	146.00
1000 0400208	Sheriff-Enforcement	SALARIES, FULL-TIME	344.00
1000 0400215	Sheriff-Enforcement	SALARIES, FULL-TIME	424.00
1000 0403004	Circuit Court III	SALARIES, FULL-TIME	1,373.00
1000 0417005	Public Defender	SALARIES, FULL-TIME	2,238.00
1000 0500003	Dept of Emergency Management	SALARIES, FULL-TIME	691.00
1000 0121 1005	Human Resource	OVERTIME/OTHER PREMIUM COMP	5.00
1000 0308 1005	Animal Shelter	OVERTIME/OTHER PREMIUM COMP	123.00
1000 0419 1005	Coroner	OVERTIME/OTHER PREMIUM COMP	113.00
1000 0500 1005	Dept of Emergency Management	OVERTIME/OTHER PREMIUM COMP	4.00
			18,320.00

Road

2000 0200103	Road	SALARIES, FULL-TIME	1,844.00
2000 0200 1005	Road	OVERTIME/OTHER PREMIUM COMP	2,597.00
			4,441.00

Jail

3017 0418202	Jail	SALARIES, FULL-TIME	243.00
3017 0418206	Jail	SALARIES, FULL-TIME	592.00
3017 0418208	Jail	SALARIES, FULL-TIME	593.00
3017 0418209	Jail	SALARIES, FULL-TIME	680.00
3017 0418210	Jail	SALARIES, FULL-TIME	610.00
3017 0418212	Jail	SALARIES, FULL-TIME	936.00
3017 0418236	Jail	SALARIES, FULL-TIME	768.00
3017 0418246	Jail	SALARIES, FULL-TIME	579.00
3017 0418256	Jail	SALARIES, FULL-TIME	983.00
3017 0418303	Jail	SALARIES, FULL-TIME	583.00
3017 0418315	Jail	SALARIES, FULL-TIME	754.00
3017 0418321	Jail	SALARIES, FULL-TIME	1,759.00
3017 0418407	Jail	SALARIES, FULL-TIME	470.00
3017 0418410	Jail	SALARIES, FULL-TIME	488.00
3017 0418422	Jail	SALARIES, FULL-TIME	229.00
3017 0418435	Jail	SALARIES, FULL-TIME	467.00
3017 0418495	Jail	SALARIES, FULL-TIME	495.00
3017 0418497	Jail	SALARIES, FULL-TIME	523.00
3017 0418498	Jail	SALARIES, FULL-TIME	421.00
			12,173.00

Emergency 911

3020 0501 1005	Emergency 911	OVERTIME/OTHER PREMIUM COMP	5.00
----------------	---------------	-----------------------------	------

Housekeeping Summary			
	Reductions	Appropriations	Difference
1000 County General	208,000.00	18,320.00	189,680.00
2000 Road	103,000.00	4,441.00	98,559.00
3017 Jail	18,402.00	12,173.00	6,229.00
3020 Emergency 911	0.00	5.00	(5.00)
3401 HIV Clinic	22,202.00	0	22,202.00
	351,604.00	34,939.00	316,665.00

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 \$8,232 WITHIN THE BUILDINGS AND
GROUNDS BUDGET IN THE GENERAL
FUND FOR 2014.**

ARTICLE 1. The Parts and Repairs Line Item in the Buildings Budget in the General Fund (10000108-2023) is hereby reduced by the amount of \$8,232 for 2014.

ARTICLE 2. There is hereby appropriated the total amount of \$8,232 from the General Fund to the Machinery and Equipment Line Item in the Buildings and Grounds Budget (10000108-4004) 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 APPROPRIATING \$5,000 FROM
THE GENERAL FUND TO THE HEALTH
DEPARTMENT BUDGET FOR 2014.**

ARTICLE 1. There is hereby appropriated the amount of \$5,000 from the General Fund to the Telephone/Fax-Landline Line Item of the Health Department Budget (10000300-3020) 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 ENACTED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE ANTICIPATING REVENUE OF \$324,613 IN THE DEM GRANT FUND; AND APPROPRIATING \$324,613 FROM THE DEM GRANT FUND TO VARIOUS HOMELAND SECURITY BUDGETS FOR 2014.

ARTICLE 1. There is hereby anticipated additional revenue of \$324,613 in the Homeland Security Grants Revenue Line Item of the DEM Grant Fund (1901-7105) for 2014.

ARTICLE 2. There is hereby appropriated the total amount of \$324,613 from the DEM Grant Fund to line items in the following budgets for 2014:

<u>LETPA 2014</u>		
Small Equipment (19010535-2002)	\$ 48,813	
Training & Education (19010535-3101)	<u>24,000</u>	\$ 72,813
<u>SHSGP-USAR 2014</u>		
Small Equipment (19010559-2002)	\$ 58,500	
Training & Education (19010559-3101)	<u>153,000</u>	\$ 211,500
<u>SHSGP-HAZMAT 2014</u>		
Small Equipment (19010560-2002)	\$ 16,300	
Clothing/Uniforms (19010560-2006)	<u>24,000</u>	\$ 40,300
TOTAL APPROPRIATION:		<u>\$ 324,613</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 ENTITLED:**

**AN ORDINANCE RECOGNIZING ADDITIONAL
REVENUES OF \$55,253 IN THE LAW
ENFORCEMENT GRANT FUND; AND
APPROPRIATING THE AMOUNT OF \$55,253
FROM THE LAW ENFORCEMENT GRANT
FUND TO THE SCAAP 2014 BUDGET FOR
2014.**

ARTICLE 1. There is hereby recognized additional revenue of \$55,253 in the Other Federal Grants Revenue Line Item of the Law Enforcement Grant Fund (1904-7109) for 2014.

ARTICLE 2. There is hereby appropriated the amount of \$55,253 from the Law Enforcement Grant Fund to the Small Equipment Line Item of the SCAAP 2014 Budget (19040474-2002) 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 RECOGNIZING ADDITIONAL
REVENUES OF \$27,282 IN THE ANIMAL
SHELTER GRANT FUND; AND
APPROPRIATING THE AMOUNT OF \$27,282
FROM THE ANIMAL SHELTER GRANT FUND
TO THE PETSMArt - ADVERTISING GRANT
BUDGET FOR 2014.**

ARTICLE 1. There is hereby recognized additional revenue of \$27,282 in the Local Grants Revenue Line Item of the Animal Shelter Grant Fund (1905-8781) for 2014.

ARTICLE 2. There is hereby appropriated the amount of \$27,282 from the Animal Shelter Grant Fund to the following line items in the PetSmart-Advertising Grant Budget for 2014:

<u>PetSmart - Advertising</u>	
General Supplies (19050309-2001)	\$ 5,999
Small Equipment (19050309-2002)	4,204
Advertising & Publications (19050309-3040)	<u>17,079</u>
TOTAL APPROPRIATION:	<u>\$ 27,282</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 ENTITLED:

AN ORDINANCE ANTICIPATING REVENUE OF \$10,000 IN THE ENVIRONMENTAL AFFAIRS GRANT FUND FOR 2014; AND APPROPRIATING \$10,000 FROM THE ENVIRONMENTAL AFFAIRS GRANT FUND TO THE WC04-14 BUDGET FOR 2014.

ARTICLE 1. There is hereby anticipated additional revenue of \$10,000 in the State Grants Revenue Line Item of the Environmental Affairs Grant Fund (1902-7010) for 2014.

ARTICLE 2. There is hereby appropriated the total amount of \$10,000 from the Environmental Affairs Grant Fund to the Machinery & Equipment Line Item of the Environmental Affairs Budget (19020762-4004) 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 RECOGNIZING ADDITIONAL
REVENUES OF \$40,000 IN THE RURAL
COMMUNITY GRANT FUND; AND
APPROPRIATING \$40,000 FROM THE RURAL
COMMUNITY GRANT FUND TO THE WHEELER
FIRE DEPARTMENT BUDGET FOR 2014.**

ARTICLE 1. Additional revenues in the amount of \$40,000 are hereby recognized in the State Grants Revenue Line Item of the Rural Community Grant Fund (3503-7010) for 2014.

ARTICLE 2. There is hereby appropriated the amount of \$40,000 from the Rural Community Grant Fund to the Construction in Progress Line Item in the Wheeler Fire Department Budget (35030621-4006) 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 ANTICIPATING ADDITIONAL
REVENUES OF \$3,500 IN THE RURAL
COMMUNITY GRANT FUND; AND
APPROPRIATING \$3,500 FROM THE RURAL
COMMUNITY GRANT FUND TO THE RHEAS
MILL BUDGET FOR 2014.**

ARTICLE 1. Additional revenues in the amount of \$3,500 are hereby anticipated in the State Grants Revenue Line Item of the Rural Community Grant Fund (3503-7010) for 2014.

ARTICLE 2. There is hereby appropriated the amount of \$3,500 from the Rural Community Grant Fund to the Building Materials and Supplies Line Item in the Rheas Mill Budget (35030604-2020) 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 RECOGNIZING ADDITIONAL
REVENUES OF \$20,000 IN THE RURAL
COMMUNITY GRANT FUND; AND
APPROPRIATING \$20,000 FROM THE RURAL
COMMUNITY GRANT FUND TO THE RHEAS
MILL 2 BUDGET FOR 2014.**

ARTICLE 1. Additional revenues in the amount of \$20,000 are hereby recognized in the State Grants Revenue Line Item of the Rural Community Grant Fund (3503-7010) for 2014.

ARTICLE 2. There is hereby appropriated the amount of \$20,000 from the Rural Community Grant Fund to the Parts & Repairs Line Item in the Rheas Mill 2 Budget (35030620-2023) for 2014.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

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

Monday, September 29, 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, Ann Harbison, Diane Bryant, Ron Aman, Bill Ussery, George Butler, Jennifer Hinkle, Cheryl Bolinger, Angela Ledgerwood, Ron Wood, Tim Helder, Donnie Coleman, Shawn Shrum, Renee Biby, and Dan Holtmeyer (NWA Times).

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

Report from the Washington County Planning Office. Courtney McNair gave the Planning report for the month. There were seven exempt splits, one family split and four property line adjustments. At the September 4, 2014 Planning Board meeting four land developments were approved. Four Conditional use Permits were heard and approved. The Red Dirt Pit was tabled again and it has been tabled until November at the applicant's request. There were two Conditional Use Permits denied. Eastern Park Subdivision has filed an appeal, staff recommended approval and the Planning Board decided that it was not enough. The Witter Conditional Use Permit is starting over with a new application, by rearranging the driveway locations and put the house footprints and added screening so the neighbors can see what is planned. The Cane Hill Historical Conditional Use Permit will be heard in October. It is very minimal usage, except for during the Cane Hill Festival. The Witter Family CUP is also coming forward in October with additional modifications.

Candy Clark asked what the reasons were for the Planning Board overturning the Eastern Park Subdivision? Courtney McNair replied that the density was so high. The lots range from 0.24 to 0.33 acres. Staff recommended approval, one of the main considerations was made because if you think about 8 rooftops and no fencing and tree requirements, is that much more impact than having a better development with tree preservation and fencing requirements. Staff asked that they add three additional trees per lot in addition to the two mature trees that they are planning on saving. They are proposing a decentralized sewer system.

Candy Clark stated that Eastern Park Subdivision is going to have to show that it is going to be a viable subdivision.

Rex Bailey asked if they have to have sidewalks, curb, and guttering and go by Fayetteville requirements? Courtney McNair replied yes.

Jimmy Mardis asked if the one acre requirement is due to septic? Courtney McNair replied that the one acre is not tied to septic systems, it is zoning in the county. Essentially, staff was asking for a preservation and screening provision in lieu of the one acre. Conditional Use Permits are permits to allow a use other than what is allowed by right.

Barbara Fitzpatrick stated she is not thrilled with decentralized sewers, and asked if it is close enough to Fayetteville to hook into the sewer system. Courtney McNair replied it is not close enough at this time.

Renee Biby commented that if this subdivision were approved it is a gravity flow system, it will be able to tie into Fayetteville's sewer system easily if the land is annexed to the city.

Candy Clark asked if the Planning Commission still rule on developments in Fayetteville? Courtney McNair replied that they do. Candy Clark stated that she is concerned with decentralized sewer systems, because when the power goes off the sewer stops working.

Butch Pond asked if the STEP System has a leach field? Courtney McNair replied it does. Butch Pond stated that the adjacent landowners would rather this type of development than another storage unit. This development is more upscale than the surrounding developments, these neighbors are approving this, they would rather see the upscale development.

Rick Cochran stated that in his area there is a development with a decentralized sewer system, however, the city denied a 40 acre tract that proposed four units per acre.

Ron Aman asked who would be responsible for the system? Renee Biby replied that the POA would be responsible for the system after the development is completed.

Diane Bryant commented that she lives in a subdivision with a decentralized sewer system and stated that with all the problems that she has encountered in her subdivision, she would not be in favor of voting for a subdivision with a decentralized system.

Rick Cochran stated there really is no way to force the people to comply. If people decide they don't want to pay their fee and there are lots empty if the development doesn't go as planned, then there are problems. He asked what conditions could be put into the Conditional Use Permit to make sure that they stay in operation and operate properly short of putting a lien on the property. Courtney McNair replied that there is a five year maintenance bond required.

Candy Clark asked who keeps the payments? Renee Biby replied that each situation is different, the POA contracts with an Operator and then it is determined.

Jimmy Mardis commented that the EPA is powerful and they would go after someone if there were environmental violations.

Tom Lundstrum added that the town of Elm Springs adopted a STEP System. When the power goes off everything goes down. The City of Springdale refuses to disconnect water for non-payment of sewer systems. Elm Springs' leach field won't handle what they have on it, they are trying to contract with the City of Springdale to pump the gray water, and giving others the choice of having their own septic systems. He further stated that he has a bad taste in his mouth with STEP systems and POAs.

Ron Aman stated that there will be a disclosure for anyone wanting to buy in this type of subdivision, but if they know in their mind beforehand what they are getting, then he is for it.

Ann Harbison stated she doesn't think she could vote for a STEP system.

Update from the Lester C. Howick Animal Shelter. Angela Ledgerwood, Animal Shelter Director, updated the Committee on the animal shelter. There have been 70 plus adoptions through the month of September so far.

Eva Madison asked about the owner surrender number for cats. Angela Ledgerwood replied that when they get a cat typically they get a litter of kittens with it. There are appointments every day for cats and cats and more cats. Eva Madison asked if the spay/neuter program was based on income? Angela Ledgerwood replied it is, and most of those are dogs.

Eva Madison stated that she has spoken with Yolanda Fields at the City of Fayetteville regarding the competition between shelters issue of low cost adoptions, and she is hopeful that will start the process of having the shelters work better together instead of competing for adoptions. Angela Ledgerwood stated that earlier this month she had a woman who had completed an adoption application and then decided to remove the application because the Fayetteville shelter was offering adoptions for a lower cost than the County shelter, since there were no specials this month. Fayetteville was offering a special of bring in a donation and get an animal.

With no other business and no public comment, the meeting adjourned at 6:20 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
PUBLIC WORKS COMMITTEE

Monday, September 29, 2014
6:25 p.m.

Washington County Quorum Court Room

Members Present: Ann Harbison, Rex Bailey, John Firmin, Rick Cochran, Eva Madison, Harvey Bowman, and Bill Ussery.

Others Present: Jimmy Mardis, Candy Clark, Tom Lundstrum, Joe Patterson, Butch Pond, Diane Bryant, Barbara Fitzpatrick, Ron Aman, George Butler, Jennifer Hinkle, Ron Wood, Cheryl Bolinger, Donnie Coleman, Shawn Shrum, Tim Helder, Jerry Bolinger, Renee Biby, and Dan Holtmeyer (NWA Times).

The meeting was called to order by Chair Eva Madison at 6:25 p.m. The agenda was adopted as presented.

Report from the Buildings and Grounds Department. Ron Wood, Building and Grounds Superintendent, reported that he has ordered fire controls for the JDC, those costs approximately \$67,000. Also, he is looking at doing an epoxy floor in that building. Panic alarms had to be purchased that were approximately \$26,000. Those are for several of the Circuit Judges and some other offices that could potentially need a silent alarm.

Rex Bailey commented that Judge Harper had those installed in Springdale, because there have been people who have brought dangerous items into the courtroom in the past.

Discussion on County Vehicles and Expenses. Eva Madison stated there is a number of vehicles by department and then a list of vehicles that are taken home. It is hard to nail down a precise cost of maintenance because parts and repairs is a broader category. Only fuel, oil, and lubricants, tire and tubes and fleet liability was pulled. The purpose for putting this on the agenda was to have a discussion. She pulled the ordinances, provisions in the employee handbook, and then the IRS guide.

Section 2-2 of the Code talks about smoking in vehicles, which is inconsistent with the employee handbook. Section 2-51 says that if an employee uses their personal vehicle the county will reimburse at the IRS rate, which is 56 cents per mile. She noted not

everybody reimburses at the IRS rate. Section 2-52 talks about getting approval for expenses. Section 2-53 addresses that county cars are to be used for travel when available if less expensive. Section 16-11 requires that any vehicles or equipment owned by the county have the county seal on them. Section 16-12 excludes Sheriff's vehicles and then any vehicles that are decided that can be excluded from that. She asked if every vehicle other than Sheriff's vehicles did have a label, and noted that there are penalties for violation of that requirement.

Next, Eva Madison pointed out the IRS fringe benefit guide for local governments, which she enjoys reading on Sunday afternoons.

She found it very helpful to address how employees that use vehicles for personal purposes are taxed. Personal purposes include commuting, vacation, or use by spouses or dependents, which is defined. As she understands it, if an employer provides an employee a vehicle that is used for both personal and business then the business use has to be substantiated. Otherwise, it could potentially all be subject to taxation.

Comptroller, Cheryl Bolinger stated that employees may only use their vehicles for dominus use, but are prohibited from personal use.

Eva Madison continued that the IRS goes through business and personal use and how personal use is supposed to be documented separately.

Next, she continued with how the use of the vehicle is calculated as taxable. One way is to get the value of the vehicle for lease purposes and decide based on the logs that the personal use is 25%, so that is what would be reported as income to the employee. There is an adder for fuel provided in the vehicle. The second method is vehicle cents per mile. To use this test the employer must reasonably expect the vehicle to be regularly used for business. The mileage test is driven by employees at least 10,000 miles per year. The method the county is using is the commuting valuation rule. The employer requires the employee to commute in the vehicle for a bonified non-compensatory business reason. Each commuting trip is \$1.50. That is \$780 total per year.

She commented she is not sure how many county employees really have a business reason for taking home a vehicle every night. She could not find a written policy prohibiting personal use other than commuting. Using the cents per mile or lease method the difference is thousands verses hundreds for employees.

Next, she stated that there is supposed to be a written policy that implements a policy restricting personal use. There is also supposed to be a policy to monitor and check that vehicles are being used.

Chairperson Eva Madison ended with saying that she wishes the county could go to more pool vehicles.

Rick Cochran asked that the ordinance be changed to read like the handbook, County Attorney George Butler replied that he will bring it to the next Public Works meeting.

Rex Bailey commented he is just shaking his head at some of the vehicles listed. He noted that almost 7 million dollars has been spent in capital since 2011. He asked that the Road Department and the Sheriff's Department would look closely at the vehicles. He asked that the Department heads would look at their capital and see if there can be cuts.

Tom Lundstrum stated that at 50 cents per mile from Elm Springs times 260 days a year would equal \$3,900, so that is a nice benefit compared to the \$1.50 per day benefit.

Diane Bryant asked why the liability costs were so expensive for the Department of Emergency Management? Comptroller, Cheryl Bolinger replied that could be the bomb squad vehicles and Search and Rescue vehicles as well.

Rick Cochran asked for the Departments to come forward and give an explanation for the personal use of county vehicles. He felt that there may be policies that need to be changed and capital expenses need to be looked at closely during budget season.

Eva Madison stated that she doesn't think it is fair to make dramatic changes this year, with a lot of employees depending on these vehicles. A little bit of this is the fairness to the employees. She thinks there needs to be fair warning and allow people to make adjustments. She asked that each department head that has vehicles be formally on the agenda. Rick Cochran replied that through the discussion there may be more practical ways to carpool.

Butch Pond commented that it is nice to have individuals with County Road Department equipment respond quickly when there is a need rather than having to go back to the shop and get a truck.

Eva Madison stated that what surprised her the most is hearing that two of the IT people are taking vehicles home. One of those cars is going to Rogers, and one is going to Lincoln. She was surprised that they are only being charged \$1.50 per way, and she wondered what the non-compensatory reason why IT people are taking their vehicles home. She wants to hear what those reasons are when the department heads come and talk about why they have vehicles. The taxpayers are footing to costs for the vehicle. She thinks that the elected officials who have the use of vehicles should have their compensation looked at. There should be a written policy prohibiting personal use other than commuting. She would like to find out what the written policy is and what the bonified non-compensatory business reason be presented at the next meeting. She would also like to see the percentage breakdown in a log. Cheryl Bolinger replied that there is not a log for the vehicle that is going to Rogers every day, they are under the \$1.50 rule. Eva Madison stated that if an employer provided vehicle is used for personal and business purposes there should be a log. Cheryl Bolinger replied that County

Employees are not allowed to use vehicles for personal use. Eva Madison struggled with how going to Rogers every day is not personal use. She would like to have an ordinance presented that requires every employee have a log. Right now it is unknown whether the usage is 10% personal or 90% personal.

Joe Patterson stated that the Grant Administrator has over \$4,000 per month, he assumed that he goes into an office and does research on what grants to apply for. George Butler replied that he uses that for the water projects.

Rex Bailey asked where the log is kept? Cheryl Bolinger replied that the Collector and the Judge turn it in annually and then they have to go by odometer reading. Rex Bailey also commented by the time there is a car payment and gas and insurance, having a vehicle to go all the way to Rogers every day is a good benefit.

Rick Cochran pointed out again that it needs to be justified.

Ann Harbison commented she is flabbergasted about all of this. This is past practice over the years with elected officials and this has never really been questioned. She would have thought a few years ago that this would have been addressed at that time. She would like to tell the elected officials and department heads that these things need to be justified. If there is a good reason for the people to drive the cars then she can see it, but she also feels that there needs to be justification. She thinks that it has just been a past practice and hasn't been questioned, but the elected officials and department heads will tighten up the use of the vehicles.

Diane Bryant asked if riding back and forth to work is personal use? Eva Madison stated it seems inconsistent. There are provisions that allow for dominus personal use. But the goal is to use county property for county purposes. She thinks that vehicles are being used for personal use, commuting is a personal use.

Eva Madison then asked for the make and models of the vehicles that are being taken home by employees.

Joe Patterson stated that it needs to be looked at, but he doesn't think it is going to be a huge money saver.

Barbara Fitzpatrick commented that if employees are on county business using their personal car then they are required to be paid mileage. If somebody who is making an on call trip of 20 miles that is \$10 for that one emergency, so it depends how many of those kinds of on call situations as to whether or not there would be savings.

Bill Ussery commented that he would like to know how many on call incidents have actually taken place over a period of six months.

Candy Clark asked department heads why they would ask an employee to take a county car rather than their personal car. If IT has so many emergencies in the system that they have to leave their homes to deal with situations, then the IT is not very good.

Shawn Shrum commented that one of the things at the Road Department is if an employee comes to the shop to get their vehicle, they clock in at 7:30, then they drive to Morrow, approximately 40 minutes, check out their grader, then it is close to 8:30 or after when they start, then to stop and fuel their grader at the end of the day and grease it, it makes for a short working day. Eva Madison replied that makes sense on certain days, but it doesn't make sense to dedicate a vehicle to an employee. It could be that the tax consequence is being jeopardized. She further commented that the IT Department does not need to be taking vehicles home. There could be a pool of vehicles under the County Judge's umbrella that could be shared if necessary for county business.

Ann Harbison commented that she is appreciative for the Road Department being readily available to get trees out of the middle of the road, or be easily accessible to the county roads, rather than having to go all the way to Fayetteville and then back to the county road.

Rex Bailey stated that the State has a pool, and it makes all the sense in the world.

Eva Madison closed with saying this has been a great discussion and she is glad that it is going on to another meeting.

With no other business or public comment, the meeting adjourned at 7:35 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, October 6, 2014
5:30 p.m.
Washington County Quorum Court Room

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

Members Absent: Harvey Bowman and Ron Aman

Others Present: Jimmy Mardis, Rex Bailey, Tom Lundstrum, John Firmin, Eva Madison, Rick Cochran, Joe Patterson, Blair Johanson, Lindsi Huffaker, George Butler, 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.

Report from Blair Johanson, Salary Consultant for Washington County. Salary Consultant, Blair Johanson, reported there was one job description that was changed in the JESAP Committee meeting, which was within policy.

Consideration of an Amendment to the Employee Handbook. County Attorney George Butler reported that he was bringing this forward to include vehicles authorized for commuting to be taxed. It is a practice that the County has been implementing, but this will put it in writing.

Candy Clark made a motion to table the request until after the Finance & Budget Committee has met and discussed use of county vehicles further. Ann Harbison seconded. The motion was approved.

Review of A Resolution Authorizing Exempt Employees of the Sheriff's Department to Receive Overtime Compensation in Certain Instances. County Attorney George Butler reported that this is being brought forward at the request of the Sheriff. There are Sheriff's deputies that work for the University during events, in the past they have been treated as contract employees, however, there was some concern with Worker's Compensation, the Sheriff feels that it would be better that he pay the deputies and get reimbursed from the University.

Personnel
October 6, 2014
Page 2

Candy Clark made a motion to forward the request with a do pass recommendation. Barbara Fitzpatrick seconded. The motion was approved unanimously.

With no other business or public comment, the meeting adjourned at 5:45 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, October 7, 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, Jimmy Mardis, Bill Ussery, and Diane Bryant.

Members Absent: Harvey Bowman.

Others Present: Steve Clark, Chung Tan, Bobby Hill, Renee Biby, Wayne Blankenship, Ron Wood, Cheryl Bolinger, Ashley Farber, John Adams, Alan Roy, Jan Cantrell, Rick Hoyt, Rick Thomas, and Dan Holtmeyer (NWA Times).

The meeting was called to order at 5:30 p.m. by Chair Candy Clark. The agenda was adopted with the addition of an amendment to the Agenda Item #8.4, and the addition of grant appropriation ordinance #8.5.

A Resolution Endorsing The Participation Of Pacific Vet Group – USA In The Sales And Use Tax Refund Program Authorized By The Consolidated Incentive Act Of 2003 And Ark. Code Ann. §15-4-2706(D). Steve Clark with the Fayetteville Chamber of Commerce presented the request. This company will be located on 24 acres of the Fayetteville Commerce Park located on Pump Station Road. This business grew out of the University, was started in Johnson, and is expanding into Fayetteville. The building will cost approximately 4 million dollars, and \$900,000 will be spent on equipment. There are currently 14 employees, but will grow to 47 employees. The average salary is \$37 an hour, the entry level salary for support staff is between \$17 and \$22 per hour. They manufacture a food supplement for turkeys and chickens. It helps birds be more disease resistant and grow faster.

Rex Bailey made a motion to forward the request with a do pass recommendation. Tom Lundstrum seconded. The motion was approved unanimously.

Financial Report. Bobby Hill, Deputy County Treasurer, reported that Treasurer Roger Haney was unable to attend today's meeting due to being in Little Rock.

Deputy Treasurer, Bobby Hill, reported that the revenue projections for 2015 will be in early November, that will give the Treasurer time to know what the turn back from the State will be. The expenditures for the month of September were 1.7 million dollars over the revenues in the General Fund. He noted that 22% of that expenditure was for monthly bills, 48% was for payroll and then the \$300,000 infusion into the Road Fund and a \$500,000 infusion into the Jail Fund. For the year between the Road and Jail Funds there has been 2.1 million infused. The current property tax was received after the report was generated and the current property tax settlement was approximately \$100,000 over the same month last year.

Sales tax was up 3% for the month, and is up 1.99% overall for the year, which is about what was projected.

The Jail was projected at 1.8% and it is sitting at 2.57%, for the month it was 4.38% over last year at this time.

The Road ½ cent sales tax also had a good month. It was almost 8% more than the same month last year, so he believes that will surpass the projection.

Rick Cochran asked about the Employee Insurance Fund. Bobby Hill replied that if he believes the revenues have outpaced expenditures over the last few months.

Comptroller Cheryl Bolinger updated the Committee on the monthly financial reports.

There was \$28,000 that was appropriated for the Election Commission, then they will get reimbursed \$9,000, so that is \$19,587, and then the \$323,000 that was given to the Sheriff for the Jail medical.

Ann Harbison asked if the 1.69 million that hasn't been put into the Jail fund would be carryover? Cheryl Bolinger replied that is a budget number, which is a made up number, and that goes away on January 1.

Candy Clark stated that money was set aside in case there was a short fall for the cost of Roads and Jail. The revenue does not meet the expenditures. Ann Harbison commented that 1.5 million was set aside to build bridges with the ½ cent sales tax.

Eva Madison stated on the year to date transfers, Road has used \$800,000 over its revenue stream and Jail has used 1.3 million over its revenue.

Rex Bailey commented looking at appropriated funds from January, it is a balance of 2 million dollars less.

Diane Bryant asked why there is a shortfall in Road and Jail? Cheryl Bolinger replied that they always knew that was going to happen, they knew that at some point they were going to have to come back and ask for more sales tax. In Road, the cost of petroleum and steel continues to keep rising. Diane Bryant asked if it was because of the overcrowding at the Jail? Cheryl Bolinger replied that it is just more of everything.

Candy Clark noted that Road Fund will exceed its revenue, and asked how that is happening when the Road Department is getting 1.2 million from the ½ cent sales tax. Cheryl Bolinger replied that is a separate budget that was for bridges. The Road Department is not going to go over their budget. Cheryl Bolinger also noted that the Road Department has a \$610,000 encumbrance.

Ann Harbison stated that while the 1.2 million was dedicated for bridges, perhaps that needs to look at because they can only do so much per year on bridges with their crews.

Ron Aman pointed out that the budget was set aside so that it could let the people know where their ½ cent sales tax was being used.

Eva Madison commented there is a road in the county that says it was paved with money from the sales tax, so she does not believe it was dedicated for bridges.

Candy Clark asked that a breakout be provided at the next finance committee showing where the ½ cent sales tax has been expended.

Butch Pond pointed out that there is a percentage coming out of the ½ cent sales tax coming out for ORT.

Jimmy Mardis asked if the ½ sales tax rolls over if it is not spent? Cheryl Bolinger replied that it goes into the Road Fund. It will be spent, General Fund is having to make infusions into the Road Fund already. Jimmy Mardis asked if the revenue is not coming in then why is the money appropriated? Cheryl Bolinger replied that is why the money was set aside during Budget last year.

Joe Patterson commented that looking at starting out at 11.4 million and will be under 7 million to finish out the year on the percentages, the county will be down 4.4 million.

An Ordinance Reducing The Amount Of \$351,604 From Personal Services Line Items In Various County Budgets And Restoring Those Funds To Unappropriated Reserves; Appropriating The Amount Of \$34,939 From Unappropriated Reserves To Various Budgets For 2014. Comptroller, Cheryl Bolinger, reported that is the quarterly sweep of the personal service line items. Article A shows the reductions and then Article B shows the areas that money was put into. Attachment B shows the unappropriated reserves will go up \$189,680.

Eva Madison asked why there is \$10,000 for the Collector. Comptroller Cheryl Bolinger replied that she will have to go back and look at it. It could be a mistake that was made earlier. Eva Madison also stated that she was surprised by the Circuit Court III and the Public Defender as well. She would also like to know what the \$1,700 amount for the Jail was.

Next, Eva Madison asked for actual expenditures through today. Not looking at projections until November she would like to have a better feel for how much is being spent in 2014.

Rex Bailey made a motion to forward the request with a do pass recommendation. Tom Lundstrum seconded. The motion was approved unanimously.

Request from Buildings and Grounds to Transfer \$8,232 Within The Buildings And Grounds Budget In The General Fund For 2014. Ron Wood Building & Grounds Superintendent, stated that this is for the new panic button system, which is a silent alarm.

Diane Bryant made a motion to forward the request to the full Quorum Court with a do pass recommendation. Tom Lundstrum seconded. The motion was approved unanimously.

Request from the Health Department Appropriating \$5,000 from the General Fund to the Health Department Budget for 2014. Health Department Administrator, Robin Thomas, stated that as county buildings have gone off the phone system with AT&T the remaining offices are paying higher phone bills. This is from a contract with AT&T. This request is to get through the rest of the year.

John Adams reported that the Coop Extension and the Health Department will be the last two departments absorbing the charges.

Ann Harbison asked when it is expected that the last two offices will be changed over. John Adams replied that is up to the Quorum Court when they look at the two budgets on October 14th.

Eva Madison stated that the internet line expenses seem to be going up, and people are saying it is because of the phone lines. John Adams replied he does not know who is saying that. Eva Madison stated that there are significant increases in line items in internet costs. John Adams stated that IT pays all of the internet bills and phone bills.

Tom Lundstrum asked about having to rewire the whole building for the new phones was \$56,000. John Adams replied that Ron Wood's department will be doing the wiring and it will save the County \$16,000. Tom Lundstrum asked if it would be possible to separate the phone system from the Court and have the Health Department work out a contract with a phone carrier. Robin Thomas replied that the state does not pay for the phone services in any of the Health units in the state.

Tom Lundstrum noted that the Health Department already has a phone system, and stated that he would like to get a feel of how much this system is going to save when it is costing so much on the front end.

Eva Madison stated that the Assessor's proposed budget shows a reduction in telephone expense of \$11,000 and shows an increase in internet connection line item to say there is an \$11,000 increase in internet because of VOIP. John Adams replied that only the Collector and the Assessor pay for internet because they have offices in Springdale and Lincoln. Eva Madison noted that in those offices there are no savings. John Adams replied he would have to look at the bill, he doesn't know the answer to the question. The Collector's cost for internet went from \$500 to \$23,500. She doesn't know why the VOIP usage is causing such a tremendous increase. John Adams replied that when the project was first started there were 3 mb, it was increased to 10 mb, then this year there was a project from the Circuit Court to increase the internet to 100 mb. He is unaware for any increases for the Assessor or the Collector. Eva Madison asked that IT talk to the Collector and the Assessor.

Rick Cochran asked if long distance is considered a utility or a luxury. The County is providing dial tone to get out, but he is not sure that long distance should be provided.

Diane Bryant stated that she was under the impression that once the change to VOIP happened then there wouldn't be additional expenses. John Adams replied that the only time there would be additional expenses is if something broke down.

Rex Bailey asked that John Adams comes along with Kyle Sylvester and Jeff Williams to hash out the increase in the internet costs.

Rick Cochran stated that since the AT&T contract is what it is, he made a motion to forward the request with a do pass recommendation. Barbara Fitzpatrick seconded. The motion was approved.

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. County Grant Administrator, Wayne Blankenship, reported the following:

An Ordinance Anticipating Revenue Of \$324,613 In The DEM Grant Fund; And Appropriating \$324,613 From The DEM Grant Fund To Various Homeland Security Budgets For 2014.

These are homeland security grant funds. These are three different budgets.

An Ordinance Recognizing Additional Revenues Of \$55,253 In The Law Enforcement Grant Fund; And Appropriating The Amount Of \$55,253 From The Law Enforcement Grant Fund To The SCAAP 2014 Budget For 2014.

This grant the county has received for several years, it is always unknown until the money drops what the amount will be.

An Ordinance Recognizing Additional Revenues Of \$27,282 In The Animal Shelter Grant Fund; And Appropriating The Amount Of \$27,282 From The Animal Shelter Grant Fund To The Pet Smart – Advertising Grant Budget For 2014.

This is a grant to the animal shelter for advertising, they will also receive a portable tag machine.

Eva Madison commented that \$18,000 seems like a lot for advertising. She asked if this is what was asked for or if this is what Pet Smart gave? Wayne Blankenship replied that the Animal Shelter applied for the grant, and then Pet Smart sets up what the money can be spent on.

An Ordinance Anticipating Additional Revenues Of \$1,750 In The Rural Community Grant Fund; And Appropriating \$1,750 From The Rural Community Grant Fund To The Rheas Mill Budget For 2014.

This is for \$3,500. The Rheas Mill Community will match the \$1,750, so \$3,500 will be put into one fund and then expended for improvements to the community building.

An Ordinance Anticipating Revenue of \$10,000 in the Environmental Affairs Grant Fund for 2014; and Appropriating \$10,000 from the Environmental Affairs Grant Fund to the WC04-14 Budget for 2014.

This will be used to purchase a heater that will burn the old oil and heat the Road Department.

Rex Bailey made a motion to forward the Ordinances to the full Quorum Court with a do pass recommendation. Tom Lundstrum seconded. The motion was approved unanimously.

Other Business. The Committee discussed the upcoming budget review meetings.

Rex Bailey stated that the Republicans have their biggest fund raiser of the year on Monday, October 13th and noted that most members will be leaving early on Monday to attend that at 7:00.

Eva Madison commented that she is not sure that she will be ready to talk budget finalization by Monday.

Candy Clark urged the Court to proceed with the current projections. The meeting will go an hour and see what can be done. She stated that it will give good opportunity to see how everybody feels about the process. On the 14th she projected that it would be a very long meeting.

Cheryl Bolinger stated that 4.7 shows the year to date and shows the percentage used. Eva Madison replied that she wants by line item. Cheryl Bolinger replied that it takes her the entire month of July to do those and it is very time consuming. She asked the specific budgets that she would like to see line items on.

Eva Madison stated that it is going to be a struggle to go back and look at line items when the best information is going to be the 13 expenditures. She would like to see Jail, the two Road Department budgets. Ann Harbison asked to see Law Enforcement. Bill Ussery asked that the IT Department be added. Tom Lundstrum also asked that the Buildings and Grounds Department be added as well.

With no citizen comments, the meeting adjourned at 6:35 p.m.

/rb

RESOLUTION NO. 2014-_____

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

**A RESOLUTION AUTHORIZING EXEMPT
EMPLOYEES OF THE SHERIFFS DEPARTMENT
TO RECEIVE OVERTIME COMPENSATION IN
CERTAIN INSTANCES.**

WHEREAS, pursuant to the Fair Labor Standards Act
exempt employees are not entitled to overtime pay; and,

WHEREAS, the Washington County Employee Handbook
has been changed to allow Sheriff's Department employees to receive overtime
compensation when agreed to by the Quorum Court; and,

WHEREAS, numerous Sheriff's Department employees
plan to work at the Razorback football games and other events.

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

ARTICLE 1. Employees of the Sheriff's Department who are
exempt from overtime pay under the Fair Labor Standards Act may receive overtime
pay when working with other organizations that have a contract with the County in which
the County is reimbursed for said overtime compensation and related expenses.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

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 CONDITIONAL USE PERMITS GRANTED BY THE PLANNING AND ZONING BOARD.

WHEREAS, the Planning and Zoning Board granted Conditional Use Permits on October 8 for Witter Family and Cane Hill Historic Structures; 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 Witter Family and Cane Hill Historic Structures granted by the Planning and Zoning Board are 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: _____ Tom Lundstrum _____

Date of Passage: _____

Votes For: _____ Vctes Against: _____

Abstention: _____ Absent: _____

Witter Family CUP

The Planning Board/Zoning Board of Adjustments unanimously approved the Witter Family Conditional Use Permit (with conditions) on October 8, 2014.

Staff does not know if any appeals will be filed on this CUP. Staff recommends ratification of the project.

Fayetteville Planning Area**a. Witter Family CUP****Conditional Use Permit Approval Request**

Location Address: east of 3576 Salem Rd, Fayetteville, AR 72703

Project #: 2014-185 Planner: Courtney McNair email cmcnair@co.washington.ar.us

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

A project on the same property was heard and denied at the Planning Board/Zoning Board of Adjustments Meeting on September 4, 2014 (project 2014-144). With that project the applicant requested the same division, but did not address impact/mitigation of impact on adjacent properties.

This new 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. With this submittal, the applicant has relocated the proposed driveways, shown building footprints more accurately, and added buffering for the neighboring properties.

There are no existing homes on the property; the applicant wishes to construct a home on each proposed parcel. If this CUP is approved, a 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.

There have been no issues with this project except for neighbors who have contacted staff with concerns. Several neighbors spoke in opposition and in favor of this project at the PB/ZBA meeting.

Three neighbors opposed this project in writing because the property size being requested is smaller than what zoning currently allows by right (without a Conditional Use Permit). They want the current zoning to be enforced and feel that adjacent property is not being protected if this CUP is approved.

Three neighbors submitted "in favor" comments as they feel the proposed development will increase the value of this property.

Staff still feels that this CUP request is compatible due to each proposed lot being very close to one acre in size and it being proposed in an area of the County where there are many surrounding subdivisions and several lots of similar density.

It is possible that this project MAY be appealed. However, at this time no neighbors have indicated to staff that they intend to appeal; therefore, staff is recommending ratification approval so that if an appeal is not filed, the applicant may begin construction at the end of the 30 day appeal period. The applicant understands that even if this project is ratified, an appeal may still be filed and no construction may begin until after the appeal period has run or if an appeal is filed.

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

Planning Conditions:

1. This property split must be processed through both the City of Fayetteville and the County. Fayetteville's approval is required before the County can process this split administratively.
2. This CUP is for allowing the division of a 1.79 acre parcel into two tracts smaller than one acre each in an area when acreages must be at least one acre in size to be allowed by right with current zoning.
3. The buffer area, driveway locations, and home locations must be generally as shown on the submitted plans.
4. The applicant must adhere to the vegetative screening policy:
5. Vegetative screen must be approximately 4' in height upon planting, and must be made up of plants that will reach 6'- 8' in height upon maturity.
6. A planting plan schematic (drawing showing types of vegetation and spacing) must be approved by the Planning Department prior to the installation of the vegetation. Staff has attached a list of suggested plants, but the applicant can propose alternatives.

Sewer/Septic/Decentralized Sewer Conditions:

1. Septic: 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. Septic: submit septic permits to ADH in order for ADH to fully access the site for standard septic system design. A full permit will be required at the time the property division processes through Fayetteville and the permit must be found to be sufficient.

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

1. 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.

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 owner's expense. Any extension of line that has to be built specifically to feed this property will be at full cost to the owner.
2. Ozarks Electric Ozarks has an existing power line on the property that has an existing thirty-foot wide easement. Please contact Greg McGee at (479) 684-4634 or gmcgee@ozarksecc.com if you have any questions.
3. Fayetteville Planning & Engineering: Lotsplit within the Fayetteville "planning area" will be required to submit lotsplit application through City of Fayetteville Planning office and be required to meet all applicable code requirements. This includes proper road frontage and access to public water.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$33.20) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 10/2/2014).
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. Lots that are over one-half acre in size will need to be addressed after the home location is known.
4. This CUP must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - a. This project does not require additional Planning Board review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

Cane Hill Historic Structures CUP

The Planning Board/Zoning Board of Adjustments unanimously approved Cane Hill Historic Structures Conditional Use Permit (with conditions) on October 8, 2014.

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

This property is located in downtown Cane Hill off S. Hwy 45. This CUP request is to allow a change in use of two historic Cane Hill structures to the uses of a museum and a community gathering space (in an area where the use of Single Family Residential (maximum of 1 unit per acre) or Agricultural, is allowed by right, and all other proposed uses must be reviewed as Conditional Use Permit Requests by the County Planning Board/ Zoning Board of Adjustments).

These two structures were recently acquired by Historic Cane Hill Inc. with the intent to repair and preserve them for their historic value to Cane Hill and the broader Northwest Arkansas Community.

While the historic Cane Hill College building (which is not a part of this CUP) to the north is undergoing a complete restoration and renovation over the next year, activities that are usually housed within the College Building need to be temporarily relocated to the two structures being heard with this CUP request. This would involve the College's museum being moved (likely permanently) to the proposed Museum Building. Likewise, the community gathering activities usually held in the old College Building would be temporarily relocated to the Carroll Building proposed with this CUP.

Historic Cane Hill Inc. has removed a later addition to the Carroll Building, have carried out repair work that will ensure the structures do not fall into disrepair, and have done basic interior work. Major modifications to these structures are not proposed with this CUP.

The two structures:

- Carroll Building (address of 14327 S. Hwy 45):

This building was constructed around 1900; it is listed on the National Register of Historic Places as being worthy of preservation. The interior layout of the structure will remain unchanged. There is a separate deck area on the northwestern side of the building.

The monthly Historic Cane Hill Board meetings and other small community gatherings (such as the monthly quilting circle meeting) that are currently held in the College Building will be housed here. The Carroll Building will not be open to the general public on a daily basis or have any sort of retail or restaurant uses associated with it.

There are two floors. The bottom floor will be utilized for meetings. The top floor may be utilized on occasion. It is accessed through a separate door on the side of the building; an enclosed staircase provides access. Staff is requiring that this upstairs space not be open to the general public. On average, this building will only be used for several hours a week.

This building's main entrance and exit is on the east side of the building facing the highway.

- Museum Building (address of 14335 S. Hwy 45):

This building was constructed somewhere around 1920-1930. It is not currently listed on a Historic Register but the applicant is in the process of trying to get it listed. It will house the small Cane Hill museum currently housed in the College Building. The Museum houses artifacts from the area of Cane Hill. The Museum would be open to the public for approximately one day a week (likely on Saturdays). The interior layout of the building is remaining unchanged with the exception of partitions for the display areas in the Museum.

This building will have two entrances – one off S. Hwy 45 and an ADA entrance on the south side of the building facing Patterson Road.

Parking for the two structures will primarily be on parcel 725-00004-000 to the south of Patterson Road.; this parcel is also owned by Historic Cane Hill Inc. Two ADA accessible parking spots will be provided along Patterson near the Museum building's entrance door on the south side of the building. No parking is allowed along S. Hwy 45.

The Washington County Fire Marshal, Mr. Dennis Ledbetter, has reviewed this project and considered the two buildings under the Historic Structures section of the Arkansas State Fire Code. Conditions on this project outline requirements of an approved fire protection plan and historic structure review requirements.

Four neighbors have contacted staff in support of this project. One neighbor has contacted staff in opposition. The comments submitted by the neighbor in opposition have either already being addressed by staff or cannot be considered by staff.

There have been no outstanding issues with this project. Staff is recommending approval with conditions for this project.

This project was not contentious and staff recommended approval of the proposed Cane Hill Historical Structures Conditional Use Permit with conditions.

The Planning Board/ Zoning Board of Adjustments unanimously approved (with conditions) (7 members voted "in favor", 0 members voted "against", 0 members were absent, 0 members abstained) the project with the following conditions:

Planning Conditions:

1. This CUP is for the use of a museum at 14335 S. Hwy 45 and for the use of a community gathering space at 14327 S. Hwy 45. If, in the future, it is desired to use these structures for uses different from those proposed with this CUP and those uses are not brought up in this CUP project, a new CUP might be required to be requested from the Washington County Planning Office.
2. If the portable toilet is located within the FEMA-determined floodplain, it shall be moved outside of the floodplain.
3. If, in the future, the old Lodge's restroom facilities are used for the Historic Cane Hill Inc buildings proposed with this CUP, the Planning Office requires a letter from the old Lodge's property owner granting Historic Cane Hill Inc permission to utilize the restroom facilities.

4. If the portable toilet is not located on or will be moved onto property not owned by Historic Cane Hill Inc., a letter from that property owner granting permission for the portable toilet's location shall be submitted to Staff.

Water/Plumbing/Fire Conditions:

1. Both structures will be considered through the Historic Structures State Fire Code requirements.
2. Since the 14335 S. Hwy 45 structure is not yet listed as a historic structure, but Historic Cane Hill Inc is in the process of trying to get it listed, the Fire Marshal's office and the Planning office will need to be kept informed of the progress through the State Review Board for this building. If it ends up not being accepted as a historic structure, contact both the Fire Marshal's Office and the Planning Office for what requirements might then apply. It is possible that a revised CUP would be required at that time and that the building would be subject to the standard fire code and any upgrades/changes/renovations required by that code.
3. A fire protection plan including the below items is required for both structures:
 - a. Each structure has an occupancy number limited to no more than fifty (50) occupants.
 - b. Lit exit signs/lights as required per Arkansas State Fire Code above the main door in each structure.
 - c. Fire extinguishers as required per Arkansas State Fire Code.
 - d. Keep general public from going upstairs.
 - e. The A.R. Carroll building shall have a caution sign at the top of the stairs to warn people going down the stairs since the stairs are not built to modern code.

Sewer/Septic/Decentralized Sewer Conditions:

1. An ADA-accessible portable toilet is acceptable by ADH as long as the buildings have no public water service.
2. The old Masonic Lodge structures may be utilized for restrooms as long as there is an ADA-compliant toilet is available.

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

1. No parking may occur in front of either structure off S. Hwy 45; no parking may occur in AHTD's ROW.
2. There shall be two ADA parking spots as indicated outside the museum's southern exit. Each spot shall be properly designated as being an ADA parking spot.
3. A sign (to be approved by Planning staff) shall be placed on parcel 725-00004-000 explaining that this parcel is for parking for the Museum building and the Drugstore. Likewise, a sign shall be placed in front of each building directing people to where they can park.

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. 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 or State Right-of-Way.
2. 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.
3. Designs for the signs to be installed shall be submitted to staff for approval.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$62.70) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 10/2/2014).
2. Pay CUP review fee of \$100 within 30 days of project approval.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Lots that are over one-half acre in size will need to be addressed after the home location is known.
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 does not require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

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 ORDERING THAT AN ELECTION
BE HELD ON NOVEMBER 4, 2014 INVOLVING THE
ISSUE OF THE SALE OF ALCOHOLIC
BEVERAGES IN THE CITY OF JOHNSON,
ARKANSAS.

WHEREAS, the requisite number of signatures have been
obtained to place the issue of the sale of alcoholic beverages in certain situations on the
ballot on November 4, 2014; and,

WHEREAS, pursuant to A.C.A. §§3-9-206 and 3-3-210 the
Quorum Court is required to order that the election be held.

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

ARTICLE 1. That the Washington County Quorum Court
hereby adopts the order attached hereto regarding said elections and directs that such be
published in accordance with law.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Tom Lundstrum

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDER

The Washington County Quorum Court hereby orders that the Washington County Election Commission hold an election on the issue of the Sunday sale of alcoholic beverages for off premises consumption in the City of Johnson, Arkansas on November 4, 2014, to wit:

CITY OF JOHNSON

TO AUTHORIZE THE OFF-PREMISES SALE OF ALCOHOLIC BEVERAGES ON SUNDAY IN JOHNSON, ARKANSAS, BETWEEN THE HOURS OF 10:00 AM AND 12:00 MIDNIGHT.

FOR

AGAINST

This Order shall be published in a newspaper of general circulation in the county by at least two insertions, the last being not less than ten days prior to the election.