



WASHINGTON COUNTY, ARKANSAS  
County Courthouse

December 12, 2014

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

Thursday, December 18, 2014  
6:00 p.m.  
Washington County Quorum Court Room

**A G E N D A**

1. CALL TO ORDER.

JUDGE EDWARDS

2. PRAYER AND PLEDGE OF ALLEGIANCE.

3. ROLL CALL.

4. **ADOPTION OF AGENDA.** At the beginning of each meeting, the agenda shall be approved. Any JP may request an item be added to the agenda subject to approval of the Quorum Court.

5. **APPROVAL OF MINUTES.** Approval of the minutes of the November 13 special meeting and the November 20 regular meeting of the Quorum Court. (5.1, 5.2)

6. FINANCE REPORT.

CANDY CLARK

6.1 **APPROPRIATION ORDINANCE: AN ORDINANCE APPROPRIATING THE AMOUNT OF \$6,115 FROM THE GENERAL FUND TO THE COUNTY ATTORNEY'S BUDGET FOR 2015.**

6.2 **APPROPRIATION ORDINANCE: AN ORDINANCE ESTABLISHING ADDITIONAL OPERATING FUNDS, AND RECOGNIZING AND APPROPRIATING REVENUES TOTALLING \$1,280,652 TO THOSE FUNDS FOR 2014.**



**AGENDA  
DECEMBER 18, 2014  
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**16. A RESOLUTION IN RECOGNITION OF THE  
SERVICE OF GEORGE BUTLER, JR., AS  
WASHINGTON COUNTY ATTORNEY. (16.1)**

**BUTCH POND**

**17. OTHER BUSINESS.**

**18. 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

**19. ADJOURNMENT.**

/ji

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

Monday, November 13, 2014

6:00 p.m.

Washington County Quorum Court Room

- 175.1 The Washington County Quorum Court met in special session on Thursday, November 13, 2014. The meeting was called to order by County Judge Marilyn Edwards.
- 175.2 Judge Edwards explained the purpose of this special meeting was to review an appeal for a Conditional Use Permit denied by the Washington County Planning Board and Zoning Board of Adjustments on September 4, 2014.
- 175.3 H. Bowman led the Quorum Court in a prayer and the Pledge of Allegiance.
- 175.4 MEMBERS PRESENT: Ron Aman, Rex Bailey, Harvey Bowman, Diane Bryant, John Firmin, Barbara Fitzpatrick, Ann Harbison, Tom Lundstrum, Eva Madison, Joe Patterson, and Butch Pond.
- 175.5 MEMBERS ABSENT: Candy Clark, Rick Cochran, Jimmy Mardis, and Bill Ussery.
- 175.6 OTHERS PRESENT: County Judge Marilyn Edwards; County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 175.7 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 175.8 **A motion was made and seconded to adopt the agenda as presented. The motion passed unanimously by those present by voice vote. The agenda was adopted as presented.**
- 175.9 **CONDITIONAL USE PERMIT APPEAL HEARING:**  
**Eastern Park Subdivision CUP Conditional Use Permit Approval Request**  
 Location: Section 32, Township 17 North, Range 29 West  
 Owner: Fred Patrick/L&F  
 Construction Engineer: USI Consulting Engineers, Ferdinand Fourie  
 Location Address: 4436 E. Mission Blvd.  
 Proposed Land Use: Approximately 7.66 acres/17 lots; 15 Single Family Residential (2 other lots-one for septic and one for detention)  
 Coordinates: Latitude: 36.097785, Longitude: -94.097156  
**Project #: 2014-018 Planner: Courtney McNair,**  
**cmcnair@co.washington.ar.us**

**Introductory Remarks and Presentation by County Staff Summarizing the Project and Staff Recommendations:**

- 176.1 Planning Director Juliet Richey addressed the Quorum Court stating that this is an appeal for the denial by the Planning Board of a CUP for Eastern Park Subdivision and Senior Planner Courtney McNair would be giving a presentation on the project. She stated that she would be reviewing the basics of conditional use permits since they do not often deal with these appeals. Ms. Richey noted that the majority of Washington County is zoned single family residential and agricultural by rights and the density for a single family is one unit per acre. She stated that a common misconception about their ordinance is that they strictly disallow any other types of development or densities of residential development which is not true. She stated that these are considered through a conditional use permit process where they can be allowed or not. She explained that they will get comments from neighbors and other community members that they are going against their own coordinates by even considering these and that is not true as their ordinance is made to allow some uses by rights and to take into consideration under a CUP other uses.
- 176.2 Ms. Richey referred to the Conditional Use Permit Criteria Checklist completed for this project which contains the criteria in their ordinance of which they consider CUPs, including issues having to do with utilities, roads, drainage compatibility, health safety issues, and enjoyment of surrounding property owners, and include staff's reasoning along with their recommendations for each of those. She pointed out when they talk about compatibility, especially with residential zoning, sometimes the point is made that there are these exact densities directly next door. She explained that to be compatible does not mean that the lots have to be exactly the same as the surrounding subdivisions, but rather compatibility means able to live in harmony with and staff looks at conditions that can be placed on CUPs through the permit process that make something compatible that might not be strictly compatible on its own.
- 176.3 Senior Planner Courtney McNair addressed the Quorum Court stating that this was an appeal on the Eastern Park Subdivision that is located on the east side of the County outside city limits of Fayetteville in District 15, located within the City of Fayetteville's planning area off of Hwy. 45 and Mission Blvd, approximately one-half mile from the city limits of Fayetteville. She noted that the property is zoned Agricultural/Single-Family Residential 1 unite per acre by right and they are asking for a CUP to allow the residential subdivision now with 15 residential lots, one lot per each centralized sewer system and one lot

for drainage with an overall proposed density is 1.96 units per acre. Ms. McNair stated that the property is owned by L&F Construction and the owner is Fred Patrick who is present tonight; and the engineer is Ferdinand Fourie from USI Engineering.

177.1 Ms. McNair stated that the project was originally submitted to the Planning Office in February of 2014 and the applicant tabled the project several times before it went before the Planning Board as they were working out some issues. She reported at the May 1, 2014 Planning Board/Zoning Board of Adjustments meeting, staff recommended that the Board table the project because they had asked the applicant to look into some mitigation efforts for surrounding property owners as the proposed density was higher than adjacent properties. At that time the applicant received five signatures from surrounding neighbors stating that they were unopposed to his proposed project; five neighbors submitted written comments against this proposed project and with revisions, the applicant did try to address the neighbors concerns. She noted that no neighbors spoke at the meeting, either for or against this project and all five members of the Board voted to table the project and the applicant further removed the project from the June 26, 2014 meeting while he sought another engineer. She stated at the September 4, 2014, the CUP was heard by the Planning Board/Zoning Board, staff recommended for approval and the Planning Board denied the project based on density. She noted that one neighbor who had submitted previous comments, also submitted written comments against the project at this meeting, but no neighbors spoke at the meeting, either for or against the project. She reported that six members of the Board were present at the meeting at which four members voted to deny the project, one member was opposed to denying the project, and one neighbor did not vote, so the denial passed.

177.2 Ms. McNair stated that the new plan proposed on October 31, 2014, requested a CUP to allow a residential subdivision with 15 residential lots, one decentralized sewer lot and one detention lot with the total acres of 7.66 acres with requested density of 1.96 units per acre with residential lots ranging in size from 0.23 acres to 0.35 acres and now with lot 17, is actually 0.63 acres with the revision. She stated that one entrance is proposed off of Highway 45 and the applicant would have to apply for frontage through the Highway Department. Ms. McNair noted that the applicant proposed the change after the Planning Board denied the project that reduced the lot areas of density from 2.3 units per acre to 1.96 units per acre; three of the previous lots were combined into one lot that would be on an individual septic system and the other 14 residential lots would utilize the proposed decentralized

sewer system. She stated that the new layout does not alter staffs' recommendations for this project.

- 178.1 Ms. McNair noted that the property is serviced by City of Fayetteville water with an existing waterline located along Hwy. 45 with the nearest hydrant located  $\frac{1}{4}$  mile with 974 gpm fire flow and a new hydrant is proposed near the entrance of the subdivision and two additional hydrants proposed to be located within the development. She noted that the Washington County Fire Marshall asked that an engineered fire flow for the proposed hydrants be submitted at the Preliminary Subdivision phase and that all hydrants be shown on the plans and spaced every 500 feet as per fire code. The cul-de-sacs appear to be adequate and modified curbs will be required on bio-islands within the cul-de-sac to ensure that a fire truck can maneuver around them. She noted that full review for compliance with the State Fire Code will be required at Preliminary Subdivision review.
- 178.2 Ms. McNair stated that soil work was submitted with this project and test pit locations are shown on the plats within the Decentralized Sewer System lot. The applicant is proposing a gravity-feed system that will be connected to City of Fayetteville sewer in the future if necessary and all review and permitting of this system must be completed at the Preliminary Subdivision review. Ms. McNair pointed out that three of the previously proposed lots were combined into one lot that will be on an individual septic system and the other 14 residential lots will utilize the decentralized sewer system as planned. This change reduces the density from 2.3 units per acre to 1.96 units per acre and leaves a total of 15 residential lots and two service lots. Ms. McNair reported that Renee Biby, the Washington County Public Utilities Coordinator submitted comments regarding the proposed DSS and all review and permitting of the proposed DDS must be completed as per County and State Regulations. From preliminary discussion at County Services regarding this project, it appears to staff that many of the Quorum Court members had concerns regarding this type of waste disposal System and Ms. McNair stated that Ms. Biby was present tonight to answer any questions about the technicalities. She noted that this type of system is regulated by the State and County and staff trusts those agencies to review these systems, so staff was not concerned about this issue.
- 178.3 Ms. McNair stated that they did not receive comments from the telephone, gas, or cable companies and Ozark Electric provided general comments and a full utility review will take place at the Preliminary Subdivision stage if this CUP is approved.

- 179.1 Ms. McNair reported that the sight distance appears adequate along Hwy. 45 with the one entrance proposed and no lots will access directly onto Hwy. 45, but all access onto the interior road. A statement verifying the sight distance will be required at Preliminary Subdivision review as it must meet minimum County standards. She noted that there was a small residential drive to the north, Trough Springs Drive, and no access will be allowed onto that road.
- 179.2 Ms. McNair reported that the Washington County Contract Engineer had no comments on the project at this time. A full drainage study will be required at Preliminary Subdivision review and the drainage report must meet City of Fayetteville specifications. She noted that the discharge point at this time is proposed to flow into a pond on an adjacent property and a drainage easement may be required from that neighbor.
- 179.3 Ms. McNair stated at this time there have been no concerns by Environmental Affairs and no storm water permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality.
- 179.4 Ms. McNair stated that sidewalks and bio-islands as shown on the plats must be maintained by the POA or other entity as Washington County does not maintain these. All outdoor lighting must be shielded appropriately. She stated that a sign easement was shown on the previous plat and if they wish to add a sign to this development, that will need to be shown and approved by staff before signage be placed. She noted that staff is recommending a monument-type sign, 60 sq. feet or less in size, that is indirectly lit or not lit. A six-foot privacy fence is proposed around the entire property line except where it touches the Hwy. 45 right-of-way. In addition to the fencing, the engineer for this project provided a tree survey and every effort must be made to retain the trees that are indicated on these plans as retained and if trees are to be removed, the applicant must show how they plan to replace them and staff must review and approve a tree protection plan prior to construction. Ms. McNair stated that an agreement with a neighbor to the south to maintain certain large trees must be formalized in writing with specific tree locations marked and the drip line of these trees must be left intact and fenced for protection during construction to ensure their protection.
- 179.5 Ms. McNair reported that there are currently 35 trees marked to be saved on this plat which is an average of two trees per residential lot and staff is comfortable with this preservation in conjunction with an additional 3 trees per each lot being planted. These additional trees do not have to be on each lot, but must average 3 additional trees per lot and if more of the existing mature



trees are removed or damaged during construction, staff will require that an additional 3 new trees be planted for every mature tree removed beyond what is proposed. She noted that staff puts very high priority on maintaining the existing mature trees. Staff recommends that all new trees be installed at a minimum 2-inch caliper size and plantings will be inspected and any that do not survive must be replaced within the first year after construction is complete.

- 180.1 Ms. McNair stated that this project is located within approximately  $\frac{1}{2}$  mile of the Fayetteville city limits and according to a letter submitted by the City of Fayetteville, the proposed density is incompatible with the City of Fayetteville Future Land Use Plan, and incompatible with surrounding rural residential properties and mitigation to lessen the impact of this density should be considered.
- 180.2 Ms. McNair stated that surrounding uses are single family residential and Agricultural. The site contains one residence and one barn which are proposed to be removed. The proposed density of the project is 1.9 units/acre and the adjacent average density is 0.14 units/acre which is 1 unit per 7 acres. She noted in the vicinity, there is more dense development with subdivisions in the general area ranging from 1 unit/3.39 acres to 1 unit/0.3 acres. She stated that there is also a storage facility and cell tower in the near vicinity and additional commercial uses are within  $\frac{1}{4}$  mile of the proposed development.
- 180.3 Ms. McNair stated that according to the County's Land Use Plan, residential is to provide for development of residential areas at appropriate densities. The proposal is very high density for the adjacent densities and the only densities that are similar are in the Holiday Hills Homes Subdivision with cottage type homes and duplexes. Most other subdivisions in the area have lots that average  $\frac{1}{2}$  acre or more. She stated that the proposal will be required to meet minimum County subdivision standards (10,000 sq. ft. minimum lot size) and the lot sizes as shown are in compliance with these standards. The plan requires development to be connected to utilities and utilize zoning as a means to guide the progression of development, and utilities are available to service this development. The plan requires protection of the character and integrity, and property values, of single-family, residential areas and the proposal is for single family residential use with mitigation proposed for density differences through screening, retention and addition of trees. The plan calls for protection of residential neighborhoods from inappropriate non-residential influences through the use of regulatory controls and the use proposed is residential. The plan requires maintaining

- an adequate county road plan and standards to guide and accommodate traffic movement; this development takes access from a state highway and all interior roads will be constructed to at least minimum county standards.
- 181.1 Ms. McNair stated that staff feels this project will not be detrimental to public health, safety and welfare. The engineer has shown that all required site elements can be placed on the property. As stated at the May 1, 2014 Planning Board, staff feels that this property is located in an area of the County that is undergoing transition from a rural area to a more developed area; eventually residential rooftops and privacy fencing seems to be “given” for this area. The applicant has responded to staff’s request for additional studies and mitigation efforts and though density remains high, staff feels that with conditions, this project will not diminish the use and enjoyment of the surrounding properties.
- 181.2 Ms. McNair stated one consideration staff looks at is the impact of what is allowed by right (1 unit per acre, so 7 residences would be allowed by right on this property) and what is being proposed (15 residences). If the applicant wanted to add 7 residences and do so with no regard to any existing tree canopy, no fencing for his neighbors, drainage would not be addressed, and it would be up to the individual lot owner to have an individual septic system installed on his or her lot. She explained that the CUP process allows staff to address issues that help protect the natural resources of the County, protect neighboring properties with conditions, and limit impact of development on the rural areas in the County. Staff feels that 7 residences on a cleared lot could have a negative impact on the surrounding area. The conditions that require trees to be retained, additional trees to be planted, and fencing will help to alleviate some of that impact even though the density is higher than what is allowed by right.
- 181.3 Ms. McNair stated that all neighbors within 300 feet of the boundary of this property were notified by regular mail of this appeal; and previously, all neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project and no additional comments have been received by staff at this time.
- 181.4 Ms. McNair stated that the applicant has reduced the density from 2.3 units per acre to 1.96 units per acre with the removal of two lots. When reviewing the criteria checklist, staff found that with conditions this project should be compatible and therefore, staff is again recommending approval of the CUP for Eastern Park Subdivision CUP with conditions and request that the Quorum Court vote to allow applicant to move forward with this project with

staff conditions that include water, plumbing, fire, septic, roads, sight visibility, drainage, environmental, utility, signage/lighting and screening.

- 182.1 R. Bailey stated that the density is the main concern of the Planning Board and it sounds to him like staff feels very comfortable with this subdivision, to which Ms. McNair confirmed. In response to R. Bailey's question about how far Fayetteville sewer is from this site, Ms. McNair stated that it is about ½ mile from the Fayetteville city limits. She further verified that the developer has been trying to work with the neighbors.
- 182.2 E. Madison stated that she toured this site and noted that lot 12 got bigger and lot 17 will be the only lot that is not on the decentralized sewer, but will always be on its own system. She stated she doesn't believe it will be too long before the City of Fayetteville sewer will connect and asked what would happen to those two lots on the west end if they tap into the city's system; to which Ms. McNair responded that typically the developer would leave those as green space and they would no longer be used. She noted that one of those lots is for retention and that would stay.
- 182.3 Ms. McNair added that the City of Fayetteville would probably allow the Lot 17 to tap onto city sewer at that point as well.
- 182.4 D. Bryant stated that Lot 17 was really three lots for a while, so if they would take the acreage away from that with 16 lots, what would the average lot size be for the 16; to which Ms. McNair stated that the smaller lots are more on the range of 0.23 acres to 0.35 or ¼ to 1/3 acre. D. Bryant stated that she finds it a little hard to believe that ¼ acre would accommodate a house.
- 182.5 A. Harbison asked whether the septic system has passed all state requirements to which Renee Biby, Public Utilities Coordinator for Washington County responded that it has not yet met all requirements, but will have to have their permit from ADEQ by the Preliminary Subdivision stage.

**Testimony from Public Agencies (Health Department, Road Department, etc.)**

- 182.6 Sam Dunn, Regional Environmental Specialist with the Arkansas Department of Health, addressed the Quorum Court stating that he was there as a resource for the drift sewer systems. He noted that he was not there to speak for or against this project, but rather was asked to be a resource to answer

- questions about decentralized sewers or process of drift, permitting and installation.
- 183.1 In response to a statement from A. Harbison that there were no individual tanks on these lots, Planning Director Juliette Richey stated that they don't allow those types of sewer systems. A. Harbison stated that they had a problem with these south of Fayetteville and she wanted to make sure that they don't have that same problem.
- 183.2 Mr. Dunn addressed A. Harbison, stating that he has discussed this issue with Ms. Biby and is familiar with what she is speaking about in south Fayetteville, and he is used to doing septic systems with individual tanks and it all goes back to quality control and the type of specifications they are dealing with. He stated that he works with a company from Tennessee that has 25,000 to 30,000 septic systems like this in operation. He understands that this is a gravity flow, single tank which is fine.
- 183.3 Ms. Biby thanked Mr. Dunn for his assistance and advice to check the float level which solved all kinds of problems.
- 183.4 In response to a question from R. Bailey, Mr. Dunn stated that decentralized drip is a very good system all the way around if it is done right.
- 183.5 J. Firmin stated that he understands the more traditional septic system and asked for an explanation of the difference between that and the decentralized drip system to which Mr. Dunn responded that this will be a gravity flow to a one central tank to the processing plant for treatment and then to the drip field. With regard to a primary and secondary drip field, Mr. Dunn explained that the primary field is the main field that is used for dispersal and the secondary field is to backup in case there is a problem with the primary field.
- 183.6 Ms. Biby further explained that the sewer system has not been designed yet for this project and will be approved at the time of Preliminary Plat so Mr. Firmin's question is premature. She stated that a drip irrigation system is a large septic system that treats a large subdivision with all treatment going to one central area and then it goes to the discharge area from the septic system.
- 183.7 Mr. Dunn added that when the discharge gets out to the dispersal area, the method of dispersal is ½ inch diameter drip tubing that has a control rate that regulates the flow of liquid being dispersed into the soil and is a very low flow of about ½ gallon or less an hour under pressure. He stated that this is

applying the effluent at a very slow controlled rate over a larger area and is more efficient than a traditional treatment system. In further response to D. Bryant, Mr. Dunn explained that the "green things" are aerobic treatment units which processes waste water and brings the strength of the waste water down to make it more acceptable for ejection into the soil or how much oxygen it takes to digest something. They use these units to bring the DOD down to a very low level so the soil doesn't have to process or renovating the dod level so they simply are moving water through the soil. Mr. Dunn reported that some of these units treated it down to such a low level that the fecal discharge from the units is zero.

184.1 In response to a question about how often the sludge from these systems has to be pumped, Mr. Dunn stated that the maintenance people will come out and do a test on the sludge level in the bottom and once it reaches a certain level, they bring a vacuum truck out and pump it out and it will go for waste dispersal.

184.2 **Presentation by the Applicant/Appellant in Support of the Project**

184.3 Fred Patrick, one of the owners of the property at Eastern Park, addressed the Quorum Court thanking those who met him to tour this property and those who called him to discuss the project. He addressed maps showing the adjustments that have been made to this property, noting initially five lots that didn't conform to either county or city requirements and had to be 10,000 sq. ft. which they are now. He further noted lots that were 75ft. wide and those have now been made 80ft. wide. He pointed out those are on gravity systems and will would go down toward the treatment Plant. He stated that there was concern about the lift station of some lots and those have been removed, pointing out one lot where the septic will go into the front two lots which will help the density.

184.4 Mr. Patrick stated when they first started this, they wanted to have more or a rural feel with no curbing, gutters or sidewalks, but after meeting with the City of Fayetteville, discovered that they would be required as the property is in the city's growth area. He had thought that the property was  $\frac{3}{4}$  of a mile from the city, but found out that they were  $\frac{1}{2}$  mile and therefore, they have to comply with them which is what they couldn't understand when they came to the last Planning Commission meeting. He stated that they thereafter complied with the city, sidewalks, size of the lots, and though he had never heard of such, they did a tree survey and have plans to save every tree that they can and plant trees where staff indicates. He further addressed the house size these lots will accommodate stating that the minimum will be 2500

sq. ft. and a maximum of 3200 sq. ft. He noted that the city requires 25ft. set backs and these lots are 190 feet, so they will be making the setbacks 25ft. to 45ft. where they can. Mr. Patrick further showed a picture of storage units that were next door to this property that were six units to an acre. He further noted that he has not heard any objections from neighboring property owners.

- 185.1 With regard to the septic system, Mr. Patrick stated that there has been concern about who is going to pay for the maintenance on the system. He noted on the Bill of Assurance And Protective Covenants for Eastern Park, paragraph 19 reads as follows: "The association of owners of lots in the Eastern Park Sub-division (the "Association") shall be responsible for maintenance and repair of the fence located adjacent to Arkansas Hwy. 45 bordering the Subdivision and for maintenance of the septic system located at the southwestern corner of the subdivision. Each lot owner shall be assessed a monthly fee of \$49.95 for the cost of maintaining the septic treatment system. The annual POA dues (Article III, Section 4 of the By Laws) will cover maintenance costs of fence. When final approval for the subdivision is obtained, Developer will deposit \$12,000 in an escrow for maintenance of the septic treatment system." Mr. Patrick explained that this amounts to what people who live in the city pay as their sewer bill.
- 185.2 Mr. Patrick stated in the By-Laws for Eastern Park Property Owners Association, Article III, Section 4 states, "Each homeowner will be assessed \$100 per year for POA dues for mowing and maintenance of common areas. In addition, each homeowner will be assessed \$49.95 per month for maintenance of the septic treatment plan effective until the subdivision is annexed into the City of Fayetteville and each home is connected directly to the city of Fayetteville sewer system. For the septic treatment plant, a financial institution will bill homeowners monthly and hold the money in an escrow account. In the event that a homeowner's septic fee is over 90 days in arrears, the POA may place a lien on the homeowner's property." Mr. Patrick stated that this is to keep the problems that were brought to his attention that occurred in Greenland or West Fork from happening.
- 185.3 D. Bryant asked about street lights to which Mr. Patrick stated that there will be three or four as required by the City of Fayetteville, plus there will be lights on the rock columns on each side as you go off of Hwy. 45.
- 185.4 E. Madison stated that because she is the President of a Property Owner's Association for the past eight years, she would recommend that Mr. Patrick include his vision in their covenants about how the homeowners are

supposed to deal with the eventuality of attachment to the City's sewer system which will be at their expense.

- 186.1 Mr. Patrick responded to E. Madison, agreeing that this would be a good idea to include in the covenants.
- 186.2 J. Firmin asked County Attorney George Butler whether a power of attorney can apply a lien to which he responded that this is done all the time. He further asked in the Fayetteville growth area with seven lots on there, whether that meant that Fayetteville would not have any input in that or would they still have to meet city standards to which Mr. McNair replied they would have to meet subdivision regulations, but they could put in seven lots without asking for a change of use.
- 186.3 Mr. Patrick thanked Sam Dunn for attending this meeting tonight.
- 186.4 **Presentation by any opponents of the Project.**
- 186.5 There was no presentation by any opponents of the Project.
- 186.6 County Attorney George Butler stated that if desired they can suspend the rules and place the ordinance on second and third reading. He pointed out that one thing that was a little bit tricky was if you were for the issues of the CUP, you vote against ratification.
- 186.7 AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT DENIED BY THE PLANNING AND ZONING BOARD: J. Patterson introduced **An Ordinance Ratifying A Conditional Use Permit Denied By The Planning And Zoning Board**, and County Attorney George Butler read the ordinance that is on first reading.
- 186.8 County Attorney George Butler further explained if you are for the project, vote against the ordinance. He stated if the ordinance fails, the CUP is granted. He noted that in case this was confusing, he prepared an alternate ordinance.
- 186.9 E. Madison asked if County Attorney Butler saw any problem doing that tonight with there being no opposition to which he responded that they have never done it before, but they have never had an unopposed CUP.

- 187.1 In response to A. Harbison, County Attorney George Butler explained that the Ordinance says if this ordinance fails, then the CUP shall be deemed granted.
- 187.2 Due to confusion about how the voting would affect the readings and passage or failure of the ordinance, County Attorney George Butler suggested that they substitute an alternative ordinance that makes this issue clear.
- 187.3 E. Madison stated that from where she is headed is that they would be reversing the Planning Board and she wants to be respectful of their decision because she admires the work that they do. However, from what she understood from Mr. Patrick's comments, there wasn't a lot of explanation given at the meeting for why they denied the permit, though she believes it had a lot to do with the density and Juliette Richey responded that all comments were related to the various densities. E. Madison stated that historically and traditionally the way density has been viewed in the county, it doesn't necessarily fit here because of its proximity to the city. She lives in a subdivision close to this and knows that people want nice homes, but they don't want large lots.
- 187.4 B. Pond stated that he appreciates the alternative ordinance. He stated that Mr. Patrick is seeking approval to build this subdivision and he would like to approve him doing so.
- 187.5 **A motion was made to substitute ordinance with an alternative ordinance. The motion was seconded. The motion passed unanimously by those present by voice vote. The ordinance was substituted.**
- 187.6 County Attorney George Butler read the substitute ordinance.
- 187.7 **B. Pond made a motion to suspend the rules and place the ordinance on second reading by title only. R. Bailey seconded.**
- 187.8 VOTING FOR: R. Aman, R. Bailey, H. Bowman, D. Bryant, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Patterson, and B. Pond.
- 187.9 **The motion passed with eleven members voting in favor of the motion.**
- 187.10 County Attorney George Butler read **An Ordinance Ratifying A Conditional Use Permit Denied By The Planning And Zoning Board** by title only.



- 188.1 **B. Pond made a motion to suspend the rules and place the ordinance on third and final reading by title only. R. Bailey seconded. The motion passed unanimously by voice vote by those present.**
- 188.2 County Attorney George Butler read **An Ordinance Ratifying A Conditional Use Permit Denied By The Planning And Zoning Board** by title only.
- 188.3 **B. Fitzpatrick made a motion to adopt the ordinance. B. Pond seconded.**
- 188.4 Citizen Comments: There were no citizen comments made.
- 188.5 E. Madison stated since they learned the hard way that not offering their opinion on why they are voting certain ways on these ordinances, should they do so to which County Attorney George Butler responded that it wasn't necessary because they are not dealing with the federal statute on this.
- 188.6 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 188.7 VOTING FOR: R. Aman, R. Bailey, H. Bowman, D. Bryant, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Patterson, and B. Pond.
- 188.8 **The motion passed with eleven members voting in favor of the motion.**
- ORDINANCE NO. 2014-67, BOOK NO. 9, PAGE NO. 461**
- 188.9 CITIZEN COMMENTS: There were no citizen comments made.
- 188.10 ADJOURNMENT: The meeting adjourned at 7:08 p.m.

Respectfully submitted,

Jessica Biondi  
Quorum Court Coordinator/Reporter

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

Thursday, November 20, 2014  
6:00 p.m.

Washington County Quorum Court Room

- 189.1 The Washington County Quorum Court met in regular session on Thursday, November 20, 2014. The meeting was called to order by County Judge Marilyn Edwards.
- 189.2 Judge Edwards reminded everyone to please turn on their mics when speaking as it is nearly impossible to hear any discussion when the mics are off. She stated that this meeting is aired live and it is important that the people at home can hear them.
- 189.3 B. Ussery led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 189.4 MEMBERS PRESENT: Ron Aman, Rex Bailey, Harvey Bowman, Diane Bryant, Candy Clark, Rick Cochran, John Firmin, Barbara Fitzpatrick, Ann Harbison, Tom Lundstrum, Eva Madison, Jimmy Mardis, Joe Patterson, Butch Pond, and Bill Ussery.
- 189.5 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 189.6 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 189.7 Judge Edwards reported at the advice of the County Attorney that the resolution recognizing a vacancy in Quorum Court District Two needs to be removed from the agenda. She further noted that the Baldwin Cell Tower CUP has been appealed and therefore, Item #8 needs to be removed from the agenda.
- 189.8 **A motion was made and seconded to adopt the agenda as amended. The motion passed unanimously by voice vote. The agenda was adopted as amended.**
- 189.9 APPROVAL OF MINUTES: Judge Edwards asked for approval of the minutes of the October 16 regular meeting of the Washington County Quorum Court.
- 189.10 **A motion was made and seconded to approve the minutes as distributed. The motion passed unanimously by voice vote. The minutes were approved.**

- 190.1 **FINANCE REPORT:** C. Clark stated that she only had two appropriation ordinances tonight, but they were big ones with their mileage ordinance and ordinance adopting their 2015 budget.
- 190.2 **C. Clark made a motion to suspend the rules and read the ordinance by title only. R. Bailey seconded. The motion passed unanimously by voice vote.**
- 190.3 **AN ORDINANCE LEVYING THE COUNTY, MUNICIPAL AND SCHOOL DISTRICT TAXES FOR THE YEAR 2014:** C. Clark introduced **An Ordinance Levying The County, Municipal And School District Taxes For The Year 2014**, and County Attorney George Butler read the ordinance by title only.
- 190.4 C. Clark stated that they have talked about this forever and a day in Finance Committee and n one of the levied numbers have changed.
- 190.5 **C. Clark made a motion to adopt the ordinance. T. Lundstrum seconded.**
- 190.6 B. Fitzpatrick stated that there is a reason why the entity that writes the budget has not only taxing authority, but taxing responsibility to fund critical tax payer services. She stated when revenues are projected to be insufficient to provide replacement equipment for the Sheriff and Road Departments, to even consider upcoming issues like EMS needing to take over rural ambulance service at Springdale Fire Department; it gives that entity our duty to raise the millage sufficiently to cover it. She stated that 1 mil of tax liability is what it costs or \$11 per \$100,000, assessed value, per month; and to generate \$3 million in revenue is challenging to meet those capital expenditure replacement items.
- 190.7 **B. Fitzpatrick made a motion to amend the ordinance to increase County General from 3.9 to 4.9 mils. D. Bryant seconded.**
- 190.8 D. Bryant stated that she has done some research on our jail system and noted that about 4% of our population are in jail in the State of Arkansas with only South Carolina reporting more, and we are not getting money from the State to care for those inmates and the State is not going to give them any more money for this purpose. She stated that there is a commitment to cut taxes and if we do, we will be hurting and how will we pay for our jail because \$28 per day is not enough to support it. She stated that this money has to come from somewhere and unfortunately they will probably cut state level taxes and they will be hurting even more in the future. D. Bryant stated that

she would rather spend money on their schools than on their jails, but the fact of the matter is that they will not be getting anymore money from the state.

- 191.1 J. Firmin stated that he was unable to attend the Finance Committee meeting and he is also concerned about the future and planning for the monies that they will need in the future because this budget reflects cuts that they can't sustain, so he will be supporting the motion to increase the millage.
- 191.2 B. Fitzpatrick stated that the ambulance service will set up next year to take over Springdale's rural ambulance service and they will have 2015 to purchase three ambulances at a cost of \$250,000; they will have to hire and train three crews and although they will do the absolute best she can with the budget, they are still talking about \$1 million or more for the first year and probably ½ million for the second year. She stated that they also know that the Sheriff's Department has got a fleet of vehicles which means they need to be replacing some vehicles every year. Further, the Road Department has a fleet of road equipment and every year something ages out or is damaged from snow/ice storms, noting at the end of the clean up from the last such event, they didn't have a piece of road equipment that didn't need repair and the equipment needs to be kept up on a regular basis. B. Fitzpatrick stated that the budget that they are dealing with and will have to stick with because they don't have any capital in the budget and even if this passes, the money won't be available until October 2015. She says that they are banking on being able to borrow money if they need to and borrowing money when you don't have enough to pay your bills already is a less than fiscally responsible thing to do. She stated that when she leaves the Quorum Court, she would like to leave the County in good shape and this is her last attempt.
- 191.3 **E. Madison called for the question. R. Bailey seconded.**
- 191.4 County Attorney George Butler explained that they needed to vote on E. Madison's call for the question and it would take ten votes to cut off debate.
- 191.5 **Judge Edwards called for a vote on the call for the question.**
- 191.6 **VOTING FOR: R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, and B. Ussery. The motion passed unanimously. Debate was cut off.**
- 191.7 County Attorney George Butler stated next they would be voting on the motion to amend the ordinance.

- 192.1 B. Fitzpatrick explained her motion to amend the ordinance to increase County General Fund from 3.9 to 4.9 mils.
- 192.2 **With no further discussion, Judge Edwards called for a vote on the motion to amend the ordinance.**
- 192.3 VOTING FOR: D. Bryant, J. Firmin, and B. Fitzpatrick. VOTING AGAINST: R. Aman, R. Bailey, H. Bowman, C. Clark, R. Cochran, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, and B. Ussery. **The motion to amend the ordinance failed with three members voting in favor and twelve members voting against the motion.**
- 192.4 Judge Edwards stated that they would now return to the original motion to adopt the ordinance.
- 192.5 A. Harbison stated a couple of years ago when they were looking at the road millage and moving some road millage to the general fund and she wanted to bring this up for discussion. At that time, Fayetteville said if we would discuss with them and if they knew that their money would be reduced, that while they wouldn't exactly be in favor of it, they could plan around it. She noted that Fayetteville and Springdale get about 2.5 million of the 1.1 mil and the county only gets about 38% or about 500,000, if they moved ½ mill from road fund to general, then they would get all of it or approximately \$1.5 million. She stated that she was not making a motion to amend the millage ordinance, but asked that the court take a look at and start thinking about that. She noted that while no one likes increase in taxes, this is one way that they could shift some of the burden back to the county because we have roads to build and our road fund is not what it needs to be because of the amount of work that they have and number of bridges that they have that are impaired in some way.
- 192.6 E. Madison stated that she has talked to Mayor Jordan and does not believe that either the City of Fayetteville or City of Springdale would go along with this because this is the way that it has always been. She noted for those who have districts in the city, they have to think about that our constituents rely on that money as well. She appreciates that A. Harbison brought it up, but doesn't believe that it is a good idea to shift around millage just to take more of our share and punishing the cities which she doesn't believe is fair.
- 192.7 R. Bailey stated that Mayor Sprouse and the Springdale Chamber would not approve of this, pointing out that the cities don't get a whole lot of benefit from the road tax and just because so many of them live in the city, they will pay the majority of this and therefore, it just wouldn't be fair. He stated that the cities still have to build roads and put a police department out there and to

take it away from them when they have paid the majority of the road tax anyway, is not fair.

- 193.1 B. Fitzpatrick stated that she would be a lot happier if Fayetteville and Springdale got 50% just like everyone else does, but they get 80% and that means when all is said and done, the County gets the blame for a 1.1 mil road tax and gets about 1/3 of it. She stated that she still would not want to do this because they are already telling the road department that they have to live within their budget and if they reduce their budget by moving it into general, they won't have any roads left in the county.
- 193.2 A. Harbison addressed the comments made to her suggestion, stating that Washington County provides services for all of the citizens in Washington County when they come in this courthouse, but yet their money is cut from rural roads and rural services. She stated that they have an Animal Shelter that was dumped on them by the City of Fayetteville, so they had to build a shelter at a cost of \$2 million and costs \$600,000 or more a year to operate the shelter. She stated that Springdale is getting ready to say they don't want to cover the rural area around Springdale any longer because it is not economically feasible for them to do so, so they are going to dump it back on the county. A. Harbison stated that they need to be good citizens and good neighbors to each other, but the county provides all the services for all the people in Washington County except for streets and roads and the cities come in and get their cut of that. She stated that her main concern is that there are small cities like Prairie Grove, Lincoln, West Fork, Greenland, Winslow and Elkins would loose some money and they don't have very large budgets. However, she thinks this is something that really needs to be discussed and looked at and if necessary, some new legislation proposed.
- 193.3 R. Bailey stated that he believes Springdale has been a good neighbor to the county over the years with rural ambulance service for which they hope to break even, but sometimes don't and it costs them a lot of money. He stated with the growth they have had, they just can't do it anymore and it is not fair to their citizens to pay for the county and that is what is going to happen eventually.
- 193.4 Citizen Comments: There were no citizen comments made.
- 193.5 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**

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

**ORDINANCE NO. 2014-68, BOOK NO. 9, PAGE NO. 476**

- 194.2 AN ORDINANCE RECOGNIZING REVENUES AND APPROPRIATING MONIES FOR THE EXPENDITURES IN EACH FUND FOR WASHINGTON COUNTY, ARKANSAS, FOR THE YEAR 2015, AND ADOPTING A BUDGET FOR THE VARIOUS DEPARTMENTS REFLECTING THE LINE ITEM EXPENDITURES THEREOF: C. Clark introduced **An Ordinance Recognizing Revenues And Appropriating Monies For The Expenditures In Each Fund For Washington County, Arkansas, For The Year 2015, And Adopting A Budget For The Various Departments Reflecting The Line Item Expenditures Thereof**, and County Attorney George Butler read the ordinance.
- 194.3 C. Clark stated that she is proud to say that this only the second time that they got a budget done by November as there were some tense times in Decembers past when they didn't think they would get it done. She thanked all members putting in time, effort and energy and while it is not perfect, she thinks that it is a very good budget.
- 194.4 **C. Clark made a motion to adopt the ordinance. R. Cochran seconded.**
- 194.5 **R. Aman made a motion to amend the ordinance to fund ORT with only \$22,000 instead of \$122,000 and put \$100,000 back into the Road Fund. A. Pond seconded.**
- 194.6 Judge Edwards noted that a representative from ORT is in attendance tonight to provide their bi-monthly report and if there were no objections, she would like to recognize him at this time.
- 194.7 Joel Gardner, Executive Director of Ozark Regional Transit, addressed the Quorum Court reporting in the past year Washington County has provided ORT \$122,970 and they have done some wonderful things for the citizens of Washington County with that money. He stated in 2014, ORT as an organization had made some pretty drastic changes to better serve Washington and Benton Counties and of those things, they ceased a management contract that they found to be overbearing and demanding for the funding sources, and they hired him as an internal Executive Director. He

- noted that they obtained the original funding through the one cent sales tax turnback from Washington County, Bentonville, Fayetteville, City of Rogers, and City of Springdale.
- 195.1 Mr. Gardner stated that ORT added three new fixed routes; one each in Fayetteville, Springdale and Rogers and also added the new rural fixed route which connects West Fork through Greenland, up into Fayetteville, up to Farmington, Lincoln and Prairie Grove and they have had excellent ridership on that, increasing the service by an additional 3%. He further reported that ORT did some in-house retraining; they have maximized their growth efforts; they have taken the demand response model that are the smaller vans that transport people in the more rural areas with door-to-door service that either connects them to the route or to their destinations, increasing that service by 38%.
- 195.2 Mr. Gardner reported that ORT has added 21 new jobs in 2014 with this funding; 4 in maintenance, 3 office staff, and 14 operators. He stated that they have utilized their 5339 Grant to go ahead and take two vehicles where the engine on one and transmission on another had ceased up, and they parlayed that into the purchase of four new used vehicles, with 3 of the 4 now on the road as it takes time for them to install their intelligent transportation information. He stated that they have effectively, with the assistance of Razorback and the Northwest Arkansas Regional Planning Commission, been able to garner \$696,000 for rolling stock from the Federal Highway Administration, moved that over to Federal Transit Administration, and they are about to buy additional rolling stock with that. Mr. Gardner stated that ORT has done everything they can to be extremely frugal, to be great stewards of taxpayer's money, and to grow the services in Washington and Benton Counties.
- 195.3 Mr. Gardner explained that there are three types of services that ORT provides. First, they provide the fixed route with the bus going up and down the road continuously picking people up at predetermined spots; second, the ADA Para-transit which is a federal requirement for them where anybody with an ADA-qualifying event receives the curb-to-curb service that either gets them either from their home or to the bus stop or from their home to their destination, so long as it is within a  $\frac{3}{4}$  mile barrier; and third, the demand response for anybody outside that  $\frac{3}{4}$  mile barrier on a come as you are with no prerequisite, first come first serve which is where they have seen the great growth and development in Washington County. He reported in the two models, just in Springdale and Fayetteville alone, Fayetteville had 2,952 trips, Springdale had 3,144, and Washington County or the addresses that they can't really attribute to any particular city, had 204 individual trips in the unincorporated areas of Washington County.



- 196.1 Mr. Gardner stated that in the demand response trips in Washington County, the ADA para-transit trips, the fixed route trips and the total trips for 2014 so far this year have been 182,826 trips in Washington County alone; in Benton County 66,000 trips; in Carroll County 27,000, so the greatest amount of service ORT is providing is within Washington County.
- 196.2 Mr. Gardner addressed reducing ORT funding by \$100,000, noting that some on this court will say that it really doesn't impact the people they serve. Mr. Gardner challenged them as they are driving up and down any roads in the county to look to the left and look to the right and note how many distracted drivers there are out there at any point in time. He stated that the accidents that are occurring now-a-days used to be attributed to drunken driving, but now can be more attributed to distracted driving from cell phone use. He stated when they question what ORT service is doing for them, 182,826 trips in Washington County that could potentially be taking distracted drivers off the road. He reported that on a regular basis, ORT runs students all the way from West Fork up to Bentonville to NWACC or to the University of Arkansas and provide them a safe environment to travel up and down Hwy. 49 in groups of 40, 20 or 10 where they can use wifi on their buses to do their homework or surf the internet, so they are not a hazard to constituents, but to the court members personally. Mr. Gardner stated when talking about what the \$100,000 will do for any particular road in Washington County, it could potentially removed hundreds, if not thousands of trips per year of people who could be distracted driving; provide people with an opportunity to save money and provide them an opportunity to get to college, to get to work, or to those locations that they need to go. He stated that public transit in Northwest Arkansas is no longer, and has not been for the last two years, a service only for the elderly, the disabled, and is not a charity case for people that have not, but public transit is for people looking for other opportunities other than driving their own vehicles now or in the future, to get to events and beat the traffic. He stated that \$100,000 today invests into the future of public transit in Northwest Arkansas.
- 196.3 In response to a question from Judge Edwards, Mr. Gardner stated that the total of 182,826 riders to date in 2014 in Washington County includes all riders in Washington County as a whole. He pointed out that everyone here represents citizens within Washington County, not just rural or cities.
- 196.4 R. Aman stated that he personally does not want to pay for ORT picking up students to take them to the University or shopping and if he felt it in his heart, he could pay the fee himself. He stated that he has talked to his constituents and many of them are not in favor of the ORT bus coming through town and a couple stated that the location where ORT stops wasn't convenient for them.

- 197.1 Mr. Gardner addressed R. Aman noting when looking at growth and development, when companies are coming into Northwest Arkansas, they use a study technique garnered from the Northwest Arkansas Counsel, and the things that they are looking at is accessibility to airports, the quality of the roads, public transportation so that their workers can get back and forth to work and one of the areas that Northwest Arkansas is falling short on is public transportation.
- 197.2 R. Aman stated that he doesn't have a problem having a bus system in Northwest Arkansas, but doesn't believe that everyone should have to pay for it, rather the person using the service should pay for it.
- 197.3 B. Ussery reported that his son rides an ORT bus everyday to NWACC, as do many of his friends, as it is very convenient for them and he believes it is a great service. He stated that right now, the service is more beneficial for those living in the cities, but also believes it is beneficial for all citizens and gets people where they need to go who otherwise would have to make other arrangements and it would be a lot more costly for his son to go to school if he had to pay for gas and he is grateful for that.
- 197.4 R. Bailey stated that he serves on the facilities board in Springdale, and they have created 48% of the jobs in the last four years, and pointed out that one of the main things these companies look at when coming into a city is the transit system. He stated that he doesn't like to pay taxes either, but is willing to considering that Fayetteville and Springdale have that many riders and further, that is just the way it is. He stated that he does not want to make this a county/city deal and pointed out that in the last six years, one of the things that this Quorum Court has done is to support services in rural areas, roads and bridges, but the cities need this transit service and ORT has made an effort to get it out into the county which has never been done before.
- 197.5 D. Bryant stated that what they do as a group is to provide for their county and public transportation is part of that element and the people who live out in the county probably do so because they can't afford to live in the city, many don't have transportation to work and they want to work and she believes they should honor that. She addressed a comment made by R. Aman that a lot of times when he sees those buses, they are empty, but pointed out that you can't see in the windows of ORT buses to see if they are empty.
- 197.6 B. Fitzpatrick stated that she fully supports public transit and does from multiple points of view – for businesses that are looking for places that have public transit; from the point of view of her own son who when he was working different jobs around the area and lives in southeast Fayetteville, was looking

at paying \$90 a month taking his truck or a monthly pass using transit which he did. She stated from the point of view of those who occasionally use public transit, it has to be there because you can't occasionally use something that isn't there as it is an infrastructure like the roads themselves. She pointed out that she doesn't use the roads on the east side of Washington County, but she pays for them anyway because it is a good thing that they are there. B. Fitzpatrick stated that she uses ORT anytime she goes to the eye doctor because they dilate her eyes and she can't drive afterwards. She reported speaking to the mayor of one of the smaller area towns who told her that public transit is a godsend because there are people in his town who would never be able to make their doctor appointments if not for transit and there are a number of folks such as returning veterans who for one reason or another can't drive, need to be working and rely on transit. She pointed out that they have 182,000 riders for \$122,000 which is less than one dollar per trip. B. Fitzpatrick stated they can do a little bit by all putting this money together and get a big benefit for everybody or pay more to deal with things like food stamps and welfare or pay even more when they go to jail because they couldn't think of anything to do other than something that was illegal, so she would rather pay for the transit.

- 198.1 H. Bowman stated that he has gone from being very negative about the public transit program to far more center of the road, and he really appreciates the positive things that ORT has done. He inquired about what is being done so that ORT can provide service to and from the airport.
- 198.2 Mr. Gardner responded to H. Bowman stating that currently the time frame for ORT to get from point A to point B at the Airport as a fixed route would be impossible to be one time; however, they can provide this service on the demand response service. He explained that one thing about a public transit system is that it is reliable, on time, and always there. He has made multiple trips to the Airport himself, and for one reason or another, he always gets behind a gravel truck and ends up going 10 mph and couldn't even begin to come close to drive the posted speed limits. He stated until the roads get developed and things start moving out to the Airport, one of their future plans is to provide a direct connect from a park and ride location or common area so that people who just need to drive through and either drop off or pick up a family member, it can be done without negatively impacting the Airport or their car rental fees. Currently, he stated that the length of time, 30 minutes to 45 minutes, on any given time his experiences have been that he can't be consistent with the time frames.
- 198.3 H. Bowman stated that he thinks the attitude about traveling to the Airport as far as time requirement to actually get there, to get into line and get onto your plane, etc., it would appear to him that ORT could go ahead and cut some

more slack as far as variance in time travel to provide some trips to the Airport. He stated that he hates to drive to the Airport and leave his car while he is gone. He further pointed out that Carroll County participation with ORT seems to be down dramatically from 2013 and questioned the situation there.

- 199.1 Mr. Gardner responded to H. Bowman that the balances in Carroll County and Berryville go hand-in-hand, as they pay only for the services that they receive. He noted that there is no drain from Carroll County on any other funding sources whatsoever. He stated if you look at the Berryville growth and development vs. the Carroll County loss in development, it has balanced out. Realistically, he stated that the difference could be the death of a couple of people or the movement of a couple of people from that almost unincorporated area that is not quite Berryville into the Berryville addresses. He stated that he knows that there has been some actual fiscal location and movement of people from the residences where they were in 2013 and 2014 and he also knows that there have been some deaths of some of the people in the more rural areas and that has caused that to drop off. He pointed out that the Berryville portion of it has jumped up and more than compensated for the loss.
- 199.2 H. Bowman stated his appreciation to Mr. Gardner for all of the changes that he has made and he hopes the ORT continues the efficiency factors to try to maximize Washington County's benefit for the dollars spent.
- 199.3 J. Patterson inquired about the advertised free rides on the buses; to which Mr. Gardner responded that the Community Development Block Grant managed by a department within the City of Fayetteville that garners passes through ORT and what they do with those passes is totally up to them. He stated that just like any of the other social services they sold the City of Fayetteville the passes and how they divvy them out is totally up to them.
- 199.4 A. Harbison stated that she basically supports transit and for businesses to grow, they have to have a public transit system. However, she pointed out that their County budget is very, very lean and it looks to her like starting next year they could be anywhere from \$9 million to \$15-\$20 million in the hole. She stated that she represents rural Washington County and in just her area, there are probably 15 bridges that need to be replaced because when the State inspects those bridges and puts limited weights on them, then those bridges are impaired and practically all the bridges in south Washington County are impaired. Therefore, even though she supports the idea of public transit and she supports ORT, with this tight of a budget, she will be voting against this because she believes that Washington County needs this money more for roads than they do for public transit.

- 200.1 T. Lundstrum stated that he too appreciates what Mr. Gardner has done for ORT since taking it over. He reported several years ago, he was taken to coffee by the gentleman who preceded him at this job to try to sell him on supporting his program. If memory serves him right, the fee at that time was 75 cents and this gentleman claimed that they just wanted to get it so that they could break even; however he claimed that each ride cost ORT \$15. T. Lundstrum suggested that instead of charging a fee of 75 cents a ride, charge \$15 a ride and then they would break even. He stated that you can't say that something isn't welfare when it is as heavily subsidized as this program is. He stated that he wouldn't have any problem supporting mass transit at all if they would charge a reasonable fee for their services rather than depending on everybody in the county to pay for other people's rides.
- 200.2 In response to a question from T. Lundstrum, Mr. Gardner stated that ORT charges \$1.25 for a one-way trip from Springdale to NWACC, but from the money they get from NWACC, if you are an NWACC student with an ID card holder, they ride for free because NWACC funds it.
- 200.3 T. Lundstrum stated that \$2.50 for a round trip fee from Springdale to NWACC and back is an extremely low price to which Mr. Gardner responded as far as public transit goes, there fees are pretty much right in the middle of the road. T. Lundstrum stated that every transit system out there is heavily subsidized by the government and this includes 80-year-old widows paying taxes too and those are the people that he is concerned about a lot of times because they have just about taxed this country to death. He stated that taxes, as well as regulations and other things that go with it, are really hurting our country. He further noted that NWACC has a parking deck that is ten times as big as the one at our Courthouse with hundreds of parking spaces filled with new cars those kids are driving, so the vast majority of their students are not wanting to ride the bus. He stated you would think at the price ORT is charging the buses would be full as if you have forty people on a forty passenger bus at \$1.25, it would come a lot closer to paying for the route than if there were only a handful of people on the bus. T. Lundstrum stated that he has looked in the ORT bus windows when the sun is on the other side, and can see right through them and that they are empty or occasionally with 5-6 riders.
- 200.4 In response to a question from T. Lundstrum whether there would be a way to increase the prices a little bit; Mr. Gardner stated that the only way that they could increase the prices would be to go through a series of public comment periods, then go through the Board and they have to authorize it, and this was an item on the agenda for the Board when he first came to the area.

- 201.1 T. Lundstrum noted that in talking about safety, they just took 30 plus people to the hospital the other day over mass transit when the trains collided, so mass transit can be very dangerous too. He stated that his main concern is that everyone is paying for it and he will be supporting the amendment to the ordinance.
- 201.2 C. Clark stated that she pays a lot of taxes for three companies and every time she pays her taxes, she closes her eyes and envisions that she is confident she knows where her tax dollars are going to go and she ignores the places she doesn't want them to go. She stated that their monthly sales tax and county sales tax pay a lot of their salaries every month so she is perfectly content that some of those tax dollars go to mass transit because it helps people. She addressed the idea of putting this \$100,000 into their Road Department, stating that all four roads through the county come from roads in the cities, but ½ cent sales tax has just provided this county with 1.294 million in anticipated revenues next year which is above and beyond what they started with six years ago when they came on this board because they passed the sales tax to support their roads. She stated that the \$100,000 they are wanting to cut from mass transit will certainly not build a bridge which she wasn't aware were such a critical issue until last year, but all it will do is deny people transportation who are using transportation.
- 201.3 B. Clark stated more importantly, this would be breaking a contract they made in good spirit with ORT this year when they asked ORT to show them what they were going to do and how it was working and they would give them an addition for a year, and every quarter Mr. Gardner has come before them and given his report on the new route put in across the county and shown them that ridership has increased. She stated that everybody is not taking a bus, but she did as a student at LSU and it saves college students a fortune, so maybe if it catches on around here and in college they ride a bus, when they get older and move into the cities, they will continue that practice and our carbon footprint goes down, etc. C. Clark stated that it truly distresses her that they have a contract with these folks that the Quorum Court will look at next year to see if what they put in place is working, so why are they taking this preemptive strike now. She further stated that \$100,000 is not a lot and certainly won't save the road budget which is already getting a new infusion of funding from the state. She reported when they voted on this in the Finance Committee, the vote was tied and she got to break that tie and she hopes she can do the same tonight because this is not money they need to take out of this budget right now. Rather, they can look at it next year when they can truly sit down and have a dialogue, look at all of the numbers, hear from some of the people, and then take it out if they choose to, but she hopes that they don't.

- 202.1 R. Bailey stated that it just comes down to priorities and anyone who has served with him on this Quorum Court knows how conservative he is in spending money. He stated that he hates to make it a county and city deal but it looks like that is what it is going to be.
- 202.2 R. Cochran stated that Mr. Gardner came in as the new Director of ORT and showed them a new vision, asked the Quorum Court for support which they voted on a while back and he hates to see that they are considering taking support away from ORT given what they have seen their track record was for this past year. He stated that it is amazing what has been done to consolidate, re-route and expand routes with the same money or a little bit more and he applauds Mr. Gardner for his efforts and supports him in what they have already contracted with ORT to go through this next year and he believes that with his continued effort, it will be very easy to approve similar funding in years to come.
- 202.3 County Attorney George Butler responded to a question from C. Clark that this motion to amend the ordinance would need 8 votes to pass.
- 202.4 B. Pond stated that he has never not supported public transit and there was one time when ORT wanted ¼ cent sales tax and he had never voted against such a request, but he did on that one, not because he is opposed to ORT, but because ¼ cent was a little bit too much money. He stated this time he will be voting to support R. Aman's motion, not because he opposes ORT, but it has to do with so many rural people that he represents and their county roads and bridges. He recalls bringing up roads and bridges when a lady came to one of his committees wanting to build an animal shelter and he explained to her that the county had so many people that needed their transportation system of roads and bridges improved and it was difficult for him to get interested in an animal shelter. B. Pond pointed out that they are talking about county bridges that ORT would not be able to get one of their buses across as the weight limit wouldn't support it.
- 202.5 J. Mardis asked if they vote to accept this amendment to the ordinance, whether that would break their contract with ORT, to which County Attorney George Butler stated that it wouldn't. The contract was just for one year.
- 202.6 J. Mardis stated that he will not be supporting the amendment because they need to stick with the contract that they have and then next year, they can address these issues again.
- 202.7 R. Aman stated that last year when they asked for more money, ORT was wanting to expand into western Washington County and still provide service

to the rest of the county. He stated that the figures for para-transit show only 64 rides so the \$22,000 remaining could possibly take care of that.

- 203.1 Mr. Gardner responded to R. Aman, stating if he is talking about the ADA demand response and that is just people who had an ADA-qualifying event that live within that  $\frac{3}{4}$  mile barrier. He stated if the \$122,970 decreases, it will extremely limit his capability of providing the fixed route which provides the ADA demand response that goes with it, he doesn't know what their board would decide to do with the \$100,000 shortage, but he can't run a \$140,000 route on \$22,000. He further stated the demand response line and fixed route in 2014 of 159 compared to 8 in 2013, they are talking about several thousand time increase in what they have been able to do with just five times the money and that was just in the city of West Fork.
- 203.2 Mr. Gardner further addressed B. Pond's concerns about the rural bridges, they do have the vehicles that weigh only 5,000 pounds or 8,000 pounds that do a lot of the servicing for the rural demand response that can still access those bridges, but without the funding, he doesn't know what he will do as far as providing service to those areas.
- 203.3 E. Madison stated that you can't increase ridership on public transit unless you have reliable public transit and this route has only been in effect for less than one year. Therefore, if the funding is going to be subject to this kind of debate every year, no one will ever be able to depend on this route and they will never actually see the route truly at its best, so they need to continue to give this a chance.
- 203.4 Mr. Gardner stated one of the things that has really started to drive this is the commitment by his staff to the consistency of the route, the guarantee that the timeliness is going to be there, and safety is what builds ridership because people have to learn to trust that they will be there.
- 203.5 B. Fitzpatrick noted that the para-transit demand response service is within  $\frac{3}{4}$  of a mile from the nearest fixed route so if they pull a fixed route, then the para-transit service goes away too.
- 203.6 Mr. Gardner concurred with B. Fitzpatrick's statement, adding that the only thing that would remain would be the demand response model.
- 203.7 Citizen Comments: There were no citizen comments made.
- 203.8 **With no further discussion, Judge Edwards called for a vote on the motion to amend the ordinance.**



- 204.1 **VOTING FOR:** R. Aman, A. Harbison, T. Lundstrum, J. Patterson, and B. Pond. **VOTING AGAINST:** R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, E. Madison, J. Mardis, and B. Ussery. **The motion to amend failed with five members voting in favor and ten members voting against the motion to amend.**
- 204.2 Judge Edwards stated that they were now back to the original motion to adopt the ordinance.
- 204.3 E. Madison thanked C. Clark as their chair for her hard work this year on the 2014 budget and she was given a round of applause.
- 204.4 **Citizen Comments:** There were no citizen comments made.
- 204.5 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 204.6 **VOTING FOR:** R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, and B. Ussery. **VOTING AGAINST:** R. Aman. **The motion passed with fourteen members voting in favor and one member voting against the motion. The ordinance was adopted.**
- ORDINANCE NO. 2014-69, BOOK NO. 9, PAGE NO. 514**
- 204.7 **COMMITTEE REPORTS:** J. Patterson, Chairman of the County Services Committee, reported that the committee met on November 3 and received a report from the Washington County Planning Office and Animal Shelter. They further discussed an ordinance amending Washington County Code 2.2 regarding smoking and they voted to forward it onto the Full Quorum Court with a do-pass recommendation.
- 204.8 E. Madison, Chairman of the Public Works Committee, reported that that this committee met on November 3 and had a lively discussion about the use of County vehicles that focused on the cost of county employees using county vehicles to get to and from home. She stated that they talked about rules perhaps that could be imposed for use of county vehicles as well as time-keeping in the Road Department. She reported that they left the meeting with this issue still open for discussion and their next meeting will be with the county department heads who have take home vehicles who will justify why their employees take them home.
- 204.9 B. Pond, Chairman of the Personnel Committee, reported that this committee did not meet this month due to lack of an agenda.

- 205.1 T. Lundstrum, Chairman of the Jail/Law Enforcement/Courts Committee reported that this committee did not meet due to lack of an agenda.
- 205.2 C. Clark, Chairman of the Finance and Budget Committees stated she had nothing further to report.
- 205.3 AN ORDINANCE AMENDING WASHINGTON COUNTY CODE 2.2 REGARDING SMOKING: E. Madison introduced **An Ordinance Amending Washington County Code 2.2 Regarding Smoking**, and County Attorney George Butler read the ordinance that is on first reading and being recommended by the Public Works Committee.
- 205.4 He pointed out that language in the ordinance that was stricken through was being repealed and language that is underlined is the new language.
- 205.5 E. Madison stated that this was something that came out of the Public Works Committee's discussion about county vehicles as they noted an inconsistency between the county ordinance and employee handbook regarding smoking and then in the course of that, they found other things that needed to be updated as they no longer allow smoking in any respect at the County Jail. She stated in some respects this is making them compliant with State law and the no smoking law that passed in the state. E. Madison further stated once the ordinance was proposed, it was brought to her attention that there were people who wanted more included, such as the use of e-cigarettes and any tobacco product. She reported after these amendments were made at the committee meeting, Human Resources Administrator Lindsay Huffaker thanked her for making these clarifications in the handbook because they had had some questions come up about what are the boundaries of smoking.
- 205.6 **E. Madison made a motion to suspend the rules and place the ordinance on second reading by title only. C. Clark seconded. The motion passed unanimously.**
- 205.7 County Attorney George Butler read **An Ordinance Amending Washington County Code 2.2 Regarding Smoking** by title only.
- 205.8 **C. Clark made a motion to suspend the rules and place the ordinance on third and final reading by title only. J. Mardis seconded. The motion passed unanimously.**
- 205.9 County Attorney George Butler read **An Ordinance Amending Washington County Code 2.2 Regarding Smoking** by title only.
- 205.10 **E. Madison made a motion to adopt the ordinance. C. Clark seconded.**

- 206.1 H. Bowman stated that he has spoken to some County Road Department employees regarding this issue and believes if they are working around people in the outdoors, such as road crews, truck drivers, etc., many of these people have a tobacco habit of some kind, whether it be chewing tobacco or cigarettes, to limit all of that kind of activity on the job is overkill and pushing the limits in his opinion. He stated that they impose a great deal of pressure on some of their road crews especially and while he hates smoking and is totally supportive of this rule when it comes to smoking indoors, but he doesn't know if they can enforce this when it comes to other employees such as road crews. He stated that they are going to be imposing a lot of difficult circumstances on some of their crews working outdoors and thinks they need to rethink this.
- 206.2 In response to a question from R. Cochran about whether this ordinance as it reads includes exterior outside activities; County Attorney George Butler stated that it reads, "Smoking will not be permitted in County owned vehicles," which is state law.
- 206.3 R. Cochran stated that a company he used to work for that had 2500 trucks on the road all the time and while it was illegal to smoke within the vehicle, it did not prescribe what they did outside the vehicle, as when they are on the dock. He stated that he doesn't see this as limiting the outdoor activities of road crews and therefore, doesn't understand H. Bowman's objection.
- 206.4 B. Fitzpatrick stated that this amendment does not prevent people who are outside of an enclosed area from smoking, but if they are in an enclosed area, it is state law that they can't smoke and this is just putting their ordinance in line with that.
- 206.5 A. Harbison stated that the ordinance refers to "county owned vehicles", and asked if that included graders, bulldozers and tractors; to which County Attorney George Butler responded that "county owned" means any motor vehicle owned or controlled by the county. He stated that the question then becomes what is considered a "motor vehicle" and there are some motor vehicle definitions in state law and they have had to look at that to know what they have to insure and whether a piece of heavy equipment was capable of being self-propelled on the road.
- 206.6 A. Harbison stated that they are talking about vehicles that move on public Highways to which County Attorney Butler responded that this is not defined in their ordinance, but the way it is defined by the state for insurance purposes, they look at whether the vehicle is capable of being self-propelled to move along highways. He stated that unless they define that in this ordinance or exclude something from this ordinance, he wouldn't be able to

give her an absolute yes or no. He further noted that the way it is defined by the state for insurance purposes may not be controlling.

- 207.1 A. Harbison stated that she does have a problem with people using tobacco in enclosed vehicles, but if someone is working on a tractor brush hogging and that kind of thing, she wouldn't have a problem with that. She believes that they should amend the ordinance to exclude those situations discussed.
- 207.2 H. Bowman suggested that they amend language in Article 1(c)(3) to read, "Smoking means holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of a pipe, cigar, or cigarette of any kind, and includes use of any tobacco product and electronic cigarettes," because that definition excludes the use of any kind of tobacco, including chewing tobacco, in company vehicles.
- 207.3 E. Madison stated that state law requires that they don't have a choice because the Arkansas Department of Health has interpreted the Arkansas Clean Indoor Air Act to state, ". . . smoking is prohibited in all vehicles and enclosed areas, owned, leased or operated by the State of Arkansas... including its political subdivisions," of which we are one. She stated that if they allow people to smoke in their vehicles, if it is a county-owned vehicle, think about the person that gets the vehicle next, comparing this to renting a car or motel room that has been smoked in. She stated that is what they would be subjecting county property to if they make exceptions to this rule and in talking to Lindsy Huffaker, she appreciated the expansion of smoking to include these other things. She does not want to see a chew cup from someone who dips tobacco in a county vehicle or on a desk where the public is present. E. Madison stated that she didn't realize that this would be so controversial, but believes that this is something that they have to do to be compliant with state law; that inclusion of tobacco products and e-cigarettes is compliant with what HR wants; and further, is consistent with the wellness efforts that they have been trying to encourage in the county.
- 207.4 T. Lundstrum stated that he smoked 2-3 packs of cigarettes per day for 18 years and quit in 1977 and while he loved them while he was smoking, he can't hardly stand to be around it now. He believes when you smoke in any kind of enclosed environment, you create an unhealthy environment and maybe the same employee on the road crew doesn't run those tractors every time which not only is unhealthy, but is unpleasant. He added that besides it being state law, this should be a pretty simple thing to approve.
- 207.5 C. Clark stated that she doesn't like to see people texting when driving, nor does she like to see them smoking when driving, because that means they are distracted and she doesn't want someone on a big bulldozer deciding

they want to take a smoke. She reminded the court that they pay for the county health insurance and someone who gets lung cancer from smoking creates a major claim. She noted that employees are given breaks and smokers tend to take more breaks and then they want to rule break. She stated as a child of two smokers, she is adamantly opposed to it.

208.1 R. Aman stated maybe they should ban donuts in the Sheriff's vehicles due to too much sugar, stating he believes they have gone too far with this. He can't support this ordinance either and while he can understand banning smoking in buildings, but not on tractors, etc.

208.2 B. Pond concurred with R. Aman about all that sugar. He stated that he doesn't know why they are doing this because it is already against state law and he doesn't see the sense in duplicating it.

208.3 Citizen Comments: There were no citizen comments made.

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

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

**ORDINANCE NO. 2014-70, BOOK NO. 9, PAGE NO. 524**

208.6 AMENDMENT TO THE EMPLOYEE HANDBOOK: E. Madison stated in conjunction with the previous agenda item, the Public Works Committee is recommending a proposed amendment to the Smoking Policy. Changes to the Employee Handbook must be approved by a majority vote of the full Quorum Court.

208.7 **E. Madison made a motion to amend the Employee Handbook to make it consistent with the Smoking Ordinance. C. Clark seconded.**

208.8 **With no further discussion, Judge Edwards called for a vote on the motion to amend the Employee Handbook.**

- 209.1 **VOTING FOR:** R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, and B. Ussey. **VOTING AGAINST:** R. Aman. **The motion passed with fourteen members voting in favor and one member voting against the motion. The Employee Handbook was amended.**
- 209.2 **OTHER BUSINESS:** Judge Edwards stated that the County Judge's Report was left off the agenda tonight in error and she has a couple of board reappointments for the court to consider.
- 209.3 Judge Edwards stated that she is requesting the following board members be reappointed to their positions on the County Planning Board: Daryl Yerton, Kenley Haley, and Cheryl West. She stated that all three individuals are an asset to the Planning Board and have agreed to being reappointed for another 4-yaer term.
- 209.4 Judge Edwards reported that the Board of Directors of Washington Regional Medical Center has requested Quorum Court approval of Dr. Gareth Eck to serve an additional six-year term as a member of the WRMC Board of Directors beginning January 1, 2015.
- 209.5 Judge Edwards stated that the term of Mr. Phil Phillips, Jr., one of Washington County's two representatives on the NWA Regional Airport Authority will expire on December 31. She noted that Mr. Phillips has been a valuable asset to the Authority and she is asking for confirmation of his reappointment fo9r another 6-year term.
- 209.6 **A motion was made and seconded to approve and confirm the board reappointments. The motion passed unanimously by voice vote. The board reappointments were confirmed.**

**CITIZEN COMMENTS:** There were no citizen comments made.

**ADJOURNMENT:** The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Jessica Biondi  
Quorum Court Coordinator/Reporter

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 APPROPRIATING THE AMOUNT OF \$6,115 FROM THE GENERAL FUND TO THE COUNTY ATTORNEY'S BUDGET FOR 2015.

WHEREAS, the Quorum Court has approved Ordinance No. 2014-69 adopting the County Budget for the Year 2015; and,

WHEREAS, the amount approved for the County Attorney Budget needs to be adjusted.

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

ARTICLE 1. There is hereby appropriated an additional amount of \$6,115 from the General Fund to the following line items in the County Attorney's Budget for 2015:

<u>County Attorney</u>	
Full-time Salaries, Slot 0122001 (10000122-1001)	\$ 5,000
Social Security Matching (10000122-1006)	383
Noncontributory Retirement (10000122-1008)	<u>732</u>
 TOTAL APPROPRIATION:	 <u>\$ 6,115</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 ENACTED BY THE QUORUM COURT  
OF THE COUNTY OF WASHINGTON,  
STATE OF ARKANSAS, AN ORDINANCE  
TO BE ENTITLED:**

**AN ORDINANCE ESTABLISHING ADDITIONAL  
OPERATING FUNDS, AND RECOGNIZING AND  
APPROPRIATING REVENUES TOTALLING  
\$1,280,652 TO THOSE FUNDS FOR 2014.**

**ARTICLE 1.** The following Operating Funds are hereby established for 2014:

- 3551 Tyson Project
- 3552 ACEDP Phase II
- 3553 Summers Substation Grant
- 3554 AAF Project
- 3555 USDA Water Project

**ARTICLE 2.** There are hereby recognized additional revenues totaling \$1,280,652 as outlined in Attachment "A" and summarized by Fund as follows for 2014:

1000 County General	\$ 71,110
3551 Tyson Project	166,404
3552 ACEDP Phase II	463,410
3553 Summers Substation Grant	57,911
3554 AAF Project	263,283
3555 USDA Water Project	<u>258,534</u>

**TOTAL REVENUES: \$ 1,280,652**

**ARTICLE 3.** There is hereby appropriated the total amount of \$1,280,652 to line items in various budgets as outlined in Attachment "B" and summarized by Fund as follows for 2014:

1801 Central Supplies	\$ 71,110
3551 Tyson Project	166,404
3552 ACEDP Phase II	463,410
3553 Summers Substation Grant	57,911
3554 AAF Project	263,283
3555 USDA Water Project	<u>258,534</u>

**TOTAL APPROPRIATION: \$ 1,280,652**

\_\_\_\_\_  
MARILYN EDWARDS, County Judge

\_\_\_\_\_  
DATE



\_\_\_\_\_  
BECKY LEWALLEN, County Clerk

Sponsor: \_\_\_\_\_

Date of Passage: \_\_\_\_\_

Votes For: \_\_\_\_\_ Votes Against: \_\_\_\_\_

Abstention: \_\_\_\_\_ Absent: \_\_\_\_\_

FUND	FUND	REVENUE CODE	REVENUE
1000 COUNTY GENERAL	1000	8808 TRANS FROM CENTRAL SUPPLIES	71,110.00
			71,110.00
3551 TYSON PROJECT	3551	7109 OTHER FEDERAL GRANTS	166,404.00
			166,404.00
3552 ACEDP PHASE II	3552	6999 CARRYOVER	10.00
3552 ACEDP PHASE II	3552	7109 OTHER FEDERAL GRANTS	463,400.00
			463,410.00
3553 SUMMERS SUBSTATION GRANT	3553	7109 OTHER FEDERAL GRANTS	57,911.00
			57,911.00
3554 AAF PROJECT	3554	7109 OTHER FEDERAL GRANTS	263,283.00
			263,283.00
3555 USDA WATER PROJECT	3555	6999 CARRYOVER	834.00
3555 USDA WATER PROJECT	3555	7109 OTHER FEDERAL GRANTS	257,700.00
			258,534.00

FUND	FUND/DEPT	EXPENDITURE CODE	EXPENDITURES
1801 CENTRAL SUPPLIES	1801 8888	9999 TRANSFERS OUT	71,110.00
			71,110.00
3551 TYSON PROJECT	3551 0151	4006 CONSTRUCTION IN PROGRESS	166,404.00
			166,404.00
3552 ACEDP PHASE II	3552 0152	2022 PLUMBING AND ELECTRICAL	162,502.00
3552 ACEDP PHASE II	3552 0152	3004 ENGINEERING AND ARCHITECTURAL	96,024.00
3552 ACEDP PHASE II	3552 0152	3009 OTHER PROFESSIONAL SERVICES	10,039.00
3552 ACEDP PHASE II	3552 0152	3040 ADVERTISING AND PUBLICATIONS	195.00
3552 ACEDP PHASE II	3552 0152	4006 CONSTRUCTION IN PROGRESS	194,650.00
			463,410.00
3553 SUMMERS SUBSTATION GRANT	3553 0593	3004 ENGINEERING AND ARCHITECTURAL	6,000.00
3553 SUMMERS SUBSTATION GRANT	3553 0593	3060 UTILITIES-ELECTRIC	150.00
3553 SUMMERS SUBSTATION GRANT	3553 0593	4002 BUILDINGS	44,085.00
3553 SUMMERS SUBSTATION GRANT	3553 0593	3009 OTHER PROFESSIONAL SERVICES	7,300.00
3553 SUMMERS SUBSTATION GRANT	3553 0593	3040 ADVERTISING AND PUBLICATIONS	376.00
			57,911.00
3554 AAF PROJECT	3554 0154	2002 SMALL EQUIPMENT	240,600.00
3554 AAF PROJECT	3554 0154	3009 OTHER PROFESSIONAL SERVICES	22,264.00
3554 AAF PROJECT	3554 0154	3040 ADVERTISING AND PUBLICATIONS	419.00
			263,283.00
3555 USDA WATER PROJECT	3555 0155	3005 SPECIAL LEGAL	4,753.00
3555 USDA WATER PROJECT	3555 0155	4006 CONSTRUCTION IN PROGRESS	253,780.00
3555 USDA WATER PROJECT	3555 8888	9999 TRANSFERS OUT	1.00
			258,534.00

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 REVENUES TOTALLING \$92,651 IN VARIOUS FUNDS; AND APPROPRIATING THE TOTAL AMOUNT OF \$92,651 FROM VARIOUS FUNDS TO VARIOUS BUDGET LINE ITEMS FOR 2014.

ARTICLE 1. There are hereby anticipated additional revenues totaling \$92,651 in the following revenue line items for 2014:

General Fund	Reimbursement-Salaries (1000-8727)	\$ 41,834
Jail Fund	Reimbursement-Salaries (3017-8727)	<u>50,817</u>
TOTAL REVENUES:		<u>\$ 92,651</u>

ARTICLE 2. There is hereby appropriated the total amount of \$41,834 from the General Fund to the following line items in the Sheriff Law Enforcement Budget for 2014:

<u>Sheriff – Enforcement</u>		
Salaries, Part-time (10000400-1002)		\$ 1,675
Overtime (10000400-1005)		31,562
Social Security Matching (10000400-1006)		2,543
Noncontributory Retirement (10000400-1008)		4,906
Workers Compensation (10000400-1010)		<u>1,148</u>
TOTAL APPROPRIATION:		<u>\$ 41,834</u>

ARTICLE 3. There is hereby appropriated the total amount of \$50,817 from the Jail Fund to the following line items in the Jail Budget for 2014:

<u>Sheriff - Detention</u>		
Overtime (30170418-1005)		\$ 40,375
Social Security (30170418-1006)		3,089
Noncontributory Retirement (30170418-1008)		5,960
Workers Compensation (30170418-1010)		<u>1,393</u>
TOTAL APPROPRIATION:		<u>\$ 50,817</u>

\_\_\_\_\_  
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, December 1, 2014  
5:30 p.m.  
Washington County Quorum Court Room

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

Others Present: Harvey Bowman, Rick Cochran, Candy Clark, Butch Pond, George Butler, Ann Harbison, Diane Bryant, Sue Madison, Joel Walsh, Brian Harris, Belva Clark, Bobbie Harris, Kurt Cypert, Marla Cypert, Marilyn Edwards, Diana Persing, Brian Persing, Steve Ralston, Samuel Wendt, L.H. Moore, Charles Ward, Sheryl Harris, Lisa Ecke, Jay Cantrell, Randall Denzer, Steve Lewis, John Luther, Renee Oelschlaeger, Jennifer Hinkle, Ron Wood, Jerry Bolinger, Cheryl Bolinger, Don Coleman, Shawn Shrum, Dan Short, Renee Biby, Peter Loris, and Dan Holtmeyer (NWA Times).

The meeting was called to order by Chairman Joe Patterson. The agenda was adopted as presented.

Report from the Washington County Planning Office. Juliet Richey Planning Director reported that there was one Conditional Use Permit approved for the Baldwin Park Cell tower, which was approved. However, a neighbor has filed an appeal. Hughmount Road subdivision Final Plat was approved with 56 acres and 128 single family lots. The Rich Red Dirt Pit Conditional Use Permit was denied due to safety concerns onto Harmon Road. The upcoming December meeting has a minor subdivision and a regular subdivision coming up with a variance proposed.

Update from the Lester C. Howick Animal Shelter. County Judge Marilyn Edwards stated that the report has been disbursed, Angela Ledgerwood, Animal Shelter Director, was unable to attend the meeting.

Chairman Joe Patterson stated starting the first of the year he would like someone present every other month starting in January and then in March, etc. for 2015.

Update from the Washington County Election Commission. Election Coordinator Jennifer Price reported on the problems with the November election count. The first day of early voting had an error on the ibutronics and took longer than anticipated to count.

Eva Madison asked what the cause of the problem was? Jennifer Price replied that the system that is being used was set up in 2005 and runs on XP. It was setup to work off of a paper ballot and then load everything into the ibutronic part. There was a box that should have been selected that wasn't, but it showed on the tape, when proofing the ibutronic. The fix for the future is one, hoping to get a new voting system, but actual pdfs will be printed of the ibutronic screen shots and checked. Eva Madison stated that she received some very frustrated complaints from people by midday the next day that said they couldn't get results by noon the next day. Jennifer Price replied that she posted the results at 3:30 a.m. both to the Secretary of States' website and to the County's website. Eva Madison stated that the process seemed disorganized and like the Election Commission didn't know what it was doing. Jennifer Price replied that it became clear around midnight that something had to be given. The results were in from Election Day and from early vote and the talk then became that something would be released and then finish entering the ballots from October 20<sup>th</sup>. She is hopeful that no one loses confidence, the process that happened on election night was very time consuming, but it worked and was correct. Eva Madison stated that it creates a perception problem. Next, she asked if there were polling places that stayed open after 7:30 because people were still in line? Jennifer Price replied that some of the larger polling places were still voting people and getting them through close to 8:15. She is hopeful to get a new voting system so the paper ballots can be counted at the polling places all day long, and then on election night it would just be to read a card. It will make election night go smoother and the wait won't be so long. In 2006 the State gave the County \$576,000, that gave the touch screens and the three 650s. What the County needs to replace what it has right now is a little over a million dollars, she is unsure how much the State will give.

Rex Bailey commented that the integrity of the vote is more important than the speed of the count. Jennifer Price stated that this mistake won't happen again. She strives to be accurate, and she felt good after the election that the numbers were right.

With no other business or citizen comments, the meeting adjourned at 5:54 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, December 1, 2014  
5:30 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, George Butler, Diane Bryant, Barbara Fitzpatrick, Sue Madison, Brian Harris, Kurt Cypert, Marla Cypert, Brian Persing, Steve Ralston, Samuel Wendt, L.H. Moore, Charles Ward, Sheryl Harris, Bobbie Harris, Diane Persing, Marilyn Edwards, Dan Short, Renee Biby and Dan Holtmeyer (NWA Times).

The meeting was called to order at 5:55 p.m. by Chair Eva Madison. The agenda was adopted moving the discussion on Smokey Bear Road before the discussion of County vehicles.

**Discussion on Smokey Bear Road- JP Eva Madison.** Belva Clark, a citizen who lives on Smokey Bear Road addressed the Committee. She stated that she was approached by the neighbor and didn't want to sign. She then heard from the County, who was already there with the equipment, she objected and Charles from the Road Department told her they would have over the weekend to think about it. After that, another employee said they needed an answer then. She felt like she needed more time to make a good decision. Eva Madison asked if the first contact from the County was in person? Ms. Clark stated that it was, and she regrets signing anything.

Rex Bailey asked Ms. Clark if she knew that she could be compensated for the land? County Attorney George Butler replied that the County doesn't condemn property in general, unless there is a state project where they require the County to condemn it and pay damages. Projects of this nature, in general, if one person won't give the right of way then the County Judge won't do the project.

Ms. Clark stated that she appreciates the Road Department and noted that they have always taken care of them, but she is worried about speeders coming through, especially if it is paved. Eva Madison asked if Ms. Clark received anything in writing from the County? Ms. Clark replied no. Eva Madison asked if since Ms. Clark was at the Finance



Committee meeting if she has heard from anyone from the County? Ms. Clark replied no, Mr. Shrum stated he would get back with her but he has not.

Ann Harbison noted that Ms. Clark signed the easement and agreed to widen the road. Eva Madison stated that she could have signed it under duress which would mean it is not valid. Ann Harbison replied that it is a safety issue, there are school busses that need to get down the road. She further added that this road is in her district, and she would appreciate further concerns be addressed to her. She has been told that the road being paved is not on the agenda at this time or anytime in the near future.

Rex Bailey stated that he is upset with the County taking land that this lady paid for and did not offer to compensate her.

Eva Madison asked what the Court could do for Ms. Clark now? Ms. Clark replied that she doesn't know. Eva Madison stated that she doesn't think it is appropriate at all for citizens to be greeted in person. She apologized to Ms. Clark.

Rick Cochran asked if there are policies or procedures on how the County interacts with citizens? George Butler replied he doesn't know how this project was handled. Rick Cochran stated that there should be a written policy in how situations such as this are handled in the future. He believes that the Committee needs to act in a way that prohibits this in the future.

Donnie Coleman, Road Superintendent, stated that he is very sorry that she felt pressured. She did inform the Road Department that she did not want to grant the easement and so he went back and talked to the gentleman on the other side of the road and they moved the road so no trees were cut on Ms. Clark's side. Ms. Clark's fence is still standing just as it was the first day the project began. The property across the road was a deep ravine, rocks have been put there and they are building it up to put a road bed through there. The plan is to widen it enough to allow school busses to travel the road safely, there is no plan to pave the road. This process has been going on for over a year. It would have saved a lot of work to go onto Ms. Clark's property, however, she didn't want it and therefore, the work has been moved across the street. Until today, the Road Department did not believe they were on any of Ms. Clark's property.

Eva Madison asked if a survey is done beforehand? Donnie Coleman replied no. Eva Madison asked if it is standard practice for people to receive notice ahead of time? Donnie Coleman replied that was not done on this project. On this project there were two other jobs done and this road was just done in between those, while waiting on ADEQ permits.

County Attorney George Butler stated that the easement was filed, but it can be amended.

Candy Clark asked if surveys are done to figure out the legal description of the property? George Butler replied that is not done and is cost prohibitive. Candy Clark added that bothers her, it is an ambiguous process that concerns her. She would like notification to be sent for anyone affected. She is shocked that the Road Department doesn't notify people to allow them time to think about it. The County is growing, perhaps the approach to some of these issues needs to be more sophisticated. She feels that citizens should have fair and due process notification.

George Butler asked if there was a petition? Donnie Coleman replied that Mr. Ralston came in with a petition signed by what he understood were all the residents on the road.

Tom Lundstrum commented he was confused, he doesn't know how something can be amended if there is not a legal description. George Butler replied that there is a form, they attach a legal description to the document, they have their entire piece of property and then it says they are going to take x feet. The County is not described in lots and blocks, as it is in cities.

Jimmy Mardis cautioned everyone to be careful in adding cost prohibitive restrictions that may prevent someone getting assistance in the future.

Ann Harbison added that she thinks these issues are better left to the Road Department. She stated that there wouldn't be county roads if people didn't donate land, and then when they do give the land the landowner still pays taxes on it, but that is just the cost of living in the county. Butch Pond concurred, he has county roads on two sides of his property and he appreciates having those roads. He does not agree with adding costs to require surveys with the bare bones budget that the Road Department has, which has been drastically cut.

Joe Patterson asked if something simple like a registered letter could go out to prevent this issue in the future? Shawn Shrum replied that this is not an everyday kind of occurrence. Donnie Coleman added in 18 years that he has worked for the Road Department he is only aware of two right of ways being paid for. Eva Madison stated that she doesn't feel it is fair that one citizen is being picked on. She thinks that advance notice in writing would save this from happening again.

County Judge Marilyn Edwards stated that she is responsible for county roads, and she doesn't see any reason for the court to hash this out, as it is her responsibility as County Judge to oversee the county roads.

Steven Rossen addressed the Committee. He started this process several years ago and is grateful for the Road Department doing this work. The road is dangerous for two cars going down the road, it is dangerous for school busses to travel down.

Brian Harris, a new resident of Washington County, stated that he and his wife gladly relinquished 1/3 acre of their property with the hope that the road would be widened. The

road is a dead end road, so for the most part traffic consists of people who live there going to and from their homes. He believes that the majority of the people on this road are in favor of improving the road.

Jean Harris, who has lived on this road for 33 years, commented that when she moved onto the road it was horrible. She is grateful to the Road Department for working on the road. She believes that the better the road is the better class of people that will move to the area.

Kurt Cypert, another resident of this road, commented that he supports the road improvements, he would gladly give up any property to have a good road out there.

Continued Discussion on County Vehicles. Judge Edwards stated that she has driven a county vehicle since she has been in office. She is on call 24/7 and all the County Judges prior to her have driven county vehicles.

Eva Madison asked how many times the Judge has been called out on emergencies? Judge Edwards replied that there was a tornado in Cincinnati, there were floods, there was an ice storm and various other issues that she cannot give dates on.

Road Superintendent, Shawn Shrum, reported that it depends on the job as to who gets a vehicle to drive home. He has worked to decrease the number of take home vehicles by 17 at this time, the new construction crew and brush hogs.

Candy Clark asked how the County's policy differs from the State or Cities? Shawn Shrum replied that most of the construction workers you see on state highways consist of individual contractors, rather than state employees.

Eva Madison asked if there are ever incidents where someone may be in the shop multiple days in a row? Shawn Shrum replied no. Eva Madison stated that it seems like the trucks are used more as an incentive package. Shawn replied that he believes parking all of the vehicles will result in lost production.

Harvey Bowman asked everyone to recognize the responsible manner Shawn has handled the request of the Court to reduce the number of take home vehicles. He made a motion to leave the purview of vehicles that are taken home to the Road Superintendent and to have him give quarterly reports regarding the use of county vehicles. Eva Madison objected that there has to be a policy and it is not up to the Road Superintendent to determine the vehicle policies. She believes that the Court has to get a hold on this issue. Harvey Bowman replied that he thinks it would be completely ridiculous for the members of the Court to draw up a policy. He believes that the Road Department should be given guidelines and proceed as they see fit. The motion is to allow Shawn to continue with the process he started and give him the flexibility to do what is most efficient and bring quarterly reports in how the changes affect mileage and usage. Ann Harbison seconded.

Eva Madison stated that she doesn't think that can be a motion to allow someone to continue. Eva Madison refused to recognize the motion. County Attorney George Butler informed the Chair that she could not refuse to recognize a motion.

Candy Clark stated that she does not feel it is the Court's responsibility to set any policy for the Road Department, as it is the responsibility of the County Judge.

Shawn Shrum presented a report that showed cost savings verses expenses of lost labor.

After further discussion, the motion was approved.

Ron Wood, Buildings & Grounds Superintendent, addressed the Committee. The Department has four take home vehicles. In 2005 when the jail was opened up the employees were moved from hourly to salary to cut down on the overtime pay, and the trucks were part of the package to compensate the guys for the overtime that they were losing.

Rex Bailey stated that he did not know that was part of their salary. He doesn't have any trouble with that as long as it is figured into their salaries.

IT Director, John Adams, stated that when he hired on with the County Judge part of his compensation package included the county vehicle. The SQL Administrator has been utilizing a vehicle to take home because he is working on a special project, but at the end of that project he will not be taking a truck home. Alan Roy also has a vehicle that he drives home, that is part of his compensation package. The vehicles also contain all the tools necessary to do repairs.

Eva Madison commented that the aspect that it was included in the compensation package changes her perspective a little bit. She noted that one of the problems with cars at the state level is that there are caps set legislatively and she is curious if that may put the County in similar situations of exceeding the caps.

Candy Clark commented that she wishes that it would have been said early on in these discussions that the vehicles are part of compensation, which would have avoided a lot of discontent and possible negative perceptions with county employees.

Tom Lundstrum stated that he doesn't know how the decision is made when the Quorum Court approves a position for \$80,000 per year and the position is actually costing \$90,000 per year. Dan Short replied that a lot of this is inherited. Tom Lundstrum replied that needs to be made known to the Court when they are approving positions.

Rick Cochran added that given that there are people who have this included in the salary package, there may need to be discussions about compensating if the vehicles are parked.

Emergency Management Director, John Luther, reported that he takes a vehicle home because he is on call 24/7 year around. When he first started he was given a set of keys and instructions to call his boss if he had any questions. He does have pool vehicles, occasionally if someone in his office has a field check and it is closer to home and it's the end of the day they have the privilege of taking

With no other business or public comment, the meeting adjourned at 8:26 p.m.

/rb

MARILYN EDWARDS  
County Judge



280 North College, Suite 500  
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS  
County Courthouse

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

Tuesday, December 9, 2014  
(immediately following Finance and Budget)  
NE Conference Room

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

Members Absent: Ron Aman and Jimmy Mardis

Others Present: Harvey Bowman, Rick Cochran, Rex Bailey, George Butler, Ann Harbison, Diane Bryant, John Firmin, Barbara Fitzpatrick, Eva Madison, Marilyn Edwards, Steve Zega, Renee Biby, Randall Denzer, Jeane Mack, Sue Madison, Bobby Hill, Jerry Bolinger, Cheryl Bolinger, Ashley Farber, Dan Short, and Daniel Holtmeyer (NWA Times).

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

Report from the Juvenile Detention Facility. The Quorum Court took up money to donate to the Juvenile Detention Center for Christmas dinner. Ann Harbison presented this to Jeane Mack, Juvenile Detention Director.

Jeane Mack reported that the numbers are a little higher this year than last year. She believes that is attributed to the crimes that are being committed by groups, rather than individual kids. Fayetteville is in the middle of the two biggest gang areas in the state and is zero tolerance. Rogers has more gang activity than Washington County. In the State of Arkansas JDC can hold a juvenile as young as ten. Judge Zimmerman prefers to look at alternate solutions for the younger aged kids.

Report from the Sheriff's Office on Enforcement and Adult Detention. Major Rick Hoyt informed the committee that a civilian animal control officer has been hired and is working really well. The calls are down for the year, but looking further down at communications, the regular calls are up, all phone calls come into the communications center, he believes that is due to the increased number of detainees. Training hours are up 10% for the year.

Major Randall Denzer gave the report for Adult Detention. The number of detainees is around 600. The medical provider is working on hiring nurses, they are almost fully

staffed. They started November 1<sup>st</sup> and he believes it is working pretty good. Butch Pond asked if Washington County is housing detainees from other counties? Major Denzer replied that there are a few from Crawford County, the reimbursement rate is \$35 per day. Rex Bailey asked when Madison County would begin bringing their inmates over? Major Denzer replied that would be at the end of the year, and he expects there will be 15 at the most. The state currently has 2,300 inmates backed up in county jails, but that is down from over 2,500 a few months ago.

An Ordinance Amending an Interlocal Agreement for Jail Services with the City of Fayetteville. County Attorney George Butler reported that this is a routine thing that is done every year. The Sheriff has asked for it to be approved with no changes.

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

With no other business or public comment, the meeting adjourned at 5:42 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, December 9, 2014

5:42 p.m.

NE Conference Room

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

Members Absent: Ron Aman and Jimmy Mardis

Others Present: Marilyn Edwards, Renee Biby, Steve Zega, Rick Hoyt, Randall Denzer, Sue Madison, Jerry Bolinger, Cheryl Bolinger, Ashley Farber, Dan Short, George Butler, and Dan Holtmeyer (NWA Times).

The meeting was called to order at 5:42 p.m. by Chair Candy Clark, and the agenda was adopted as presented.

Financial Report. County Treasurer Elect Bobby Hill updated the Committee on the current finances of the County. The ending balance in the General Fund (1000) was \$14,722,692.08, expenditures for the month were \$2,302,780.72, and revenues outpaced expenditures at \$4,736,258.57. The Road Fund (2000) had an ending balance of \$939,240.37, revenues of \$1,003,344.73 and expenditures of \$693,793.98. He does not expect that an infusion from the General Fund will be necessary for the remainder of the year. The Jail Fund (3017) had an ending balance of \$369,832.05, revenue of \$954,459.99 and expenditures totaling \$1,084,429.04. This fund may need an infusion from the General Fund to finish out the remainder of the year. Sales tax increased by less than 1% for the month, this report reflects the September, 2014 collections. Overall, sales tax collections have increased 2.17% for the year. However, due to annexations the County's portion of sales tax has decreased from 18.8 to 18.51.

Comptroller Cheryl Bolinger the unappropriated reserves were unchanged for the month of November. The budget for the Quorum Court that is over will be cleaned up in the housekeeping ordinance. The overage that is showing for the Election Commission will also be corrected when the cities reimburse for the election workers. The County Jail fund will also need to be cleaned up in January, as they are over, and the exact amount that they are over won't be known until the end of the month.



Lastly, Comptroller Cheryl Bolinger, reported that the mileage being paid to the JPs should be paid through payroll as a taxable fringe benefit. The miles will begin to go through payroll and be taxed at the rate that payroll is.

Tom Lundstrum asked if this means that he owes eight years back taxes to the IRS? Cheryl Bolinger, replied that it could mean that. Tom Lundstrum asked why it hasn't been done if that is the way the law reads? Cheryl Bolinger replied she was unaware of this until recently. Tom Lundstrum expressed objection to this, as he sees this as reimbursement. He also stated that County Employees are entitled to reimbursement for trips they make on behalf of the county which are not commuting, and asked if the Quorum Court is entitled to that? Cheryl Bolinger replied that she would think so but would defer to the County Attorney to answer that. Tom Lundstrum asked Cheryl Bolinger to put together a simple packet with instructions and a reimbursement form to distribute to the Court.

Eva Madison stated she didn't agree and asked Cheryl Bolinger to look further into the issue. She stated that if she takes a trip for her job, she can turn in mileage to her employer and the employer can reimburse her 56 cents per mile, it doesn't have to be proved that she spent that per mile, that is a completely valid non-taxable expense. The logic that is being used here is considering it commuting, that can only be valid if the JPs are considered employees. Looking at the control test of the law for whether they are considered employees or not, they are not, they are elected officials. It is a false assumption to consider JPs employees.

Cheryl Bolinger asked Eva Madison to get into contact with Jan Germany and speak to her about that assumption. Eva Madison replied that she is unsure that Ms. Germany understands what roles JPs have, and did not feel it was her place to check with Ms. Germany.

Harvey Bowman asked if going after information to the Road Department or another department would be included? County Attorney George Butler replied he thinks it could be reimbursed.

Rex Bailey asked County Attorney George Butler to get more definitive opinions from AAC and Legislative Audit prior to making any changes. George Butler replied that he will get with Cheryl Bolinger and look deeper into the issue.

After further discussion, no action was taken.

Request from County Judge Marilyn Edwards for an Appropriation of \$6,115 from the General Fund to the County Attorney's Budget for 2015. County Judge Marilyn Edwards presented the request, along with Steve Zega. There were four attorneys who responded to the RFQ for the County Attorney position. Mr. Zega has been a licensed attorney in Northwest Arkansas for twenty-one years and was a former JP for Washington County. The salary was previously set at \$65,000, after visiting with Mr. Zega, he will require \$70,000 a year to take the County Attorney position.

Butch Pond made a motion to forward the request to the full Quorum Court with a do pass recommendation. Barbara Fitzpatrick seconded.

Tom Lundstrum asked how much the current County Attorney is making? George Butler replied that he is making \$82,000.

Eva Madison stated that she doesn't think that the salary should be changed after finding the person for the position, that it was set at \$65,000 and she feels like this would set a bad precedent.

Ann Harbison commented that the salary was set at \$65,000, and she feels like that is too low for anyone with any kind of experience. Mr. Zega hasn't yet accepted the position and she believes that this is being very transparent and not setting a bad precedent. She further noted that anyone coming into the position will have a learning curve, but Mr. Zega will have a shorter learning curve.

Rick Cochran also commented that he believes that Mr. Zega is a well-qualified candidate for the position and he believes that \$70,000 is fair and he will support it.

After discussion, the motion was approved with Eva Madison and Rex Bailey voting no.

An Ordinance Establishing Additional Operating Funds, And Recognizing And Appropriating Revenues Totaling \$1,034,633 To Those Funds For 2014. Comptroller Cheryl Bolinger presented the Ordinance. This is being brought forward due to the Auditors requiring that what previously had been agency funds having to be considered operating funds for this year.

Harvey Bowman asked what the \$71,110 in General was? Cheryl Bolinger replied that is to close out Central Supplies, she just added it into this Ordinance to save publication costs.

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

Request from Sheriff Tim Helder to recognize and appropriate revenues of \$92,651 in the General and Jail Funds. Major Rick Hoyt presented the request. This is for reimbursement due to the change that the County is now paying the deputies that work special events. The University reimburses the County dollar for dollar, including retirement and other benefits, and this will allow those funds to go back into the fund that the employees are paid from.

Butch Pond made a motion to forward the request to the full Quorum Court with a do pass recommendation. Joe Patterson seconded. The motion was approved unanimously.

Other business. Rick Cochran asked for another report on phone cost savings in regard to VOIP and fax lines.

With no public comment, the meeting adjourned at 6:40 p.m.

ORDINANCE NO. 2014-\_\_\_\_\_

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

AN ORDINANCE EXTENDING AN INTERLOCAL AGREEMENT FOR JAIL SERVICES WITH THE CITY OF FAYETTEVILLE FOR 2015.

WHEREAS, an Interlocal Agreement between Washington County and the City of Fayetteville has been in existence since 2004; and,

WHEREAS, the current Interlocal Agreement will expire on December 31, 2014; and,

WHEREAS, the Washington County Sheriff has recommended that said Agreement be extended for another year on the same terms.

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

ARTICLE 1. The 2014 Interlocal Agreement for Jail Services is hereby extended for the year 2015 and the County Judge of Washington County, Arkansas is hereby authorized to execute such on behalf of Washington County, Arkansas.

\_\_\_\_\_  
MARILYN EDWARDS, County Judge

\_\_\_\_\_  
DATE

\_\_\_\_\_  
BECKY LEWALLEN, County Clerk

Sponsor: \_\_\_\_\_  
Date of Passage: \_\_\_\_\_  
Votes For: \_\_\_\_\_ Votes Against: \_\_\_\_\_  
Abstention: \_\_\_\_\_ Absent: \_\_\_\_\_

**SIXTH AMENDED INTERLOCAL AGREEMENT FOR JAIL SERVICES**

**THIS AGREEMENT**, is made pursuant to Ark. Code Ann. §14-14-910, by and between the County of Washington, Arkansas (hereinafter referred to as the “County”), and the City of Fayetteville, Arkansas, (hereinafter referred to as the “City”), herein collectively known as the “Parties”.

**WITNESSETH:**

**WHEREAS**, the Parties entered into an Interlocal Agreement for Jail Services dated October 19, 2004, which was supplemented by an Addendum on April 19, 2006, which was amended on January 10, 2005; January 20, 2011; December 9, 2011, and September 1, 2012.

**WHEREAS**, the Parties desire to extend the Agreement, for another year.

**NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND OBLIGATIONS OF THE PARTIES CONTAINED HEREIN, BE IT AGREED:**

1. Effective January 1, 2015, Section 5 of the Interlocal Agreement for Jail Services remains unchanged and reads as follows:

“5. **DURATION.** The initial term of this Agreement shall commence January 1, 2015, and shall expire on December 31, 2015. The County further agrees to make jail space for City prisoners an operational priority during the initial term and any subsequent term of this Agreement.”

2. Effective January 1, 2015, Schedule A of the Interlocal Agreement for Jail Services remains unchanged and reads as follows:

“SCHEDULE A

The current cost of keeping a County Prisoner in jail has been determined to be Sixty Five Dollars (\$65.00) per day, however, due to the fact that citizens of the City are paying a one quarter ( ¼ %) sales and use tax, and due to the long and ongoing history of sharing resources between the Washington County Sheriff and the Fayetteville Police Department, the County shall charge the City Sixty Dollars (\$60.00) per booked prisoner.

The rate provided for herein shall not increase more than ten percent (10%) in any following years that this Agreement is renewed.”

CITY OF FAYETTEVILLE

WASHINGTON COUNTY

\_\_\_\_\_  
LIONELD JORDAN, Mayor

\_\_\_\_\_  
MARILYN EDWARDS, County Judge

ATTEST:

ATTEST:

\_\_\_\_\_  
SONDRA E. SMITH, City Clerk

\_\_\_\_\_  
BECKY LEWALLEN, County Clerk

APPROVED as to form:

APPROVED as to form:

\_\_\_\_\_  
KIT WILLIAMS  
City Attorney

\_\_\_\_\_  
GEORGE E. BUTLER, JR.  
County Attorney

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

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 TO EXPRESS APPRECIATION OF THE QUORUM COURT TO DIANE BRYANT FOR SERVICE AS A JUSTICE OF THE PEACE.**

**WHEREAS**, Diane Bryant was appointed by the Governor of Arkansas in October, 2013, to serve as Justice of the Peace from District #10 of Washington County; and,

**WHEREAS**, Diane Bryant will serve as a Justice of the Peace and a member of the Washington County Quorum Court until December 31, 2014; and,

**WHEREAS**, Diane Bryant has faithfully performed her duties as a Justice of the Peace and a member of the Washington County Quorum Court.

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

**ARTICLE 1:** On behalf of the citizens of Washington County, Arkansas, the Quorum Court hereby commends Diane Bryant for her dedicated service to Washington County and expresses its appreciation to her for a job well done.

**ARTICLE 2:** The other Justices of the Peace of Washington County express their pleasure at having served with Diane Bryant on the Quorum Court.

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TOM LUNDSTRUM

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BILL USSERY

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EVA MADISON

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JIMMY MARDIS

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BARBARA FITZPATRICK

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REX BAILEY

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JOHN FIRMIN

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BUTCH POND

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CANDY CLARK

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RON AMAN

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ANN HARBISON

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JOE PATTERSON

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RICK COCHRAN

\_\_\_\_\_  
HARVEY BOWMAN

APPROVED: \_\_\_\_\_  
MARILYN EDWARDS, County Judge

\_\_\_\_\_  
DATE OF PASSAGE

ATTEST: \_\_\_\_\_  
BECKY LEWALLEN, County Clerk

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 TO EXPRESS APPRECIATION OF THE QUORUM COURT TO JIMMY MARDIS FOR SERVICE AS A JUSTICE OF THE PEACE.

WHEREAS, Jimmy Mardis was elected in November, 2012, as Justice of the Peace from District #2 of Washington County, and has served one term as a member of the Washington County Quorum Court; and,

WHEREAS, Jimmy Mardis will serve as a Justice of the Peace and a member of the Washington County Quorum Court until December 31, 2014; and,

WHEREAS, Jimmy Mardis has faithfully performed his duties as a Justice of the Peace and a member of the Washington County Quorum Court.

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

ARTICLE 1: On behalf of the citizens of Washington County, Arkansas, the Quorum Court hereby commends Jimmy Mardis for his dedicated service to Washington County and expresses its appreciation to him for a job well done.

ARTICLE 2: The other Justices of the Peace of Washington County express their pleasure at having served with Jimmy Mardis on the Quorum Court.

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TOM LUNDSTRUM

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BILL USSERY

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EVA MADISON

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REX BAILEY

\_\_\_\_\_  
CANDY CLARK

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BARBARA FITZPATRICK

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JOHN FIRMIN

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BUTCH POND

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DIANE BRYANT

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RON AMAN

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ANN HARBISON

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JOE PATTERSON

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RICK COCHRAN

\_\_\_\_\_  
HARVEY BOWMAN

APPROVED: \_\_\_\_\_  
MARILYN EDWARDS, County Judge

\_\_\_\_\_  
DATE OF PASSAGE

ATTEST: \_\_\_\_\_  
BECKY LEWALLEN, County Clerk

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 TO EXPRESS APPRECIATION OF THE QUORUM COURT TO RON AMAN FOR SERVICE AS A JUSTICE OF THE PEACE.

WHEREAS, Ron Aman was elected in November, 2012, as Justice of the Peace from District #13 of Washington County, and has served one term as a member of the Washington County Quorum Court; and,

WHEREAS, Ron Aman will serve as a Justice of the Peace and a member of the Washington County Quorum Court until December 31, 2014; and,

WHEREAS, Ron Aman has faithfully performed his duties as a Justice of the Peace and a member of the Washington County Quorum Court.

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

ARTICLE 1: On behalf of the citizens of Washington County, Arkansas, the Quorum Court hereby commends Ron Aman for his dedicated service to Washington County and expresses its appreciation to him for a job well done.

ARTICLE 2: The other Justices of the Peace of Washington County express their pleasure at having served with Ron Aman on the Quorum Court.

\_\_\_\_\_  
TOM LUNDSTRUM

\_\_\_\_\_  
BILL USSERY

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EVA MADISON

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REX BAILEY

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CANDY CLARK

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BARBARA FITZPATRICK

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JOHN FIRMIN

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BUTCH POND

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DIANE BRYANT

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JIMMY MARDIS

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ANN HARBISON

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JOE PATTERSON

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RICK COCHRAN

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HARVEY BOWMAN

APPROVED: \_\_\_\_\_  
MARILYN EDWARDS, County Judge

\_\_\_\_\_  
DATE OF PASSAGE

ATTEST: \_\_\_\_\_  
BECKY LEWALLEN, County Clerk



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

**A RESOLUTION TO EXPRESS APPRECIATION OF THE QUORUM COURT TO BARBARA FITZPATRICK FOR SERVICE AS A JUSTICE OF THE PEACE.**

**WHEREAS**, Barbara Fitzpatrick was elected in November, 2008, as Justice of the Peace from District #6 of Washington County, and has served three terms as a member of the Washington County Quorum Court; and,

**WHEREAS**, Barbara Fitzpatrick will serve as a Justice of the Peace and a member of the Washington County Quorum Court until December 31, 2014; and,

**WHEREAS**, Barbara Fitzpatrick has faithfully performed her duties as a Justice of the Peace and a member of the Washington County Quorum Court.

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

**ARTICLE 1:** On behalf of the citizens of Washington County, Arkansas, the Quorum Court hereby commends Barbara Fitzpatrick for her dedicated service to Washington County and expresses its appreciation to him for a job well done.

**ARTICLE 2:** The other Justices of the Peace of Washington County express their pleasure at having served with Barbara Fitzpatrick on the Quorum Court.

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TOM LUNDSTRUM

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BILL USSERY

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EVA MADISON

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JIMMY MARDIS

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CANDY CLARK

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JOHN FIRMIN

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DIANE BRYANT

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RON AMAN

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ANN HARBISON

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JOE PATTERSON

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RICK COCHRAN

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HARVEY BOWMAN

APPROVED: \_\_\_\_\_  
MARILYN EDWARDS, County Judge

\_\_\_\_\_  
DATE OF PASSAGE

ATTEST: \_\_\_\_\_  
BECKY LEWALLEN, County Clerk

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

**A RESOLUTION TO EXPRESS APPRECIATION OF THE QUORUM COURT TO CANDY CLARK FOR SERVICE AS A JUSTICE OF THE PEACE.**

**WHEREAS**, Candy Clark was elected in November, 2008, as Justice of the Peace from District #5 of Washington County, and has served three terms as a member of the Washington County Quorum Court; and,

**WHEREAS**, Candy Clark will serve as a Justice of the Peace and a member of the Washington County Quorum Court until December 31, 2014; and,

**WHEREAS**, Candy Clark has faithfully performed her duties as a Justice of the Peace and a member of the Washington County Quorum Court.

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

**ARTICLE 1:** On behalf of the citizens of Washington County, Arkansas, the Quorum Court hereby commends Candy Clark for her dedicated service to Washington County and expresses its appreciation to him for a job well done.

**ARTICLE 2:** The other Justices of the Peace of Washington County express their pleasure at having served with Candy Clark on the Quorum Court.

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TOM LUNDSTRUM

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BILL USSERY

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EVA MADISON

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JIMMY MARDIS

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BARBARA FITZPATRICK

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REX BAILEY

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ANN HARBISON

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JOE PATTERSON

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RICK COCHRAN

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HARVEY BOWMAN

APPROVED: \_\_\_\_\_  
MARILYN EDWARDS, County Judge

\_\_\_\_\_  
DATE OF PASSAGE

ATTEST: \_\_\_\_\_  
BECKY LEWALLEN, County Clerk

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

**A RESOLUTION TO EXPRESS APPRECIATION OF THE QUORUM COURT TO REX BAILEY FOR SERVICE AS A JUSTICE OF THE PEACE.**

**WHEREAS**, Rex Bailey was elected in November, 2008, as Justice of the Peace from District #4 of Washington County, and has served three terms as a member of the Washington County Quorum Court; and,

**WHEREAS**, Rex Bailey will serve as a Justice of the Peace and a member of the Washington County Quorum Court until December 31, 2014; and,

**WHEREAS**, Rex Bailey has faithfully performed his duties as a Justice of the Peace and a member of the Washington County Quorum Court.

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

**ARTICLE 1:** On behalf of the citizens of Washington County, Arkansas, the Quorum Court hereby commends Rex Bailey for his dedicated service to Washington County and expresses its appreciation to him for a job well done.

**ARTICLE 2:** The other Justices of the Peace of Washington County express their pleasure at having served with Rex Bailey on the Quorum Court.

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TOM LUNDSTRUM

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BILL USSERY

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EVA MADISON

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JIMMY MARDIS

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CANDY CLARK

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BARBARA FITZPATRICK

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ANN HARBISON

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JOE PATTERSON

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RICK COCHRAN

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HARVEY BOWMAN

APPROVED: \_\_\_\_\_  
MARILYN EDWARDS, County Judge

\_\_\_\_\_  
DATE OF PASSAGE

ATTEST: \_\_\_\_\_  
BECKY LEWALLEN, County Clerk

**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 IN RECOGNITION OF THE SERVICE OF GEORGE E. BUTLER, JR., AS WASHINGTON COUNTY ATTORNEY.**

**WHEREAS**, George E. Butler, Jr., has served Washington County as the County Attorney since 1983; and,

**WHEREAS**, George E. Butler, Jr., has served under three County Judges, four Sheriffs, three Assessors, three Collectors, two Treasurers, four Circuit Clerks, three County Clerks, three Coroners, and too many Quorum Courts to enumerate; and,

**WHEREAS**, George E. Butler, Jr., will retire on December 31, 2014, after 31 years of service.

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

**ARTICLE 1.** That the Quorum Court of Washington County, Arkansas hereby commends George E. Butler for his years of service to Washington County.

\_\_\_\_\_  
MARILYN EDWARDS, County Judge

\_\_\_\_\_  
DATE

\_\_\_\_\_  
BECKY LEWALLEN, County Clerk

Sponsor: \_\_\_\_\_ Butch Pond

Date of Passage: \_\_\_\_\_

Votes For: \_\_\_\_\_ Votes Against: \_\_\_\_\_

Abstention: \_\_\_\_\_ Absent: \_\_\_\_\_