



**WASHINGTON COUNTY, ARKANSAS**  
**County Courthouse**

January 9, 2015

**ORGANIZATIONAL/REGULAR MEETING OF THE**  
**2015-2016 WASHINGTON COUNTY QUORUM COURT**

Thursday, January 15, 2015  
6:00 p.m.  
Washington County Quorum Court Room

**A G E N D A**

1. **CALL TO ORDER AND WELCOME.** **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 December 18 regular meeting of the Quorum Court. (5.1)
6. **A RESOLUTION AUTHORIZING ALFORD JOE MAIN TO SOLEMNIZE THE MARRIAGE OF SAMANTHA RENEE GOODING AND JAMES ZACHARY SMITH ON JANUARY 16, 2015, IN WASHINGTON COUNTY, ARKANSAS. (6.1)** **RICK COCHRAN**
7. **POWERS AND DUTIES OF THE QUORUM COURT, FREEDOM OF INFORMATION ACT, GENERAL MEETING CONDUCT, AND MEETING PROCEDURES.** **STEVE ZEGA**
8. **REVIEW OF QUORUM COURT COMMITTEE ASSIGNMENTS FOR 2015/2016, AND SCHEDULING OF MEETING DATES/TIMES.** **JUDGE EDWARDS**
9. **SELECTION OF REPRESENTATIVE TO SERVE ON THE ARKANSAS ASSOCIATION OF QUORUM COURTS FOR THE 2015/2016 TERM.** **JUDGE EDWARDS**

**AGENDA  
JANUARY 15, 2015  
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10. **COUNTY JUDGE'S REPORT.** **JUDGE EDWARDS**
11. **AN ORDINANCE AUTHORIZING THE COUNTY JUDGE TO ENTER INTO A CONTRACT FOR SERVICES WITH THE ASSOCIATION OF ARKANSAS COUNTIES.**  
This ordinance is on first reading. (11.1, 11.2) **BUTCH POND**
12. **A RESOLUTION DISCOURAGING THE USE OF SMART PHONES, IPHONES, OR SIMILAR PERSONAL COMMUNICATIONS DEVICES DURING MEETINGS OF THE QUORUM COURT OR ANY COMMITTEE THEREOF.** This resolution has been drafted by County Attorney Steve Zega. (12.1) **BILL USSERY**
13. **AN ORDINANCE CALLING A SPECIAL ELECTION ON THE QUESTION OF THE LEVY OF THE ANNUAL DUES OF THE WEST FORK RURAL FIRE DEPARTMENT AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.** This ordinance has been requested by the West Fork Rural Fire Department. (13.1, 13.2) **ANN HARBISON**
14. **AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD** The Planning Board granted a Conditional Use Permit on November 6 for Baldwin Cell Tower. This ordinance contains an emergency clause making it effective immediately upon passage. (14.1, 14.2) **JOHN FIRMIN**
15. **AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD** The Planning Board granted a Conditional Use Permit on January 8 for Cook's Rentals. This ordinance contains an emergency clause making it effective immediately upon passage. (15.1-15.3) **JOHN FIRMIN**
16. **OTHER BUSINESS.**
17. **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.
18. **ADJOURNMENT.**

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

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

Washington County Quorum Court Room

- 210.1 The Washington County Quorum Court met in regular session on Thursday, December 18, 2014. The meeting was called to order by County Judge Marilyn Edwards.
- 210.2 J. Patterson led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 210.3 MEMBERS PRESENT: Ron Aman, Rex Bailey, Harvey Bowman, Diane Bryant, Candy Clark, Rick Cochran, John Firmin, Barbara Fitzpatrick, Ann Harbison, Tom Lundstrum, Eva Madison, Joe Patterson, Butch Pond, and Bill Ussery.
- 210.4 MEMBERS ABSENT: Jimmy Mardis.
- 210.5 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 210.6 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 210.7 **A motion was made and seconded to adopt the agenda as presented. The motion passed unanimously by voice vote by those present. The agenda was adopted as presented.**
- 210.8 APPROVAL OF MINUTES: Judge Edwards asked for approval of the Minutes of the November 13 Special Meeting and November 20 Regular Meeting of the Washington County Quorum Court.
- 210.9 **A motion was made and seconded to approve the minutes as distributed. The motion passed unanimously by voice vote by those present. The minutes were approved.**
- 210.10 FINANCE REPORT: C. Clark stated that she had three appropriation ordinances to address tonight.
- 210.11 AN ORDINANCE APPROPRIATING THE AMOUNT OF \$6,115 FROM THE GENERAL FUND TO THE COUNTY ATTORNEY'S BUDGET FOR 2015: C. Clark introduced **An Ordinance Appropriating The Amount Of \$6,115 From The General Fund To The County Attorney's Budget For 2015**, and County Attorney George Butler read the ordinance.

211.1 C. Clark explained that this was to apply to the salary of their new County Attorney Steve Zega.

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

211.3 E. Madison stated that she hears the train coming and welcomed Steve Zega aboard.

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

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

**ORDINANCE NO. 2014-71, BOOK NO. 9, PAGE NO. 526**

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

211.7 AN ORDINANCE ESTABLISHING ADDITIONAL OPERATING FUNDS, AND RECOGNIZING AND APPROPRIATING REVENUES TOTALLING \$1,280,652 TO THOSE FUNDS FOR 2014: C. Clark introduced **An Ordinance Establishing Additional Operating Funds, And Recognizing And Appropriating Revenues Totalling \$1,280,652 To Those Funds For 2014,** and County Attorney George Butler read the ordinance by title only.

211.8 **C. Clark made a motion to adopt the ordinance. R. Bailey seconded.**

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

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

**ORDINANCE NO. 2014-72, BOOK NO. 9, PAGE NO. 527**

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

212.1 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: C. Clark introduced **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,** and County Attorney George Butler read the ordinance by title only.

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

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

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

**ORDINANCE NO. 2014-73, BOOK NO. 9, PAGE NO. 530**

212.5 COUNTY JUDGE'S REPORT: Judge Edwards stated that everyone has a lot on their plates and places they are going tonight, so she would be skipping her report tonight.

212.6 COMMITTEE REPORTS: J. Patterson, Chairman of the County Services Committee, reported that the committee met on December 1, received a report from the Washington County Planning Office and Ms. Richey, Planning Director reported that there was a Conditional Use Permit approved for the Baldwin Park Cell tower; however, a neighbor has filed an appeal, so this will be coming their way in the near future. He reported that starting in January, they will be receiving reports from the Animal Shelter every other month as things are running about the same. He stated that the committee discussed why it took so long to get returns from the November election count and Election Coordinator Jennifer Price reported that they thought they had the problem corrected and apparently they now have it corrected because they have since had another election and everything ran good as far as he is aware.

212.7 E. Madison, Chairman of the Public Works Committee, reported that this committee met on December 1 had a lively discussion about the Smokey Bear Road expansion and she can report that following the meeting, C. Clark who came to them with her citizen concerns met with Judge Edwards and Road Superintendent Donnie Coleman during which there was resolution of this situation. E. Madison reported that the committee continued their

discussion on County vehicles which is still ongoing and something that they will continue to address next year.

- 213.1 B. Pond, Chairman of the Personnel Committee, reported that this committee did not meet this month due to lack of an agenda.
- 213.2 T. Lundstrum, Chairman of the Jail/Law Enforcement/Courts Committee reported that this committee met on December 9 and received reports from the Juvenile Detention Facility and from the Sheriff's Office on Enforcement and Adult Detention which are all running about normal. The Committee then discussed an Ordinance extending an Interlocal Agreement for Jail Services with the City of Fayetteville for 2015 which was voted to forward onto the full Quorum Court and the next item on their agenda.
- 213.3 C. Clark, Chairman of the Finance and Budget Committees stated that taxes are coming in, sales taxes are up, and the financial condition of the County is good.
- 213.4 AN ORDINANCE EXTENDING AN INTERLOCAL AGREEMENT FOR JAIL SERVICES WITH THE CITY OF FAYETTEVILLE FOR 2015: T. Lundstrum introduced **An Ordinance Extending An Interlocal Agreement For Jail Services With The City Of Fayetteville For 2015**, and County Attorney George Butler read the ordinance that is on first reading and being recommended by the Jail/Law Enforcement/Courts Committee.
- 213.5 **T. Lundstrum made a motion to suspend the rules and place the ordinance on second reading by title only. R. Bailey seconded. The motion passed unanimously by those present by voice vote.**
- 213.6 County Attorney George Butler read **An Ordinance Extending An Interlocal Agreement For Jail Services With The City Of Fayetteville For 2015** by title only.
- 213.7 **T. Lundstrum 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 those present by voice vote.**
- 213.8 County Attorney George Butler read **An Ordinance Extending An Interlocal Agreement For Jail Services With The City Of Fayetteville For 2015** by title only.
- 213.9 **B. Fitzpatrick made a motion to adopt the ordinance. D. Bryant seconded.**
- 213.10 Citizen Comments: There were no citizen comments made.

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

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

**ORDINANCE NO. 2014-74, BOOK NO. 9, PAGE NO. 531**

214.3 A RESOLUTION TO EXPRESS APPRECIATION OF THE QUORUM COURT TO DIANE BRYANT FOR SERVICE AS A JUSTICE OF THE PEACE: B. Pond introduced and read **A Resolution To Express Appreciation Of The Quorum Court To Diane Bryant For Service As A Justice Of The Peace.**

214.4 B. Pond stated, as an expression of the Court's gratitude, he would like for Governor Beebe to receive a copy of this resolution.

214.5 **A motion was made and seconded to adopt the resolution.**

214.6 R. Bailey thanked D. Bryant for her service on the Quorum Court and announced that she would now be serving on the Farmington City Council which will probably be a little easier.

214.7 D. Bryant stated that she has enjoyed her time on the Quorum Court and extended her gratitude for the opportunity.

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

214.9 **The motion passed unanimously by those present by voice vote. The resolution was adopted.**

**RESOLUTION NO. 2014-27, BOOK NO. 3, PAGE NO. 93**

214.10 A RESOLUTION TO EXPRESS APPRECIATION OF THE QUORUM COURT TO JIMMY MARDIS FOR SERVICE AS A JUSTICE OF THE PEACE: B. Pond introduced and read **A Resolution To Express Appreciation Of The Quorum Court To Jimmy Mardis For Service As A Justice Of The Peace.**

214.11 H. Bowman noted that Jimmy Mardis was not there but he wished to state that they should recognize the contributions made by him in highly technical areas where he had a great deal of experience and he has appreciated the opportunity to serve with him on this Quorum Court.

215.1 **A. Harbison made a motion to adopt the resolution. E. Madison seconded.**

215.2 Citizen Comments: There were no citizen comments made.

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

215.4 **The motion passed unanimously by those present by voice vote. The resolution was adopted.**

**RESOLUTION NO. 2014-21, BOOK NO. 3, PAGE NO. 87**

215.5 A RESOLUTION TO EXPRESS APPRECIATION OF THE QUORUM COURT TO RON AMAN FOR SERVICE AS A JUSTICE OF THE PEACE: B. Pond introduced and read **A Resolution To Express Appreciation Of The Quorum Court To Ron Aman For Service As A Justice Of The Peace.**

215.6 T. Lundstrum stated that he has really appreciated serving with Ron Aman because he stands by the principles he lives by and always voted his principles.

215.7 C. Clark stated that Ron Aman will be missed on this court.

215.8 E. Madison stated that she never thought she would enjoy sitting by Ron Aman for two years as much as she has because it has really been a pleasure and he will be missed.

215.9 R. Aman stated that he has really enjoyed working with this Quorum Court and it has been a pleasure to serve West Washington County.

215.10 **C. Clark made a motion to adopt the resolution. B. Pond seconded.**

215.11 Citizen Comments: There were no citizen comments made.

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

215.13 **The motion passed unanimously by those present by voice vote. The resolution was adopted.**

**RESOLUTION NO. 2014-22, BOOK NO. 3, PAGE NO. 88**



- 216.1 A RESOLUTION TO EXPRESS APPRECIATION OF THE QUORUM COURT TO BARBARA FITZPATRICK FOR SERVICE AS A JUSTICE OF THE PEACE: B. Pond introduced and read **A Resolution To Express Appreciation Of The Quorum Court To Barbara Fitzpatrick For Service As A Justice Of The Peace.**
- 216.2 R. Bailey stated that it doesn't seem like it has been six years that he and Barbara Fitzpatrick came on this court and like Ron Aman, Barbara always voted her convictions although he disagreed with most of them. He has grown to respect her and recently they voted the same twice in one meeting which was unheard of. He noted that Gary Carnahan, Barbara Fitzpatrick, John Firmin, Candy Clark and he all came in together and John Firmin will be the only one left.
- 216.3 **A. Harbison made a motion to adopt the resolution. T. Lundstrum seconded.**
- 216.4 Citizen Comments: There were no citizen comments made.
- 216.5 J. Firmin thanked Barbara Fitzpatrick as she has provided good service to the County for the last six years and has helped him through many meetings with her intelligence and knowledge of what has been going on.
- 216.6 Barbara Fitzpatrick stated that she can't say that it has always been a pleasure because it wasn't, but it was always a good thing to do and she had to respect people even if she didn't agree with them because everyone on this court did what they thought was right. She stated that it has been a very good experience to learn how the county works and how important the county is because every election is run by the county, no matter how big the city is.
- 216.7 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 216.8 **The motion passed unanimously by those present by voice vote. The resolution was adopted.**
- RESOLUTION NO. 2014-23, BOOK NO. 3, PAGE NO. 89**
- 216.9 Judge Edwards stated that she had a phone call from R. Bailey this week and asked that E. Madison be allowed to read the next two resolutions, for Candy Clark and Rex Bailey, if B. Pond had no objections.
- 216.10 A RESOLUTION TO EXPRESS APPRECIATION OF THE QUORUM COURT

TO CANDY CLARK FOR SERVICE AS A JUSTICE OF THE PEACE: E. Madison introduced and read **A Resolution To Express Appreciation Of The Quorum Court To Candy Clark For Service As A Justice Of The Peace.**

- 217.1 E. Madison stated that Candy Clark was already her friend before she joined this body, but after four years on this Quorum Court, she feels like they are family. She stated that it has been a true honor and pleasure to serve with and learn from her on this court.
- 217.2 **E. Madison made a motion to adopt the resolution. R. Cochran seconded.**
- 217.3 T. Lundstrum stated his belief that they didn't want a Republican to read this resolution for these two Democrats. He noted that he has disagreed with Candy Clark on a few issues, including the Animal Shelter, but he has developed a very deep, undying respect for Candy Clark and her intelligence, for her ability to speak her mind, and he believes that she did a superb job as Chairman of their Finance Committee, the most difficult chair job on this court.
- 217.4 R. Bailey stated that their situation has proven that Republicans and Democrats can get along and he has grown to love Candy Clark and believes that they will be friends forever.
- 217.5 J. Patterson stated that when Candy Clark came on this court, he didn't believe that they would see eye-to-eye and vote the same on too much and this has not been the case. He stated that he has enjoyed working with Candy Clark, respects her tremendously, and thanked her for her service.
- 217.6 Candy Clark thanked her colleagues for their sentiments, stating that this has been an incredible journey during which she has made some very good friends that she will miss and she will carry these memories for a very long time. She stated that she has been honored to serve the people in her district these past six years, and she leaves these chambers in very good hands and believes that they will lead this county in a good direction. She believes that overall, they produced four very good budgets that this county can be proud of. Candy Clark addressed outgoing County Attorney George Butler stating that she will miss him as well as many wonderful County employees and elected officials.
- 217.7 Citizen Comments: There were no citizen comments made.
- 217.8 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**

- 218.1 **The motion passed unanimously by those present by voice vote. The resolution was adopted.**

**RESOLUTION NO. 2014-24, BOOK NO. 3, PAGE NO. 90**

- 218.2 A RESOLUTION TO EXPRESS APPRECIATION OF THE QUORUM COURT TO REX BAILEY FOR SERVICE AS A JUSTICE OF THE PEACE: E. Madison introduced and read **A Resolution To Express Appreciation Of The Quorum Court To Rex Bailey For Service As A Justice Of The Peace.**
- 218.3 E. Madison stated that until you have actually experienced politics for yourself, you don't know what the saying, "Politics makes for strange bed fellows" means. She stated that when she joined this court she was terrified of Rex Bailey and didn't believe she would ever get along with him. She stated for the first couple of meetings, he actually lived up to that stereotype, but she has come to truly love him and finds him to be a kind person with a good heart. She stated that Rex Bailey has been a wonderful friend to her and has enjoyed every minute serving with him on this court.
- 218.4 **E. Madison made a motion to adopt the resolution. C. Clark seconded.**
- 218.5 R. Cochran stated if he had a nickel for every time Rex Bailey asked him to shoot him, he would have a big pile of nickels. He stated that serving on this court has been a frustrating and good experience and he thanked Rex Bailey for his service, for his good insight into the issues they have faced.
- 218.6 B. Fitzpatrick stated that she and Rex Bailey have been on the opposite ends of the political spectrum, but they are absolute proof that opposite ends of the political spectrum can find common ground to serve this county and thanked him for his service.
- 218.7 C. Clark stated that she and Rex Bailey have set together for six years and when she was approached by Judge Edwards to chair the Finance Committee, she declined; however, Judge Edwards is very persistent. She noted that the Judge was going to change the way that they were seated because it used to be by districts and she didn't want to lose her seat next to Rex Bailey. When Judge Edwards next approached her about the chairman position for Finance Committee, she said she would do this under one condition, that she seat her and Rex Bailey together, which she agreed to do. She noted that Rex Bailey has kept her sane because while some think that they don't take this job seriously, she believes that they take it too seriously

and sometimes the way she got by impasses was to laugh and Rex Bailey certainly makes her laugh. She stated that she has worked with Rex Bailey's brother who told her before she came on this court that Rex had been elected and that she would love him, and his brother was right because while she could pinch his head off at times, she adores him and hopes that he spends time traveling and enjoying the rest of his life.

- 219.1 T. Lundstrum thanked Rex Bailey for his service on this court.
- 219.2 Rex Bailey stated that it has been an honor and privilege to represent District 4 in Springdale and Washington County as well as to serve with these JPs. He further thanked Court Secretary Karen Beeks, Sheriff Tim Helder and his Department because they have always had an answer to his questions. He further noted that his wife has had to put up with him being ripped in the newspaper since 1991 as it always bothered her more than it did him because he always wore it as a badge of honor, noting that it takes a lot of time away from their families. He stated that he has enjoyed this experience and considers all of them his friends.
- 219.3 Citizen Comments: There were no citizen comments made.
- 219.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 219.5 **The motion passed unanimously by those present by voice vote. The resolution was adopted.**

**RESOLUTION NO. 2014-25, BOOK NO. 3, PAGE NO. 91**

- 219.6 A RESOLUTION IN RECOGNITION OF THE SERVICE OF GEORGE E. BUTLER, JR., AS WASHINGTON COUNTY ATTORNEY: Judge Edwards introduced and read **A Resolution In Recognition Of The Service Of George E. Butler, Jr., As Washington County Attorney.**
- 219.7 Judge Edwards stated that this was a very difficult resolution for her to read. She stated that she is very happy for George Butler, retiring at the end of the year after 31 years of service to Washington County, as well as for Steve Zega who will do a fantastic job as County Attorney. She stated that she knows she is speaking for each and every one on this court that George Butler will be missed terribly.
- 219.8 County Attorney George Butler was given a round of applause.

- 220.1 County Attorney George Butler stated that it has been an honor and privilege to serve Washington County for 31 years and he will miss everyone on this court. He stated that everyone on this court, despite their differences, voted their convictions.
- 220.2 **B. Fitzpatrick made a motion to adopt the resolution. R. Cochran seconded.**
- 220.3 B. Pond addressed Mr. Butler stated that he cut the trails for Washington County government and said a prayer for him as well as those leaving and coming onto the Quorum Court.
- 220.4 C. Clark stated that she has known George Butler since the 1980's when Harvey Johnson was County Judge and she was serving as first Executive Director of the Humane Society of the Ozarks who ran the Animal Shelter. She stated that they took in an awful lot of county animals without any programs or funding and for two years she would submit a bill every month to the County Judge for the animals they took in to which George Butler responded to every month stating that the County didn't have a contract with her. She stated that the county finally got Animal Control for the county, but when she was elected to this office she feared that George Butler would hate her; however, he didn't remember that it was her sending the monthly bills. C. Clark stated that George Butler is a wonderful man with a very kind heart and she can only hope that he and wife Kathy will have the best retirement possible as it is well deserved.
- 220.5 Citizen Comments: There were no citizen comments made.
- 220.6 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution. The motion passed unanimously by those present by voice vote. The resolution was adopted.**

**RESOLUTION NO. 2014-26, BOOK NO. 3, PAGE NO. 92**

- 220.7 OTHER BUSINESS: Judge Edwards stated that she wanted to thank each and every one of them for their time, service and dedication, particularly the folks that are leaving, for the awesome job they did. She noted that many of them did things that she didn't particularly like and vice versa, but they have always been able to mend those bridges and work together for the good of the county because that is what each and every one of them are there for, to work for the people of Washington County. She asked that those JPs staying on the Court to try to work with the new people coming onto the court, be

patient and kind to try to make their lives as good as they possibly can and help them to understand procedures. Judge Edwards recognized Court Secretary Karen Beeks stating that she is one of the best coaches in the country when it comes to Quorum Court.

221.1 CITIZEN COMMENTS: Steve Zega, resident of Fayetteville Arkansas and incoming County Attorney, addressed the Quorum Court stating that he knows exactly how those JPs feel and he sees many friends on this court leaving and expressed his appreciation for those that he has worked with. He noted that you want to be the guy, not the guy that follows the guy and he feels an awful lot like the guy who is going to follow the guy. He stated that spending the last couple of days with County Attorney George Butler and going through his lists amounting to stacks of pages that set forth what he does every day. He stated that even when he was a JP he didn't appreciate the work that Mr. Butler did as much as he should have and thanked him for his service. To the members of the court, he stated that their vote tonight was more than just an expression of an increase in salary, but a vote of confidence in him and he truly hopes that he continues to earn that confidence, but as hard as he might try, he doesn't think he can be quite the guy that George Butler was.

221.2 ADJOURNMENT: The meeting adjourned at 6:45 p.m.

Respectfully submitted,

Jessica Biondi  
Quorum Court Coordinator/Reporter

RESOLUTION NO. 2015-\_\_\_\_\_

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

A RESOLUTION AUTHORIZING ALFORD JOE MAIN TO SOLEMNIZE THE MARRIAGE OF SAMANTHA RENEE GOODING AND JAMES ZACHARY SMITH ON JANUARY 16, 2015, IN WASHINGTON COUNTY, ARKANSAS.

WHEREAS, pursuant to Arkansas Code Annotated 9-11-213, the Quorum Court has the authority to appoint a person to solemnize a marriage; and,

WHEREAS, a request for such has been made as set out above.

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

ARTICLE 1. Alford Joe Main is authorized to solemnize the marriage of Samantha Renee Gooding and James Zachary Smith on January 16, 2015, in Washington County, Arkansas.

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

\_\_\_\_\_  
DATE

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

Sponsor: \_\_\_\_\_ Rick Cochran

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

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

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

**ORDINANCE NO. 2015-\_\_\_\_\_**

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

**AN ORDINANCE AUTHORIZING THE COUNTY  
JUDGE TO ENTER INTO A CONTRACT FOR  
SERVICES WITH THE ASSOCIATION OF  
ARKANSAS COUNTIES.**

**WHEREAS,** Washington County is a member of the Association of Arkansas Counties; and,

**WHEREAS,** membership provides services to the County, such as legislative representation, general research, training, various public conferences and the right to participate in any one (1) of four (4) benefit programs; and,

**WHEREAS,** pursuant to A.C.A. 14-20-107, the Quorum Court must authorize participation in the Association.

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

**ARTICLE 1.** The County Judge is hereby authorized to sign the contract for the Year 2015 for services of the Association.

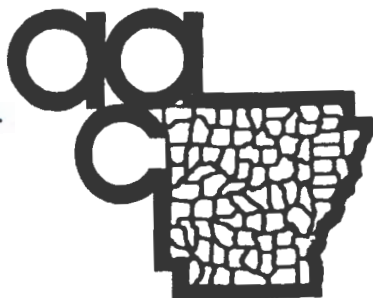
\_\_\_\_\_  
MARILYN EDWARDS, County Judge

\_\_\_\_\_  
DATE

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

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





**Association of Arkansas Counties**

1415 West Third Street / Little Rock, Arkansas 72201  
(501) 372-7550  
Fax: 372-0611

**RECEIVED**  
**JAN 05 2015**  
**COUNTY JUDGE'S OFFICE**

**AFFIDAVIT TO COUNTY ACCOUNT**

STATE OF ARKANSAS )  
County of Washington )ss.

December 31, 2014

TO ASSOCIATION OF ARKANSAS COUNTIES

2015 Membership in the Association of Arkansas Counties.....\$5,933.00

STATE OF ARKANSAS )  
County of Pulaski )ss.

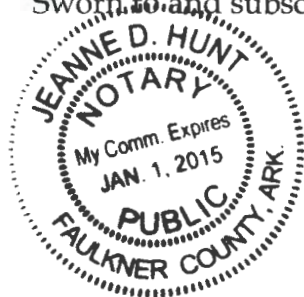
I, Chris Villines, do solemnly swear that the foregoing claim is just and correct, and that no part hereof has been paid previously, and that the charge made therefore does not exceed the amount allowed by law, as per Act 92 of the 1969 Arkansas General Assembly; and that such accounts, claims, demands or fee bills are not enlarged, enhanced or otherwise made greater in consequence of, or by reason of any estimated, supposed or real depreciation in the value of County Warrants.

ASSOCIATION OF ARKANSAS COUNTIES  
1415 West Third Street  
Little Rock, Arkansas 72201

By Chris Villines, Executive Director

Sworn to and subscribed before me this 31<sup>st</sup> day of December, 2014

Jeanne D. Hunt, Notary Public



My commission expires January 1, 2015

RESOLUTION NO. 2015-\_\_\_\_\_

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

A RESOLUTION DISCOURAGING THE USE OF SMART PHONES, IPHONES, OR SIMILAR PERSONAL COMMUNICATIONS DEVICES DURING MEETINGS OF THE QUORUM COURT OR ANY COMMITTEE THEREOF.

WHEREAS, with advances in technology, cell phones have emerged into what are known as smart phones, allowing for instant communication between members of the Quorum Court, their spouses, friends and constituents; and,

WHEREAS, talking or texting on said devices are a distraction that should not occur when conducting public business; and,

WHEREAS, engaging in such conduct creates the appearance of impropriety in that the Freedom of Information Act could easily be circumvented by the use of such devices during a public meeting.

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

ARTICLE 1. The use of smart phones, iPhones, or similar personal communication devices by any member of the Quorum Court during any public meeting is hereby discouraged.

ARTICLE 2. The Quorum Court encourages individual Justices of the Peace to turn off such devices during public meetings.

ARTICLE 3. Members of the Quorum Court should furnish the Security Officers contact information in the event there is an urgent need by any person to contact them.

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

\_\_\_\_\_  
DATE

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

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

**ORDINANCE NO. 2015-\_\_\_\_**

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

**AN ORDINANCE CALLING A SPECIAL ELECTION  
ON THE QUESTION OF THE LEVY OF THE  
ANNUAL DUES OF THE WEST FORK RURAL FIRE  
DEPARTMENT AND PRESCRIBING OTHER  
MATTERS PERTAINING THERETO.**

**WHEREAS**, the West Fork Rural Fire Department, ("Department"), has requested that the Quorum Court of Washington County, Arkansas, (the "County") call a special election for the levy of dues in the amount not to exceed Fifty dollars (\$50.00) annually on each residence and each business having an occupiable structure for which Department provides fire protection in the area served by Department; and,

**WHEREAS**, the request has been signed by the fire chief and all other required officers of the Board and has been duly filed with the County Clerk; and,

**WHEREAS**, pursuant to A.C.A. § 14-20-108, the Quorum Court is required to call the election which shall be at the expense of Department; and,

**WHEREAS**, if the levy of the dues are approved, the dues shall be listed annually on the property tax statements and collected by the Washington County Collector in the same time and manner as real property taxes and personal property taxes in accordance with A.C.A. § 14-20-108; and,

**WHEREAS**, the County has a contractual relationship with Department to provide fire protection and the payment of dues will help lessen the financial burden on the County; and,

**WHEREAS**, the purpose of this Ordinance is to call a special election on the question of the levy of the West Fork Rural Fire Department dues on each residence or business having an occupiable structure in the area for which Department provides fire protection.

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

**ARTICLE 1.** That there be, and there is hereby called, a special election to be held on June 9, 2015, at which election there shall be submitted to the electors of the County living in the unincorporated area in which Department provides fire protection, the question of the levy of annual Fire Department dues on each residence or business having an occupiable structure within such area.

**ARTICLE 2.** That the question of the West Fork Rural Fire Department dues shall be placed on the ballot for the election in substantially the following form:

Whether or not the dues, in an amount not to exceed Fifty dollars (\$50.00) per year, of the West Fork Rural Fire Department shall be levied against each residence and each occupiable business structure in the area so served to be listed on real property tax statements and collected by the Washington County Tax Collector in the same manner as ad valorem taxes are collected beginning with the 2014 property taxes due and payable in 2015.

**FOR** the levy not to exceed Fifty dollars (\$50.00) as annual dues for the West Fork Rural Fire Department on each residence and each business having an occupiable structure in the West Fork Rural Fire Department Service District.

**AGAINST** the levy not to exceed Fifty dollars (\$50.00) as annual dues for the West Fork Rural Fire Department on each residence and each business having an occupiable structure in the West Fork Rural Fire Department Service District.

**ARTICLE 3.** That the election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for county elections and only qualified voters in the affected unincorporated area of the County shall have the right to vote at the election.

**ARTICLE 4.** A copy of this Ordinance shall be given to the Washington County Board of Election Commissioners so that the necessary election officials and supplies may be provided.

**ARTICLE 5.** The County Clerk and the Election Commission, for and on behalf of the county, be and they are hereby authorized and directed to do any and all things necessary to call and hold the special election as herein provided.

**ARTICLE 6.** The costs of the election shall be borne by Department.

**ARTICLE 7.** Department shall annually submit a sufficient list to the Collector reflecting dues owed so that he may properly bill such.

**ARTICLE 8.** The Department of Emergency Services, the County Clerk, and the County Assessor shall assist in the preparation of a map and other information needed to effectuate said election.

**ARTICLE 9.** The Collector shall remit said dues collected on a monthly or quarterly basis to the West Fork Rural Fire Department; furthermore, the Collector is authorized to promulgate additional rules and regulations as he deems necessary to assist him in the collection of said dues; including a reasonable fee to be charged to the West Fork Rural Fire Department, all subject to the approval of the Quorum Court.

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

\_\_\_\_\_  
DATE

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

Sponsor: \_\_\_\_\_ Ann Harbison \_\_\_\_\_

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

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

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

Mitch McCorkle, Fire Chief  
288 Maple Avenue  
West Fork, AR 72774-3100

Phone 501-839-2233 Fax 501-839-2155

West Fork Rural Fire Department

2014 OCT 29 PM 12:42

FILED

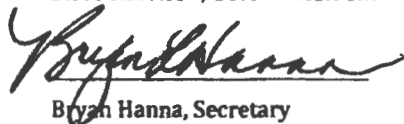
Oct 14, 2014

Washington County Quorum Court  
C/o George E. Butler, Jr.  
Washington County Attorney  
280 N. College, Suite 501  
Fayetteville, Arkansas 72701

This letter is to notify you of the West Fork Rural Fire Association's Board of Directors decision to enlist the Washington County Tax Collector's assistance in collecting our annual dues. We would request the Quorum Court pass an ordinance to hold a special election on behalf of adding the fire dues to the district's property taxes. The amount of the fire dues reflected in the ordinance should read not to exceed \$50.00.



Steve Harrison, Board President



Bryan Hanna, Secretary



Thomas M. McCorkle, Fire Chief

Emergency Dial 911



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

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

**AN EMERGENCY ORDINANCE RATIFYING  
A CONDITIONAL USE PERMIT GRANTED  
BY THE PLANNING AND ZONING BOARD.**

**WHEREAS**, the Planning and Zoning Board granted a Conditional Use Permit on November 6 for Baldwin Cell Tower; and,

**WHEREAS**, immediate ratification is necessary by the Quorum Court to prevent undue delay and expense to the applicant; and,

**WHEREAS**, ratification will not affect any appeal rights any person may have.

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

**ARTICLE 1.** That the Conditional Use Permit for Baldwin Cell Tower granted by the Planning and Zoning Board is hereby ratified.

**ARTICLE 2. Emergency Clause:** It is hereby determined that it is the public's best interest for this ordinance to be effective immediately; and the general health, safety and welfare of the citizens are affected by such for the reasons as set out above; therefore, an emergency is declared to exist and this ordinance shall be and is effective from the date of its passage.

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

\_\_\_\_\_  
DATE

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

Sponsor: \_\_\_\_\_ Tom Lundstrum

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

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

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

**Baldwin Cell Tower CUP**

Fayetteville Planning Area

b. Baldwin Cell Tower CUP

*Conditional Use Permit Approval Request*

Location Address: north of 5060 AR Hwy 16/Huntsville Rd  
Approximately 31.62 acres. Proposed Land Use: Cell Tower  
Project #: 2014-205 Planner: Courtney McNair  
[CMcNair@co.washington.ar.us](mailto:CMcNair@co.washington.ar.us)

**The Planning Board/Zoning Board of Adjustments approved Baldwin Cell Tower CUP, with conditions, request on November 6, 2014 (5 members voted "in favor", 0 members voted "against", 1 member was absent, 1 member abstained).**

**An appeal was filed for this project on November 17, 2014. Since that time the applicant and appellant were able to reach an agreement suitable to both parties in regard to the style of tower placed on the site (the tower will now be of a style having no exterior antennas).**

**The original application allowed for external antennas on the monopole tower, but Planning Staff is recommending that a flag pole (or monopole tower utilizing internal mount antennas) type tower be approved as part of this CUP in order to mirror the agreement made between the appellant and the applicant.**

**The appeal has now been withdrawn and the applicant would like to proceed with ratification. Staff is recommending one change in the conditions approved by the Planning Board in regard to the style of tower being placed.**

**This project is now past the appeal period. No new appeals may be filed.**

The property owner is Betty Knox; the applicant is Smith Communications, LLC. Mr. Dave Reynolds has been the contact person on this project. The surveyor is Satterfield Land Surveyors.

The property is located east of Fayetteville off E. Highway 16/Huntsville Rd. The applicant requested permit approval to construct an approximately 150 foot tall monopole wireless communications tower facility. The original application allowed for external antennas on the monopole tower, but Planning Staff is recommending that a flag pole (or monopole tower utilizing internal mount antennas) type tower be approved as part of this CUP in order to mirror the agreement made between the appellant and the applicant. The tower will be unlit.

The tower will be constructed on a 29.48 acre parcel and a proposed 40 foot wide access and utility easement will provide access from E Highway 16 across a 3.67 acre parcel to the tower site. The tower will be located on a 60'x70' lease area. It is presumed by staff that additional generators, shelters, and meter banks could be added in the future with future antenna co-locations.

The applicant's explanation letter states that the facility will be unmanned and that the only reoccurring traffic will be light trucks for equipment maintenance technicians.

If this CUP is approved by the Quorum Court, then this tower is expected to be reviewed by the Planning Board for Full Tower Review.

The closest residence would be approximately 238.50 feet from the base of the tower's proposed location (owned by Laurence and Sallie Hill who did not comment on this project). The next



closest residence is 241.55 feet from the tower's base (owned by Betty Knox who owns the two parcels involved in this CUP).

Adjacent land uses are residential uses, an electrical substation, a cemetery, and agricultural uses. Fayetteville's City Limits is located to the south. Past these uses within a half mile radius are a small car repair shop, barber shop, garden nursery, church, gas station, retail shops, residential, and agricultural uses.

Five neighbors contacted staff about this project. One of the neighbors only had questions regarding the tower's proximity to Hester Cemetery; she voiced no complaints. The voiced concerns of the other neighbors were:

- Health affects
  - The FCC Act of 1996 prohibits us from making decisions about possible health-related concerns in regard to radio frequency emissions.
- Appearance of a cell tower
- Concern about property devaluation
- A neighbor who owns land adjacent to the east felt that the tower would suppress his ability to divide his land to build houses for sale at a later time.
- Desire that the tower be constructed on commercial property to the south
- Desire that the tower be constructed further in on the involved parcels so the tower would not be so close to Mr. Kelly's property to the east.
- A report that other towers are located within 2 miles of this location.
  - The FCC Act of 1996 prohibits us from denying an application solely because "one or more carriers serve a given geographic market".

Staff visited the site and observed that because it is surrounded with tree lines, it seems to be situated in a way that minimizes the aesthetic impact for some of the neighbors. Also, the high voltage transmission lines on this property visually make a cell tower at this location less obtrusive than it might be in a purely agricultural setting. Staff feels that the tower's placement in the terrain, the type of tower (monopole), the tower height (153 ft), the lack of tower lighting, and staff's requirement that the tower compound be surrounded with privacy fencing and a new condition requiring evergreen plantings (see below), help to mitigate the tower's appearance on the landscape.

The condition regarding evergreen vegetation was added in an attempt to address an eastern property owner's concern about the proximity of the tower.

Additionally, since the time of Planning Board approval, the applicant has agreed to use a flag pole (or monopole tower utilizing internal mount antennas) type tower.

**The Planning Board/Zoning Board of Adjustments approved Baldwin Cell Tower CUP request on November 6, 2014 (5 members voted "in favor", 0 members voted "against", 1 member was absent, 1 member abstained) with the following conditions:**

General Conditions:

1. The project shall generally adhere to the plans submitted. **(The style of tower should be a flag pole type tower (or monopole tower utilizing internal mount antennas).**
2. Any applicable permits must be obtained through City of Fayetteville Planning/Engineering.

Fire and Water Conditions:

1. There must be enough vertical clearance along the access and utility easement for fire apparatus.
2. The gate to be installed along the easement shall be 26 ft in width to accommodate emergency vehicles.

3. The access drive must be 26 ft wide and be able to support 75,000 lbs in all weather conditions.
4. A 20 foot wide gate will be required on the tower compound fencing in order to accommodate emergency vehicles.

Roads/Ingress-Egress Conditions:

1. A Utility Access Driveway Permit must be obtained from AHTD prior to any access drive being constructed off Highway 16.
2. The proposed easement crossing parcel 765-13073-000 shall be created.

Environmental Conditions:

1. No stormwater permit is required by Washington County at this time; however, applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality. [www.adeg.state.ar.us](http://www.adeg.state.ar.us)

Signage/Lighting/Screening Conditions:

1. All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors.
2. All security lighting must be shielded appropriately.
3. The compound area should be screened by using privacy fencing a minimum of 6' in height.
4. Evergreen vegetation shall be planted along the northern and eastern tower compound sides and also along the southern tower side on either side of the gate. The plant choice shall be evergreen trees or shrubs that grow at least 15 feet tall and will offer screening. Staff must approve of the plant choice and spacing. The plant sizes shall be at least 3 feet tall at planting.

Standard Conditions:

1. Pay neighbor notification mailing fees of \$144.90 within 30 days of project approval. An invoice was emailed on 10.28.2014. Any extension must be approved by the Planning Office.
2. Pay Engineering Fees (if there are any) within 30 days of project approval. Any extension must be approved by the Planning Office.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. This CUP must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - o This project requires additional review (Regular Communications Tower Review), and therefore, the applicant must submit for Regular Communication Tower Review within 12 months of this CUP project's ratification.

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

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

**AN EMERGENCY ORDINANCE RATIFYING  
A CONDITIONAL USE PERMIT GRANTED  
BY THE PLANNING AND ZONING BOARD.**

**WHEREAS**, the Planning and Zoning Board granted a Conditional Use Permit on January 8 for Cook’s Rentals; and,

**WHEREAS**, immediate ratification is necessary by the Quorum Court to prevent undue delay and expense to the applicant; and,

**WHEREAS**, ratification will not affect any appeal rights any person may have.

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

**ARTICLE 1.** That the Conditional Use Permit for Cook’s Rentals granted by the Planning and Zoning Board is hereby ratified.

**ARTICLE 2. Emergency Clause:** It is hereby determined that it is the public's best interest for this ordinance to be effective immediately; and the general health, safety and welfare of the citizens are affected by such for the reasons as set out above; therefore, an emergency is declared to exist and this ordinance shall be and is effective from the date of its passage.

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

\_\_\_\_\_  
DATE

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

Sponsor: \_\_\_\_\_ Tom Lundstrum

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

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

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

## Cook's Rentals CUP

### County

#### **a. Cook's Rentals CUP**

##### ***Conditional Use Permit Approval Request***

Location Address: 10386 N. Jackson Hwy.

Approximately 1.57 / 2 units. Proposed Land Use: Single Family Residential

**Project #: 2014-294 Planner: Courtney McNair email: [CMcNair@co.washington.ar.us](mailto:CMcNair@co.washington.ar.us)**

**The Planning Board/Zoning Board of Adjustments approved Cook's Rentals Conditional Use Permit (with conditions) on January 8, 2015.**

The owner of this property and the applicant for this project is Jeffery Cook. The property is located on the west side of the County, off N Jackson Hwy., WC #669.

Cook's Rentals is requesting Conditional Use Permit approval to allow a second residence be placed on a parcel that is 1.57 acres in size. There is an existing residence on site. The addition of a second residence will make the density 1.27 units per acre.

To clarify, the mobile home that is already located on this property is the second residence that is proposed to be added. The applicant moved the structure on site in order to make repairs. He understands that he could be required to remove it if this CUP is not approved. He also understands that it cannot be occupied and no additional site work, such as installation of the septic system, may take place until a CUP is granted and ratified.

The primary concerns with this project involved the septic system for the proposed residence and the existing residence. These concerns have been resolved.

Additionally, one neighbor submitted comments "opposed" to this project.

**In response to the concerns voiced by the neighbor, staff (after discussion with the applicant) has added screening conditions to the earlier recommendation.**

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

**Staff recommends ratification of Cook's Rentals Conditional Use Permit with conditions.**

**The Planning Board/ Zoning Board of Adjustments approved (5 members voted "in favor", 1 members voted "against", 1 member was not present, 0 members abstained) the project with the following conditions:**

#### **Planning Conditions:**

1. Must use existing driveway, cannot use the private drive to the north as primary access.
2. Must mark septic system location on the site in order to insure that no one damages the area by driving or parking on the system.

#### **Sewer/Septic/Decentralized Sewer Conditions:**

1. The proposed septic system must be installed and then inspected and approved by the Washington County Health Department prior to the occupation of the residence.

**Screening Conditions:**

1. A vegetative screen must be planted along a portion of the south and east property line (as shown in attached sketch).
2. Vegetative screen must be approximately 4' in height upon planting, and must be made up of plants that will reach 6'- 8' in height upon maturity.
3. A planting plan schematic (drawing showing types of vegetation and spacing) must be approved by the Planning Department prior to the installation of the vegetation.
4. Additionally, this screening must be maintained. Any vegetation that dies or is removed for any reason, must be replaced in a timely manner.

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

1. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.

**Environmental Conditions:**

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

**Utility Conditions:**

1. Any damage or relocation of existing facilities will be at owner's expense.

**Lincoln Fire Department Conditions:**

1. Since it is a rental, the residence must have working smoke detectors. **The smoke detectors will need to be hardwire battery backup alarms.**

**Standard Conditions:**

1. Pay neighbor notification mailing fees (\$15.72) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 12/29/2014).
2. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
3. Lots that are over one-half acre in size will need to be addressed after the home location is known.
4. This CUP must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - This project does not require additional Planning Board review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.



Approximate location of vegetative screen. The applicant must submit a sketch of the proposed screen to Planning Staff for approval. (can be moved closer to the residence if it will provide an adequate screen).