

MARILYN EDWARDS
County Judge



280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

May 15, 2015

REGULAR MEETING OF THE
WASHINGTON COUNTY QUORUM COURT

Thursday, May 21, 2015
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.**
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 April 16 regular meeting and the April 20 special meeting of the Quorum Court. (5.1-5.2)
6. **PUBLIC HEARING.** At this time, the Quorum Court will conduct a second required public hearing concerning the implementation of an Arkansas Community and Economic and Development Program (ACEDP) grant for Economic Development for Tyson. The purpose of this hearing is to inform citizens of the current scope and progress of the ACEDP project; discuss any changes or impacts involving financing sources, user fees or beneficiaries that have occurred since the first public hearing conducted on November 10, 2011; accept oral and written comments regarding the project; and, discuss any potential impacts upon citizens that may/will result during the course of the project. **JUDGE EDWARDS**

**AGENDA
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7. **A RESOLUTION AUTHORIZING ALFORD JOE MAIN TO SOLEMNIZE THE MARRIAGE OF CHARLES ORVILLE GOODING AND ANGEL DAWN BATY ON MAY 23, 2015, IN WASHINGTON COUNTY, ARKANSAS. (7.1)** **RICK COCHRAN**
8. **A RESOLUTION EXPRESSING APPRECIATION TO THE BRIDGE INVESTIGATION TEAM. (8.1)** **BUTCH POND**
9. **FINANCE REPORT.** **RICK COCHRAN**
- 9.1 **A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO APPLY FOR A BUREAU OF JUSTICE ASSISTANCE GRANT ON BEHALF OF THE WASHINGTON COUNTY DRUG COURT.**
- 9.2 **A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO APPLY FOR A BUREAU OF JUSTICE ASSISTANCE GRANT ON BEHALF OF THE WASHINGTON COUNTY SHERIFF'S OFFICE.**
- 9.3 **APPROPRIATION ORDINANCE: AN ORDINANCE APPROPRIATING THE AMOUNT OF \$98,995 FROM THE GENERAL FUND TO THE COMPUTER/IT DEPARTMENT BUDGET FOR 2015.**
- 9.4 **APPROPRIATION ORDINANCE: AN ORDINANCE RECOGNIZING REVENUES IN THE AMOUNT OF \$18,421 IN THE GENERAL FUND; AND APPROPRIATING THE AMOUNT OF \$18,421 FROM THE GENERAL FUND TO THE JUVENILE DETENTION CENTER BUDGET FOR 2015..**
- 9.5 **APPROPRIATION ORDINANCE: AN ORDINANCE RECOGNIZING REVENUES OF \$1,950 IN THE JDC GRANT FUND AND APPROPRIATING THE AMOUNT OF \$1,950 FROM THE JDC GRANT FUND TO THE JDC HOFNOD BUDGET FOR 2015.**
- 9.6 **APPROPRIATION ORDINANCE: AN ORDINANCE ANTICIPATING REVENUE OF \$30,889 IN THE DEM GRANT FUND FOR 2015; AND APPROPRIATING \$30,889 FROM THE DEM GRANT FUND TO THE WHEELER FIRE DEPARTMENT – SCBA BUDGET FOR 2015.**

- 9.7 **APPROPRIATION ORDINANCE: AN ORDINANCE ANTICIPATING REVENUE OF \$10,000 IN THE ENVIRONMENTAL AFFAIRS GRANT FUND FOR 2015; AND APPROPRIATING \$10,000 FROM THE ENVIRONMENTAL AFFAIRS GRANT FUND TO THE BMT01-15EW BUDGET FOR 2015.**
- 9.8 **APPROPRIATION ORDINANCE: AN ORDINANCE ANTICIPATING ADDITIONAL REVENUES OF \$1,520 IN THE LAW ENFORCEMENT GRANT FUND; AND APPROPRIATING THE AMOUNT OF \$1,520 FROM THE LAW ENFORCEMENT GRANT FUND TO THE SHERIFF-COMMUNITY FIRE PREVENTION GRANT BUDGET FOR 2015.**
- 9.9 **APPROPRIATION ORDINANCE: AN ORDINANCE RECOGNIZING REVENUES IN THE AMOUNT OF \$8,876 IN THE COUNTY LIBRARY FUND; AND APPROPRIATING THE AMOUNT OF \$8,876 FROM THE COUNTY LIBRARY FUND TO THE COUNTY LIBRARY BUDGET FOR 2015.**
- 9.10 **APPROPRIATION ORDINANCE: AN ORDINANCE ADJUSTING REVENUES AND APPROPRIATIONS IN THE COMMUNICATION FUND AND VARIOUS GRANT FUNDS FOR 2015.**
- 9.11 **APPROPRIATION ORDINANCE: AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$12,000 IN THE 9-1-1 FUND; AND APPROPRIATING \$12,000 FROM THE 9-1-1 FUND TO THE ACT 442 OF 2013 PSAP BUDGET FOR 2015.**

10. COUNTY JUDGE'S REPORT.

JUDGE EDWARDS

11. COMMITTEE REPORTS. (11.1, 11.2)

12. AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD. The Planning Board granted a Conditional Use Permit on May 7 for Fritchie Farms. This ordinance contains an emergency clause making it effective immediately upon passage. (12.1, 12.2)

EVA MADISON

13. **AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD.** The Planning Board granted a Conditional Use Permit on May 7 for Elkhorn Springs Road Dirt Pit Expansion #2. This ordinance contains an emergency clause making it effective immediately upon passage. (13.1, 13.2)

RICK COCHRAN

14. **REPORT ON THE ANNUAL ASSOCIATION OF QUORUM COURTS MEETING.**

EVA MADISON

15. **OTHER BUSINESS.**

16. **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.

17. **ADJOURNMENT.**

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

Thursday, April 16, 2015
6:00 p.m.

Washington County Quorum Court Room

- 136.1 The Washington County Quorum Court met in regular session on Thursday, April 16, 2015. The meeting was called to order by County Judge Marilyn Edwards.
- 136.2 L. Ecke led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 136.3 **MEMBERS PRESENT:** Daniel Balls, Harvey Bowman, Rick Cochran, Robert Dennis, Lisa Ecke, John Firmin, Ann Harbison, Sharon Lloyd, Tom Lundstrum, Eva Madison, Sue Madison, Joel Maxwell, Joe Patterson, Butch Pond, and Bill Ussery.
- 136.4 **OTHERS PRESENT:** County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 136.5 **ADOPTION OF THE AGENDA:** Judge Edwards asked if there were any additions or deletions to the agenda.
- 136.6 **A motion was made and seconded to adopt the agenda as presented. The motion passed unanimously by voice vote. The agenda was adopted as presented.**
- 136.7 **APPROVAL OF MINUTES:** Judge Edwards asked for approval of the Minutes of the March 19 Regular Meeting of the Washington County Quorum Court.
- 136.8 **A motion was made and seconded to approve the minutes as presented. The motion passed with thirteen members voting to approve the minutes and two members abstaining from the vote. The minutes were approved as presented.**
- 136.9 It was noted that E. Madison and S. Madison abstained from voting to approve the Minutes as they were not in attendance.
- 136.10 **FINANCE REPORT:** R. Cochran reported that they had a short agenda tonight with four appropriation ordinances from the Finance and Budget Committee.

137.1 AN ORDINANCE REDUCING THE AMOUNT OF \$43,451 FROM FULL-TIME SALARY LINE ITEMS IN VARIOUS COUNTY BUDGETS AND RESTORING THOSE FUNDS TO UNAPPROPRIATED RESERVES; APPROPRIATING THE AMOUNT OF \$51,998 FROM UNAPPROPRIATED RESERVES TO VARIOUS BUDGETS FOR 2015; AND SUSPENDING BUDGET CONTROLS AND ANY APPLICABLE JESAP POLICY TO CHANGE THE TITLE OF A PERSONNEL POSITION IN THE ROAD DEPARTMENT BUDGET FOR 2015: R. Cochran introduced **An Ordinance Reducing The Amount Of \$43,451 From Full-Time Salary Line Items In Various County Budgets And Restoring Those Funds To Unappropriated Reserves; Appropriating The Amount Of \$51,998 From Unappropriated Reserves To Various Budgets For 2015; And Suspending Budget Controls And Any Applicable JESAP Policy To Change The Title Of A Personnel Position In The Road Department Budget For 2015**, and County Attorney Steve Zega read the ordinance.

137.2 R. Cochran explained that this ordinance is a quarterly ordinance which moves money in and out of unappropriated reserves and back into appropriate them. He noted that Attachments A and B set out details showing where the money is coming from and going to and with the suspended Budget Controls and JESAP policies, committee voted unanimously to forward the ordinance to the Full Quorum Court with a do pass recommendation.

137.3 **R. Cochran made a motion to adopt the ordinance. B. Pond seconded.**

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

137.5 VOTING FOR: L. Ecke, J. Firmin, A. Harbison, J. Maxwell, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, and R. Dennis. VOTING AGAINST: S. Lloyd, T. Lundstrum, E. Madison, S. Madison, and J. Patterson. **The motion passed with ten members voting in favor and five members voting against the motion. The ordinance was adopted.**

ORDINANCE NO. 2015-23, BOOK NO. 10, PAGE NO. 167

137.6 AN ORDINANCE APPROPRIATING THE AMOUNT OF \$13,623 FROM THE GENERAL FUND TO THE SHERIFF-WORK RELEASE BUDGET; AND RECOGNIZING AND APPROPRIATING REVENUES IN THE DRUG ENFORCEMENT-STATE AND DRUG ENFORCEMENT-FEDERAL FUNDS FOR 2015: R. Cochran introduced **An Ordinance Appropriating The**

Amount Of \$13,623 From The General Fund To The Sheriff-Work Release Budget; And Recognizing And Appropriating Revenues In The Drug Enforcement-State And Drug Enforcement-Federal Funds For 2015, and County Attorney Steve Zega read the ordinance.

- 138.1 R. Cochran explained that this is a quarterly ordinance that they do after the money has been brought in and they know how much it is so they can appropriate money to the Work Release budget.
- 138.2 **R. Cochran made a motion to adopt the ordinance. A. Harbison seconded.**
- 138.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 138.4 **VOTING FOR: L. Ecke, J. Firmin, A. Harbison, S. Lloyd, T. Lundstrum, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, and R. Dennis. VOTING AGAINST: E. Madison and S. Madison. **The motion passed with thirteen members voting in favor and two members voting against the motion. The ordinance was adopted.****

ORDINANCE NO. 2015-24, BOOK NO. 10, PAGE NO. 170

- 138.5 **AN ORDINANCE CREATING AN ADDITIONAL PERSONNEL POSITION IN THE PUBLIC DEFENDER BUDGET; REDUCING PERSONAL SERVICES LINE ITEMS IN THE PUBLIC DEFENDER BUDGET BY \$24,445; AND APPROPRIATING THE AMOUNT OF \$39,015 FROM THE GENERAL FUND TO THE PUBLIC DEFENDER BUDGET FOR 2015: R. Cochran introduced **An Ordinance Creating An Additional Personnel Position In The Public Defender Budget; Reducing Personal Services Line Items In The Public Defender Budget By \$24,445; And Appropriating The Amount Of \$39,015 From The General Fund To The Public Defender Budget For 2015, and County Attorney Steve Zega read the ordinance.****
- 138.6 R. Cochran explained that this ordinance is request to move from a part-time to a full-time position of Deputy Public Defender. He noted that they received many letters from Judges and Attorneys in favor of this request due to the increased work load over the past few years. He stated since the committee's vote was not unanimous to forward the ordinance to the Full Quorum Court with a do-pass recommendation, while he supports the ordinance on its merit, he will not offer the motion to adopt at this time to give further opportunity for discussion.

- 139.1 **B. Pond made a motion to adopt the ordinance. J. Firmin seconded.**
- 139.2 E. Madison stated that she is very much undecided on this ordinance and would like to hear people's thoughts on it, noting that she has been contacted by folks in the Public Defender's Office and by one constituent in favor of the ordinance. She stated that while she has absolutely no doubt that this position needs to be full-time, those of them who heard from the Judges and people involved in this process know that it probably needed to be full-time a long time before now. She noted that her struggle is that the Public Defender's Office is a state function and not a county function and for the most part the Public Defender's Office is funded by the state.
- 139.3 E. Madison stated that she particularly finds herself conflicted currently because they finished the Legislative Session where virtually every other state official was given a pretty sizable raise by the new Independent Commission; all of their Judges received raises; their Legislators received sizable raises; and they now have Prosecutors asking for raises. She noted that it seems like the Public Defenders are being left out of this and she is frustrated that the state is leaving it to the county, so she is truly undecided on how to vote. She knows that there are people present tonight interested in this very issue and she believes that they owe it to them to have a debate on this and to help convince her one way or another.
- 139.4 J. Patterson stated that he would like to see another part-time position as they are actually gaining 10 hours to the tune of \$27,000 and two temps would be \$75,000 or for \$11,000, they gain 30 hours a week which is 1500 hours a year. However, he stated if you just move one up to full-time and don't do anything else, you get 500 hours at a cost of about \$27,000. He stated that he will be unable to support the permanent full-time position. He concurred with E. Madison that the state should take care of this as they have many issues besides this and their money is down to a little under \$4 million in reserves when they want it to be a minimum of about \$10 million. He noted he can remember when they had \$18.3 million in reserves. He stated that they need to bite the bullet and think about this and he would make a motion to that effect.
- 139.5 County Attorney Steve Zega stated in his opinion that is not the nature of an amendment to this ordinance and would require an entirely different ordinance be drawn up.
- 139.6 A. Harbison stated that she senses it is not an option to hire another part-time employee which would be her preference as it would save them money.

However, she has promised her vote to pass the ordinance and will stick with her commitment.

- 140.1 B. Pond stated when they discussed this in committee, it was reported to them that they were having difficulty finding an attorney that would work part-time in this situation. He wouldn't mind having two part-time positions either, but that just doesn't look like a possibility at this time. He verified that they pay part-time people by the hour and they are moving this individual onto a salaried position, asking generally how many hours do they work when on salary.
- 140.2 County Attorney Steve Zega responded to B. Pond stating that more than 40 hours is a fair statement of the work load, which he knows from talking with folks in the Public Defender's Office and from personal experience as the Prairie Grove City Prosecutor.
- 140.3 B. Pond stated that he wishes the state would come forward and do something for them in this situation, but he knows that they won't. He noted that the Public Defenders represent a lot of indigent people and if they have more time to spend and do as good of a job as they possibly can, there has to be a better alternative than to just sending people to our jails. He stated that he kind of looks at it like they either pay it now or pay it later, and it is going to come out of general if the jail continues to grow more crowded.
- 140.4 R. Cochran stated that additional staff, whether it is another person or more hours, would benefit the defendants in these cases from possibly having to spend time in jail. He noted if they don't have their case prepared and ready to go when they meet the Judge, they may find themselves in jail until their court appearance if they have no way to bond out. He doesn't know what the savings is there, but there is money being spent to house prisoners and when they do that for an additional number of hours would tend to negate some of their expenses at the jail, so in some degree that offsets some of the cost to the position.
- 140.5 J. Firmin stated that it is a constitutional mandate that they provide representation to defendants who can't afford to have private representation. He sees this as a critical issue and if they can afford this amount of money, for this kind of level of service to the people of the county who can't really speak for themselves, he would be ashamed to vote against the ordinance.
- 140.6 R. Dennis stated that he recalls that out of the 12-14 that they had, the county pays for 2-3 and while he agrees that the state should do more, doesn't believe that they will. He stated that there are a lot of reasons that some may

want part-time; however, a reason that they want full-time is that they can get a better quality person in the position. He noted being one of those guys who thinks that if you don't get yourself in trouble and you won't need a public defender; however, as soon as he says that, this grandson will be looking for one and if he does, he wants him to have a good one. He stated that he would rather see a full-time person and will support this ordinance.

- 141.1 E. Madison stated that she had mentioned in the Finance Committee meeting the conversion of the Districts Courts where the state was paying for the judges and clerks and they split the cost of it with the cities. She questioned whether this has been funded for conversion; to which Judge Storey responded that it has not. She stated as an over worked lawyer, there is no such thing as a part-time law practice and even those who try to do it, find themselves committing to full-time, so she doesn't see it as a very realistic solution.
- 141.2 S. Madison stated that she is still not happy with the fact that their Finance Committee is not a Committee Of The Whole and for that reason she has been voting against everything that comes out of the Finance Committee because she believes it was inappropriately constituted and they still don't have an Attorney General's Opinion on that. She concurs with R. Dennis about the difference between a part-time employee and a full-time employee and believes that having two part-time employees would become an almost abusive situation of loyal, hardworking people and believes that they have more respect for their County employees than to do that to them. She stated if they are going to have someone, she wants them to be fully invested in the job with all benefits that come with the job. She stated having said she feels this way; she will temper her vote to an abstention on this ordinance.
- 141.3 A. Harbison stated that her objection to this has to do with the money since they are short on money and need to watch what they spend from now to the end of the year. She stated that when people are appointed a Public Defender, they are represented for that one case and when they leave, they don't have an attorney. She would like to see the whole situation overhauled because she doesn't believe that because people don't have money that they are throw away people. She stated that it is not the Pubic Defenders' fault, but rather the situation and how this has evolved and she wants to see some drastic change in how people are defended and taken care of. She pointed out that those people out there that feel they are throw away people and don't make an effort, don't vote as they don't think their vote counts. She stated that all of these social problems are why she would like to vote against this; however, it is needed, so she will support the ordinance. She concurred with S. Madison that two part-time people will end up working full-time.

- 142.1 H. Bowman addressed the statement that the current part-time person was not a very beneficial contributor to the Public Defender's Office and questioned whether it was possible to find a second part-time employee; Denny Hyslip, Washington County Public Defender, responded that you get what you pay for with a part-time employee. He stated they would have their own private law practice that they will obviously devote a lot more time to it. Leana Houston addressed H. Bowman's question stating that there are very few that apply for a part-time position. She recalls interviewing an applicant years ago and when he saw the calendar for court, he said no thank you. She stated as far as the 40 hours work, an attorney on a salary is considered an exempt employee and are not limited to 40 hours and may end up working 60 hours some weeks which is not time billed; whereas those paid hourly that require more time, the County is billed for. As an exempt employee a full-time employee who has to do extra work, the county is not billed extra. She stated that part of the problem currently is that they have to do more work than the 30 hours and that is not in the budget.
- 142.2 H. Bowman stated that with everything he has heard about this, he desperately wants to support the ordinance; however, they are under a great deal of pressure with their budget and he is stressed about which way to vote.
- 142.3 Ms. Houston stated that this is their last resort, noting that the Public Defenders Commission in Little Rock asked for 46 new positions for the state and only received 3. She referred to a letter from the Public Defender's Commission stating that they will not receive any more positions or any more money. She stated if they don't get help they will have problems keeping up with their ethical responsibilities required. She noted that the American Bar Association suggests that a public defender handle 300 cases a year and Washington County is way over that at this time.
- 142.4 D. Balls concurs with J. Firmin that this is a constitutional right and they may not like it, but the state left them hanging and they have to take care of this, so he will be voting for the ordinance tonight and urged his fellow JPs to do the same.
- 142.5 T. Lundstrum stated that the thing that bothers him about these issues is increasing the size and cost of government. He stated that he has been on this court for about 8 years and has seen about \$20 million spent and believes that a large portion was spent unnecessarily and if they had the money in reserves that they should have, they wouldn't have a problem with this at all because in terms of the budget, the money they are asking for is nickels and dimes. He noted that he has heard some on this court say that they need 1/8 of a cent sales tax which is practically nothing; however, it is

not the 1/8 of a cent that is the problem, it is the 9.75 percent that they have to add that 1/8 of a cent to. He noted the reason he voted for the first item on this was because they were raising the cost of government by \$7,000 a year on a job designation. He concurs that they want to see their employees make good money and be happy in their job, but the State is not spending anymore money on the same issue. He believes this is a tough situation and he sympathizes with them; however, he also sympathizes with the taxpayer having to pay for these things as well, pointing out that a little bit here and a little bit there adds up to thousands and thousands of dollars and at the end of the year is a big issue.

- 143.1 S. Lloyd concurred with T. Lundstrum stating that while she sympathizes with the need for this, she wishes to speak for the taxpayer. She stated she would love to be able to give everyone what they wanted, but there comes a time and place where they have to say they don't have the money to do these things. She stated that she frankly feels that she is overworked, so does that mean that she gets a raise as well. She stated that she is still on the fence, but has to speak for the taxpayer because yesterday was April 15th.
- 143.2 B. Ussery verified that if they have these public defenders, there is a good chance that people will spend a lot more time in jail. He stated therefore that it wouldn't take many days in jail at all to make that money back and then some on top of all of the constitutional rights to be defended. He believes that this will wash itself or come out ahead by having fewer people in jail that they have to feed and take care of. He stated that they do have an obligation to make the right choice here.
- 143.3 H. Bowman asked for County Public Defender Denny Hyslip to validate that having this extra time will keep people out of jail or spending less time in jail than they currently are.
- 143.4 Public Defender Denny Hyslip responded to H. Bowman stating that he simply thinks that they would because the attorneys would have more time to work a case, talk to witnesses, talk to the Prosecutor and to talk to the client, rather than having to get cases continued over and over again. He further stated that a defendant will spend more time in jail until a Public Defender has time to work with them unless they can make bond. He further reported that time spent in jail is less in misdemeanor than felony cases, but many of them spend months and months in jail.
- 143.5 In response to a question from H. Bowman, Sheriff Helder stated that the daily cost per prisoner is \$64 currently.

- 144.1 H. Bowman stated that he is still torn on how to vote on this ordinance, but it appears that they will save some real money by keeping these people out of jail ahead of time.
- 144.2 E. Madison pointed out that just because someone is charged doesn't mean they are guilty and sometimes those who need a lawyer the most are those who are indigent and innocent. For that reason, she has decided to support the ordinance.
- 144.3 R. Cochran stated that another factor to this pointed out in their committee meeting is that they are not doing everything that they are required to do by law and fall short by having an employee at 30 hours a week doing a public defender's job. He isn't sure what the ramifications would be, but the law states that they provide these people with a certain level of service that they are not currently meeting. He believes that this is a good solution to the problem that they have and he will support the ordinance.
- 144.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 144.5 **VOTING FOR: J. Firmin, A. Harbison, E. Madison, J. Maxwell, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, and R. Dennis. VOTING AGAINST: L. Ecke, S. Lloyd, T. Lundstrum, and J. Patterson. ABSTENTION: S. Madison. The motion passed with ten members voting in favor, four members voting against, and one abstention. The ordinance was adopted.**

ORDINANCE NO. 2015-25, BOOK NO. 10, PAGE NO. 172

- 144.6 **AN ORDINANCE CREATING AN ADDITIONAL PERSONNEL POSITION IN THE COUNTY LIBRARY BUDGET; REDUCING PERSONAL SERVICES LINE ITEMS IN THE COUNTY LIBRARY BUDGET BY \$12,393; AND APPROPRIATING THE AMOUNT OF \$22,035 FROM THE COUNTY LIBRARY FUND TO THE COUNTY LIBRARY BUDGET FOR 2015:**
R. Cochran introduced **An Ordinance Creating An Additional Personnel Position In The County Library Budget; Reducing Personal Services Line Items In the County Library Budget By \$12,393; And Appropriating The Amount Of \$22,035 From The County Library Fund To The County Library Budget For 2015**, and County Attorney Steve Zega read the ordinance.
- 144.7 R. Cochran explained that this is a request from the Library Board Director for a full-time Librarian Administrative Assistant that is funded by its own revenue

source and will not affect any county revenue source. He noted that the committee voted unanimously to forward the ordinance to the Full Quorum Court with a do pass recommendation.

- 145.1 **R. Cochran made a motion to adopt the ordinance. B. Pond seconded.**
- 145.2 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 145.3 **VOTING FOR: L. Ecke, J. Firmin, A. Harbison, S. Lloyd, T. Lundstrum, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, and R. Dennis. VOTING AGAINST: E. Madison. ABSTENTION: S. Madison. **The motion passed with thirteen members voting in favor, one member voting against the motion, and one abstention. The ordinance was adopted.****

ORDINANCE NO. 2015-26, BOOK NO. 10, PAGE NO. 173

- 145.4 **COUNTY JUDGE'S REPORT: Judge Edwards announced that Judge Zimmerman was there to give a presentation on the Juvenile Court Complex.**
- 145.5 **Circuit Judge Stacy Zimmerman - Judge Zimmerman addressed the Quorum Court stating that last month they had a meeting at the Juvenile Court Complex to show the Quorum Court the layout of this court and one of the biggest issues that they have going on currently is with security and the size of their lobby. She referred to a packet handout that shows the types of cases heard in Juvenile Court; not only does she hear cases involving kids that have been arrested for committing a crime, but she also has cases with children going into foster care with over 300 children currently in Washington and Madison County in this program. Judge Zimmerman noted that they currently have a 300 sq. ft. lobby where the families are waiting for their case to be called into court and it is a very small power keg situation. She stated that in cases where parents are incarcerated, they are brought through the lobby in shackles with families and children in the lobby.**
- 145.6 Judge Zimmerman stated that following their meeting at the Juvenile Court Complex last month to see their layout, she wanted everybody to brainstorm about ways that they could make their situation there a little safer for the families that they serve. She noted that they have about 1200 people that come through their front doors every month that includes families, young children, teachers, principals, and members of the community and when people come through that lobby they are often times upset, maybe with children being put into foster care due to abuse or neglect, or may be a victim

of a crime. She stated when they have witnesses such as children that are victims in these cases; they have a 10' x 12' office that they modified where they have the children so they don't see the person who has abused them.

- 146.1 Judge Zimmerman stated that she brainstormed with her staff, spoke to Sheriff Helder who made some suggestions that she sketched out to make a proposal. She explained that they could make their old courtroom into a new lobby to give them more space with an extension out the back towards the Animal Shelter and a small extension out the front so they can have an actual metal detector with conveyor belt so that people are actually screened thoroughly before they come into court, not only for the safety of their staff and employees of Washington County, but most importantly the families and people that they serve. She noted that the building was built in 2000 and this addition would be an approximate 5100 sq. ft. addition counting the back and front areas.
- 146.2 Judge Zimmerman stated that she knows the Quorum Court has a lot on their plate currently and that resources are scarce, but she just wanted to bring this to the court's attention with an overview of a possible solution. She noted that all comments made regarding the request for the full-time Public Defender position are very applicable in this case. She stated that she would like to start thinking about this because it impacts 1200 or so people who come through their doors every month that are citizens of Washington County. She stated that abused and neglected children don't really have a voice and they try to make it as safe of an atmosphere for them to come to court, and by law in dependent neglect cases, children have the right to be present because they are talking about decisions that are affecting their lives. She noted that they additionally have cases where juveniles come to court with 1-2 parents and grandparents, and is unlike the adult system where you only have a defendant adult coming to court. She stated that they want the families to be involved in these cases.
- 146.3 Judge Zimmerman referred to the proposed expansion drawing, stating that on the first page in yellow is the actual addition out towards the back which is about 68' x 78' including the holding cell. She stated that the little holding area would be where the adult defendants or adults coming over from jail or prison would be housed so they are not coming through the public lobby area. She stated on the second page in yellow represents the small addition out the front to give them time and space to have a metal detector. She noted that their JDC is open on weekends to the public for families to visit the juveniles in detention and this area is always open for the weekends.

- 147.1 A. Harbison stated that she has asked County Attorney Steve Zega to look into their bond issue that is paid by fines and fees and where they are on that because it seems to her that this would be the only possible money that they have and could use for this expansion.
- 147.2 H. Bowman asked if there was an idea of what the cost for this would be; to which Judge Zimmerman responded that she did some internet surfing about commercial building costs which varies from \$89 to \$130 a square foot. She stated that she spoke with Sheriff Helder about the holding cell area for adults coming in the back which would need to be more reinforced concrete and would cost a little more, but generally speaking \$114 per square foot is the average she has found for a courthouse expansion. She further reiterated that they are talking about 5100 sq. ft., not including the awning out the front.
- 147.3 R. Cochran referred to the offices that they presently have in the existing building, stating that he knows they are tight on space and would like to see what they are doing with a child's playroom because the little 8' x 8' area is not big enough. He asked if the two office/storage areas in the new expansion proposal are enough to cover them for long term.
- 147.4 Judge Zimmerman responded to R. Cochran stating that she believes it is enough space to cover them for long term because of the three 10' x 8' consult offices where attorneys can visit with their clients. She noted in court today she had a registered sex offender sitting in the lobby with a deputy along with the families, so having those consulting rooms where they can put a person to wait to get them out of the area is more important than having a bunch of offices that they don't need. She noted that her office and the Trial Court Assistant's office are the same size, just replicated and the two office/storage spaces are the only offices they added.
- 147.5 R. Cochran inquired about another area that they could possibly use to increase their expansion; to which Judge Zimmerman responded that they have a huge generator located in that area and the JDC electrical box, so these areas were not used.
- 147.6 R. Cochran explained his reason for pointing this out was anytime you build a square, you can get more bang for your buck, so they might want to consider coming out farther down towards the bottom to gain a little extra space. He stated that he understands the problems that they are having and believes that they just need to work on how they can make this happen.
- 147.7 Judge Zimmerman stated that this is just a starting point and they can work with it and think about ways to make it more efficient.

- 148.1 R. Cochran thanked Judge Zimmerman for thinking ahead on this project and noted if they can't get it done this year then they can include it in their budget next year.
- 148.2 L. Ecke questioned whether there would be a way to do this expansion in phases, prioritize the areas needed, that may be easier on their budget; to which Judge Zimmerman stated that she had not even thought about that at this point, but the major emphasis would be making more space for their lobby and enlarging their child waiting room. She further stated that this would be an acceptable option.
- 148.3 In response to a question from S. Madison, Judge Zimmerman stated that she travels twice a month to hold court in Madison County and those are separate cases and Madison County does not contribute at all to the maintenance or upkeep on the Washington County Juvenile Court Complex. She explained that the roof on the main Courthouse is leaking, so currently they hold court in the District Court of Madison County. She further explained as far as the JDC side, Madison County pays money when a Madison County juvenile is detained.
- 148.4 E. Madison stated that she would like to have an architect look at this expansion which may require an appropriation so not something that they could do tonight.
- 148.5 Judge Zimmerman reported that County Attorney Steve Zega advised her that they have \$42,000 in their juvenile court fee fund and under the statute; they can use that for juvenile services. She stated that they talked about using that to hire an architect to come up with some drafts for this expansion.
- 148.6 E. Madison stated that in her experience architects do things with space that none of them have ever thought of.
- 148.7 **Washington County Spring Clean-up** - Judge Edwards reported that the Washington County Spring Clean-up is scheduled for May 13 through 16 from 9:00 a.m. to 3:00 p.m. and provided a flyer with more information on the event. She urged the court to help get the word out because this event has become very successful and a true asset for keeping their community clean.
- 148.8 **Report on Valley View Septic Situation** - Renee Biby, Washington County Grants Administrator/Public Utilities Coordinator, addressed the Quorum Court stating that she had been asked by Judge Edwards to give a report concerning the Valley View Subdivision and the wastewater treatment facility. She reported that they were notified by ADEQ in an emergency order

issued on April 1st that there were problems out there so on April 8th the County Judge, Chief of Staff, County Attorney, Ms. Biby, Prairie Grove Mayor Sonny Hudson, Larry Oelrich, Public Works Director for the City of Prairie Grove, members of the Health Department, and ADEQ met onsite to determine what was being done to mitigate the situation. She reported that they noted some overflow to their lagoon system and since that time, ADEQ is performing an ongoing investigation and it is contemplated that ADEQ will be filing civil law suits soon. She explained that the treatment area is inside the Prairie Grove city limits and a lot of the homes are in Farmington city limits.

- 149.1 In response to a question from B. Pond, Ms. Biby stated that it is not currently overflowing and has decreased by 3 feet, but they just don't know where the fluid has gone.
- 149.2 In response to a question from S. Madison, Ms. Biby stated that the golf course has remained open this entire time and when they visited the site the overflow was going between the 11th and 12th green and the Health Department stated if this continued, they would close down those two holes on the golf course, but that never happened.
- 149.3 S. Madison asked what would keep families' dogs from walking through this and tracking it home, stating that she is astonished that this situation was left there.
- 149.4 County Attorney Steve Zega stated that he had a dentist appointment in Lincoln and stopped on his way back on the 7th and not only was the golf course open, but it was full. He stated that the day after that is when they had covered it in dirt and lime which the Health Department said was the remediation for it and as far as he could tell, there was nothing else done and if you could stand the smell, in order to fully appreciate the situation, it is a visual experience they should see.
- 149.5 S. Madison stated that there are evaporation ponds where sewage is retained for a period of time and asked what kind of fencing was around this pond; to which Ms. Biby responded that it is just a 3-tiered wood board fence and there is nothing to keep small kids from wandering into the area.
- 149.6 R. Dennis stated that it is worse than what S. Madison is imagining. He reported that he lives out there and he has spoken about his concerns on the sewer and growth in Western Washington County. He stated his understanding is that this is a private district that they had no authority over and there were some tough questions asked at the meeting that was just put

off, but the authority is not ours yet until it spills over far enough. He stated that there are a lot of rumors about where the evaporation goes to, but this is not evaporation. He reported that the pumps that pump it down have never been started before and the Board of Directors and owner are family appointed by a previous Judge.

- 150.1 S. Madison asked if Washington County was the original permitting agency that approved this set-up; to which Ms. Biby responded that they have never played a role in approving this, but rather the ADEQ that approved it in April of 2000 and it was in an unincorporated area of the county at that time and the county did not have any ordinances or regulations at that time concerning these type of systems.
- 150.2 S. Madison asked if they are sure that the residents in this area are fully aware of where their dogs, cats and bicycles may be going; to which Ms. Biby responded that they are fully aware that it is a private sewer system and they pay each month for that system.
- 150.3 R. Dennis responded to S. Madison that the residents in this area are fully aware of the situation.
- 150.4 County Attorney Steve Zega reported that Richardson Road is the east/west road on the north side of this development and on a day when the wind is blowing from the south across two fairways and houses, the smell is very obvious. He reported that the county has a pretty long history with this particular improvement district, noting that County Attorney George Butler sued them in 2007 and there was a settlement in that lawsuit that caused it to be dismissed. He stated that there are actually two state agencies that get involved in these issues; the ADEQ and the Department of Health who has 3-4 basic designs for these systems that are approved. He understands that this is the only one exactly like this in the State of Arkansas.
- 150.5 S. Madison asked if the ADEQ was contemplating any fines; to which Ms. Biby responded that they are being fined each day right now that they are in violation and when they file a civil complaint in Circuit Court there will be additional fines. S. Madison asked if the fines will be held against the homeowners; to which Ms. Biby said that the Improvement District is being fined which is comprised of five people.
- 150.6 J. Maxwell asked at what point does this become something that we need to be concerned about; to which Ms. Biby responded at the point that it becomes a county issue is when they can prove that it is flowing directly into the Illinois

River and into unincorporated areas of the county which in turn affects the water quality from the Illinois River.

- 151.1 J. Maxwell asked what parameters they have to prove before they get to that point; to which County Attorney Steve Zega responded that the pond actually sits on a hill and there is an unnamed tributary creek that flows into the Illinois less than ¼ mile away. He stated that there would have to be some pretty substantial evidence to prove it in the sense that you have to go to court with an expert to talk about the difference between e-coli counts above and below that entrance and then the tributary creek above and below where the pond is and this is what he would do if he were trying to prove that case. Attorney Zega reported that there were some other circumstantial things that he has heard that he would prefer not to get into right now in terms of details, but based on what he understands to have been the records of water use that came through Washington Water Authority vs. the known capacity of this pond and where did the rest of it go.
- 151.2 J. Maxwell asked at what point do they come into play and go past just a conversation; to which County Attorney Steve Zega stated at the point that they had probable cause or a reasonable belief that this was going outside the city limits of Prairie Grove into the unincorporated areas of the county. He stated at this time, he does not have that hook.
- 151.3 J. Patterson stated when they quit playing golf that will be the time that they will get serious about it.
- 151.4 E. Madison asked what the resolution was of the 2007 lawsuit; to which County Attorney Steve Zega responded that the order dismissed it with prejudice and there was a settlement attachment to it. He stated that there was another hook that he thought about which is whether he could get them for contempt.
- 151.5 E. Madison added or for violation of a settlement agreement.
- 151.6 Ms. Biby added that the lawsuit had the requirement to file an audit each year and the county has repealed that requirement since that time.
- 151.7 R. Cochran asked if they should go ahead and take some water quality samples; to which County Attorney Zega responded that the Health Department reports and findings are pretty alarming in terms of e-coli counts. He would say that it is probably not a bad idea, but he is not sure of the next step as far as formulation with water testing, who do they hire and how do they go through checking qualifications and he hasn't really put his mind

around that particular question yet, but he personally doesn't think it is a bad idea. Attorney Zega added if the court decides to make that decision, the return on investment on something like that in terms of dollars that might come back is unlikely, so there may be a false benefit analysis that they need to engage in on that kind of question.

- 152.1 A. Harbison stated that the Illinois Watershed Partnership should be aware of all of this and let them take care of it because this court doesn't need to start testing water quality in the county as they have other organizations to do that and they need to let the state's experts in water quality take care of this. However, if they don't do it then that may cause another issue.
- 152.2 B. Pond concurs with A. Harbison that the first place to start is with the Illinois Watershed organization as they will be the ones most interested in this situation as far as who to bring in to do water testing and that sort of thing.
- 152.3 S. Lloyd referred to page two of the report, didn't the ADEQ already take samples; to which Ms. Biby responded that they had and the numbers are all there to see.
- 152.4 Judge Edwards stated that she does not know what the county's involvement is here, but just felt like this was a subject that each one of the JPs needed to be aware of because of its importance which is why they brought it to them tonight. She is aware that there are a lot of questions and not all the answers, but she stated her appreciation for the interest shown as she can think of nothing more valuable to them than their water in this area.
- 152.5 **Statement on Bridge Matter** - Judge Edwards stated at the last Quorum Court meeting she brought out the video on the bridges which was very difficult for her to do and tonight wished to make the following statement: "I want the safety of the people of Washington County as my number one priority. That is why I revealed the video and took action on it when I thought that it was certain that the media and my political opposition would do exactly what they are doing now. I knew I would face criticism and knew that I would face bad publicity and editorials in the newspaper. That criticism was less of a concern to me than fixing the problem. The allegations of a cover-up were wrong as there has never been any cover-up. I took action on the Stonewall Bridge to correct the problem at the advice of my Engineer, Mr. Jim Beatty, and I don't understand why it was wrong for me to follow the engineer's advice and then when I followed his advice, I am still wrong. The Harvey Dowell Bridge is still up, sitting right there for anyone who wants to look with x-rays, radar, or to the naked eye. I have asked the Prosecuting Attorney Matthew Durrett to investigate promptly after I can confirm the problems of

Stonewall and Harvey Dowell and Ms. Madison, who was unsatisfied with the request, asked the Attorney General to investigate. I have asked Matt to suspend the request pending the AG's decision. Now both the Prosecutor and AG have let us know that they are not going to do the investigation. I still want an answer and an investigation. I want some input from all of you. Unlike certain members of this court and the press, I don't have the luxury of jumping into conclusions. I have been sued twice in the last four months; once for firing someone and once for not firing someone. I need the results of the investigation to base my decision on so I propose a joint investigation between my office and a member of the Quorum Court of their choosing even if they have some outside entity who is willing to come in and do an investigation. I have been working with the Highway Department and Senator Uvalde Lindsey and I have been working with a legislative audit and are hoping that they will give me some help. Even if they do give me help, I still want an investigation coming from this body and someone in the County Judge's Office."

153.1 Judge Edwards stated "I want Mr. Short to be my office investigator as a retired police officer with 28 years of experience in investigating in everything from traffic tickets to mass murder. Dan has the training and experience necessary to get to the bottom of this issue. Eva has been one of my biggest vocal critics on this issue and I would like to invite Eva, if she has the time to represent the court and if she could possibly tell me tonight, I would like an answer from her. If she doesn't feel that she can do that, then I would like the court to choose someone else from this court that could participate in this investigation. I would like the court's representative and Dan to work together literally. I want them present together at every interview. I want each of them reading every document and examining every piece of evidence."

153.2 Judge Edwards also stated that "I would request for a finished report to be on my desk no later than two weeks from tomorrow. If the court wants a special meeting to discuss the report, I will call a special meeting to inform each and every one of you and the public what is going on. If this is not satisfactory to the court, I propose that they hire a private investigator. The court would have to appropriate the money and I would above all be responsible to engage the contractor. I would welcome the court's input on this decision. If that is not satisfactory to the court, I am open to suggestions; whatever they feel like could be done. The safety of the citizens of Washington County is my number one priority. As a County Judge, that safety is my responsibility which is why I acted. I also have a responsibility to find the facts and how and why this happened and to treat everyone involved with dignity, respect, and fair hearing. I need help and am asking for your help. I am hoping that we can get assistance from the state, but is still waiting on that answer, but

anything they can do to get this investigation going – I would like to get it started now. I don't feel like the county has anything to hide. There are no cover-ups. I just want this safety taken care of and am willing to help and do whatever is necessary. Thank you very much.

- 154.1 Judge Edwards stated that the court may now want to have a discussion on how they want to handle the investigation and is open for suggestions.
- 154.2 T. Lundstrum stated that he appreciates what Judge Edwards is saying and believes that her statements may help to restore some public confidence which is very important at this point in time. He stated that he has all the confidence in the world in Mr. Short's ability to investigate as he has been a licensed private investigator and a Highway Patrolman. He stated that he himself was a licensed private investigator for a few years and he knows a little bit about Mr. Short's background in that area as they have discussed it. He stated that he will also feel comfortable with whomever the court chooses.
- 154.3 In response to a question from T. Lundstrum whether the State Highway Department will be looking at all the bridges, Judge Edwards stated that they have not given her an answer to that as of yet and Senator Lindsey is trying to help them with that.
- 154.4 T. Lundstrum stated that he is a little concerned about how good of an inspection will be from the State because when he was Mayor of Elm Springs, the State would come out to inspect their bridges which amounted to walking over them to see if there were any cracks or crevices. He is also concerned about how many years back this problem goes and asked if they were going to be doing any x-raying to which Judge Edwards responded if they have the equipment, they will do it for us at no charge, but if they don't have the equipment, someone else will have to come in and do it. Judge Edwards stated that she feels like Harvey Dowell is a good bridge, but she did not want to take the chance after talking with the engineer if there was any question, so she dropped the weight limit to 3 ton.
- 154.5 T. Lundstrum asked if she had spoken to Judge Hunton about his experience during the ten years that he was here; to which Judge Edwards stated she had not, but some of the people built bridges under Judge Hunton and some under Judge Johnson, so it is some of the same people. T. Lundstrum stated that he appreciates the direction in which Judge Edwards is taking this matter.
- 154.6 S. Madison stated that she thinks that it is completely inappropriate for a member of this Quorum Court to be investigating this issue. For one thing, JP is a part-time position and they all have other obligations and to suddenly

have two weeks to launch a major investigation is totally unrealistic and they shouldn't be expected to do that. Further, she believes that Mr. Short has a conflict of interest in that he works for Judge Edwards. She stated that they should find an independent person with some expertise to look at this issue. S. Madison stated that she brought Judge Edwards a letter back in December after she along with other JP elects and incumbent JPs received Mr. Braswell's letter inquiring about what had happened to investigate the issue and the answer she received was dismissive; she wouldn't reply because of a lawsuit that is about retaliation. She stated she doesn't know why it took this long and a video to suddenly have a need for an investigation when they had the opportunity to start on sometime ago.

- 155.1 B. Pond stated that he appreciates the idea of what Judge Edwards is trying to put together here and he knows that some of them are short for time as this is just a part-time job. He stated that Judge Edwards's suggestion for E. Madison is very good, but if she doesn't have time, he would ask whether T. Lundstrum has time to take part in that investigation with Dan Short because he has the experience.
- 155.2 Judge Edwards stated that she is open for any suggestions.
- 155.3 S. Lloyd stated if E. Madison doesn't want to do this, wouldn't behoove them to ask someone who has some kind of experience.
- 155.4 L. Ecke asked if B. Ussery could speak on this because he had explained to her what was going on with the Stonewall Bridge and seems to be the one who has an understanding, the background, knowledge and can look at it from a professional point of view.
- 155.5 B. Ussery stated that the time commitment might be an issue, but if that is the pleasure of the court, he will do what needs to be done.
- 155.6 B. Pond stated that B. Ussery would be excellent to join Dan Short in this investigation because we are talking about something he does for a living; however, he would be more comfortable doing an ordinance to contract for his labor.
- 155.7 S. Lloyd asked if two weeks was long enough for an investigation; to which Judge Edwards responded that two weeks was just a suggestion and she would be agreeable to whatever time those doing the investigation needed.
- 155.8 H. Bowman asked whether this person needed to have knowledge about concrete and rebar or will their expertise be more involved in asking

appropriate questions to get to the truth of the situation. He stated that it has been his impression that an investigation involves digging out the details and that is a matter of taking testimony of people that were involved in the process, not out there running fancy equipment to x-ray piers, etc., but to find out what, when and where. He stated as far as he is concerned, if E. Madison doesn't have time to do this, T. Lundstrum has background in this area that would be very helpful to that situation.

- 156.1 E. Madison stated that she is at a loss for words. She has a lot of unknowns at this point. In checking her work calendar to see if she could possibly abandon her law practice for a couple of weeks, this may be possible but her associate is about to have a baby. She stated that she needs a better feel for the scope of the investigation that they would be tasked with doing because she is not a bridge expert and will not be able to test the safety of a bridge, but her assumption is that they would leave that to ADT. She stated that there are several facets to it; if Legislative audit conducts the county investigation, that would be separate and if ADT inspects the safety of the bridges that would be separate. The remainder would be the civil aspect of it that we had hoped the Attorney General or Prosecuting Attorney would be able to do which is to serve the inner workings of the county and she believes that she could handle that aspect, but can't handle engineering plans. E. Madison stated that she talked to a lot of people today after the AG's letter came and also spoke with the Prosecuting Attorney as she knew he was leaning towards saying no, about the potential for a grand jury but the challenge is that without an allegation of criminal activity or crime, there is no role for a Prosecuting Attorney or grand jury to play. She stated that it is a civil investigation and short of hiring an outside investigator which could be costly, if she understands what is being asked, she would be willing to do that, but would want to have the support of the court to be their designee. She further stated that she would rather not give an answer tonight and would prefer to have until the next morning to give her time to sort it through.
- 156.2 Judge Edwards stated she was fine with waiting until the next morning for E. Madison's decision, but in the case that she does not decide to do this, she wants the court to decide on a replacement for E. Madison tonight.
- 156.3 J. Maxwell stated that he is grateful that this is being brought out because he understands from Mr. Braswell that these issues have been festering since 2013. In light of that, he sees one of the problems is letting this roll has certainly given it legs and caused a lot of momentum that is not helpful for anyone. He reported receiving a call from a very angry constituent who expressed concerns that if they were going to do an investigation that it should be done by a group, entity, or person that is worthwhile to present to

the public and has their trust. He stated that the concern has been from several people that if they investigate this internally, they may be very thorough, but it may not have traction with the public and create a sense of mistrust that is certainly there, whether appropriate or not. J. Maxwell stated that his recommendation would be to have this done outside of the parties involved from administration or Road Department so that when the findings are presented to the public, that it truly brings rest and resolution to it rather than just fostering more distrust because it was internally driven.

- 157.1 Judge Edwards asked J. Maxwell if he knew of such a person and he responded that he did not, but as it has taken this long to get here, that is a question that it would be worth their time to take due process to find the appropriate person. He stated that he has asked multiple judges, legal entities, and tried to do the research and the problem is that there doesn't seem to be an obvious mechanism of oversight or investigation into something like this. He noted if there is criminality to it, financial misuse or abuse, there are certainly entities that come into play but with this type of civil institution, there is not a clear cut entity that would be easily identified as being the people to go to that would bring the ability to investigate, the ability to ask the right questions, and also bring the lack of bias, preformed conclusions or any kind of perception to the public that they are not getting a true, fair and unbiased opinion.
- 157.2 H. Bowman stated that it is important that they consider that the people who will be testifying in this would be subject to perjury charges if there is any misrepresentation involved. He stated if they don't have consequences attached to any untruth that might be involved in testimony then as far as he is concerned there will be very limited efficiency in questioning.
- 157.3 T. Lundstrum stated that he has a lot of sympathy with what J. Maxwell said because perceptions that they create in people's minds, either knowingly or unknowingly, can be very bad for them. He noted that they have some excellent investigators at the Sheriff's Department and questioned whether they should be considered as well.
- 157.4 County Attorney Steve Zega addressed H. Bowman, stating that in the absence of an official court proceeding, you cannot put people under oath and perjury won't attach. He stated that they could be asked to make an affidavit or swear to their testimony if they are employees of the county, but if it turns out to be false in anyway, then it is only false swearing which is a lesser criminal penalty than for perjury. He explained that perjury is a false official statement under oath in an official proceeding. He further reported mentioning this at the Sheriff's Department this week and was told that it was not going to happen.

- 158.1 T. Lundstrum addressed Attorney Zega stating that some of these things have changed; for example with an audit, if there are problems with cash that was saved by not putting rebar where it was supposed to be and spent somewhere else, then it is criminal.
- 158.2 County Attorney Steve Zega stated that that is another suggestion he would have for the scope because if someone gets to a point saying that someone told him instead of buying a load of concrete, they lined their pockets with the money, that is the time that they suspend the investigation and ask for a criminal investigation because it has turned into a potential actual crime. He stated this is why he thinks the AG, County Prosecutor and Sheriff have said no. He stated whatever they decide to do and whenever they decide to do it, they need to realize that this is a very unusual situation because most bigger government entities such as the Department of Defense, Army Units all have IG's for this exact kind of situation and in his now 15 year association with Washington County, this is the first exact situation of this kind, so he thinks it needs to be very ad hoc or flexible. He stated that J. Maxwell made some good points, but for them all to decide is a matter of policy, which way they want this to go.
- 158.3 T. Lundstrum stated that Judge Edwards has stated what she wants to do, Dan Short works for her and E. Madison is a member of this court, so do they need a motion to give her the authority to work with Dan Short in that investigative roll.
- 158.4 Judge Edwards stated is the court isn't comfortable with that arrangement then tell her what they are comfortable with.
- 158.5 T. Lundstrum stated that he is not uncomfortable with it, but just wants to know what they can do to make it official; to which County Attorney Steve Zega responded that such a motion would be appropriate.
- 158.6 T. Lundstrum suggested a motion that the Quorum Court choose someone and authorize them to join Dan Short in an investigation of the bridge problem.
- 158.7 **T. Lundstrum made a motion that Dan Short and Eva Madison conduct an investigation of the bridge problem. R. Dennis seconded.**
- 158.8 L. Ecke stated that we were all elected to our districts because they have their constituents' confidence to make the right decision on their behalf. She stated that instead of just having one person, she would be comfortable having a group of 3 or 4 representing the court to give a more balanced

picture of the county's representation so no one could come back and say the investigation was bias because it was done internally.

- 159.1 County Attorney Steve Zega responded to L. Ecke that they can't do that as it would create a Freedom of Information Act issue.
- 159.2 A. Harbison stated that she would like to amend the motion so that if Eva Madison doesn't want to do it, that Tom Lundstrum is the next choice, and Bill Ussery is the next choice after Tom. She stated that she doesn't believe that the public will take this as they are investigating themselves because the Quorum Court is separate from the Judge's Office and some hard questions have been asked in the past and she believes that any one of those chosen can get to the bottom of what happened. She stated if they hire someone from outside, they are spending money that they could be saving and she believes that they will come up with the same results.
- 159.3 B. Pond stated that he did not want T. Lundstrum to make the motion because he did want him to be the JP that would be next in line if E. Madison sees that she doesn't have time to do this. He further suggested that Steve Whitmill join them as he is a very good investigator if Sheriff Helder can do without him for a little while.
- 159.4 Steve Whitmill responded to B. Pond that this brings up the law enforcement issue as discussed earlier.
- 159.5 R. Cochran stated that he knows the FOI Act prevents them from having more than two JPs together at a time, so he suggests that they form a legal committee of three to do the investigation and they would be paid for committee work as they do it and Dan Short can come to all the meetings. He thinks this would be a good representation and they could wrap it up in a reasonable amount of time.
- 159.6 County Attorney Steve Zega stated that they would need to first consider the question that is before them now.
- 159.7 J. Firmin stated that he feels E. Madison would be very good at this if she has the time to do it in the aspect of interviewing as this is what she does for a living. He stated he has a little concern if they were to take the investigation outside this group and fund it, people can still say it is a sham since the county funded and believes there is no way that they can satisfy everyone. He stated that there have been some good comments about the fact that they are all independent and there is no question in his mind that E. Madison and T. Lundstrum are independent thinkers.

- 160.1 J. Firmin further believes that they should have some type of ordinance where it is funded in case as they go along in the investigation, they were to hire some professionals along side Dan and Eva. He stated that he has made some calls and there are forensic bridge investigators that for insurance purposes will give a report about what happened and why it is wrong. He explained the reason he thinks this might be prudent is if they were to ask a question and to find out that someone did or didn't do something appropriate, They first need to understand how the bridge was made and what was wrong with it so that they can ask the appropriate questions.
- 160.2 E. Madison addressed putting people under oath or how to get people to tell the truth, stating that lawyers get witnesses to sign sworn statements all the time, but the ramifications of falsifying a statement comes when it is submitted to a court. She stated that they could ask witnesses to sign sworn statements and simply have them notarized, but she is unsure what the consequence of that is.
- 160.3 County Attorney Steve Zega stated that he is calling an affidavit what E. Madison is calling a sworn statement. He stated that the consequence of making a false affidavit is false swearing which is a misdemeanor. He stated that the flip side of that is that he thinks most of the people they would interview would be County Judge's employees and while they wouldn't have subpoena power, Judge Edwards could make it a condition of employment that they talk to the investigators. As far as outside entities, such as Jim Beatty, who is somebody that they need to talk to in this investigation, they wouldn't have any compulsory power over him, but as a County Contractor, he is pretty sure he would talk to them.
- 160.4 T. Lundstrum stated that he is really uncomfortable with having a committee as suggested by R. Cochran and bringing people before a committee to question. He believes Dan Short would know how to ask questions that would produce an answer and often times someone will talk about someone else under those circumstances where they won't otherwise which is the direction this investigation needs to go with individuals from the Road Department.
- 160.5 J. Patterson asked how many bridges they were talking about going back twenty years; to which Judge Edwards responded in 1995; Shawn Shrum provided a list on which there were 34 or 35 bridges listed. She stated that the only bridges that she has been involved in are the last two.
- 160.6 J. Patterson stated that they know that they are going to investigate Stonebridge and Harvey Dowell Bridges, starting with the newest to oldest,

and if they are not finding anything after investigating several, questioned whether they would just continue the investigation no matter what it costs. He doesn't believe that they will find anything back too far.

- 161.1 Judge Edwards pointed out that if a bridge is over 20 feet, the State Highway Department gives them a rating on it every two years. She stated she thinks most of the bridges that they will find from 1995; the State Highway Department has already come in and put a weight limit on those bridges depending on the wear and tear.
- 161.2 J. Patterson suggested that Wyman Bridge should be one of the first they check, but believes if they don't find any problems pretty soon, they need to quit.
- 161.3 J. Maxwell stated that J. Firmin made a good point that if they hire someone it may look like just an extension of us, but he believes there is a distinction between the Quorum Court which as far as he knows has had no involvement in any of the implementation of this, that perhaps the responsibility to help bring this to light. He stated if they as a court continue to spend several thousands of dollars to repair or loss of use, destruction, etc., they are already in this for several thousand dollars already. He believes that there may be a distinction there that the public would be much more accepting of something that was done by this Quorum Court as opposed to something done by the Road Administration or any administration affecting that.
- 161.4 B. Ussery stated that he thinks they are on the right track and even though he may know a little bit about the construction of bridges, he thinks there is a bigger issue here and construction is a very small piece of this. He believes the reason for the investigation is to find out where they ran off the tracks so they can repair that. He thinks this is almost a consequence of some decisions that people made and that is the bigger issue. He stated that they all have different talents and abilities and he is grateful for that and believes they are on the right track.
- 161.5 Judge Edwards stated her appreciation for the comments made and believes they have been quite helpful.
- 161.6 **A. Harbison made an amendment to the motion to add T. Lundstrum and B. Ussery as alternates to E. Madison. B. Pond seconded.**
- 161.7 **T. Lundstrum stated that he accepts that as a friendly amendment to his motion.**

- 162.1 County Attorney Steve Zega stated that the main motion now is: **The investigation will be conducted by Dan Short from the County Judge's Office and one of the following three in order: Eva Madison, Tom Lundstrum and B. Ussery.**
- 162.2 Dan Short, Chief of Staff, addressed the Quorum Court stating that he would like to respond to something that E. Madison said earlier; she spoke to the scope of the investigation and was point on when she said that. He stated if they step off into disagreement to investigate this, he would like the court give them a scope as far as what they want the investigative team to determine. He stated in a criminal investigation you typically know what the scope of the investigation, i.e., in a homicide or armed robbery, you want to determine who did it, how they did it, and why they did it, and provide the evidence to convict those people. He stated in this type of situation personally he thinks most of the folks want to know why the Washington County Road Department built an inferior bridge; why they took steps that were not sanctioned in normal construction processes. He can envision an investigation that would be conducted simultaneously in three different directions; Legislative Audit doing a broad waste and abuse through the paperwork and crunching numbers; the Highway Department taking a look at the bridges themselves; and then the investigative team interviewing the people who had hands on to create the situation in the first place. He stated during this investigation, his goal would be who, what, where, when, how and why, why being most important in most investigations. He believes that two weeks for the two-person investigative team would be sufficient to sit down with the people who he thinks have already been identified that worked on the two bridges during 2013 and 2014. He believes if they have the undivided attention of those people and can schedule them into a period, they could have the answers that they need.
- 162.3 County Attorney Steve Zega noted that they would need to get permission from Mr. Braswell's attorney to interview him, even though he still works for the Road Department, because they couldn't force him given his current status to be a participant in this investigation. He further stated if they all accept Dan Short's suggestion regarding the scope of this investigation, the appropriate form for that is a resolution which he doesn't have ready tonight. He suggested that, assuming T. Lundstrum's motion passes, he can put together a resolution outlining the scope of this investigation and the County Judge can call a one-item agenda special meeting for them to discuss and vote on; and assuming they pass it, go home. He stated that is his suggestion to the court in terms of defining the four corners of the investigation in the form of a resolution.
- 162.4 **With no further discussion, Judge Edwards called for a vote on the T. Lundstrum's motion.**

- 163.1 VOTING FOR: L. Ecke, J. Firmin, A. Harbison, S. Lloyd, T. Lundstrum, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, and R. Dennis. VOTING AGAINST: R. Cochran, S. Madison, and J. Maxwell. ABSTENSION: E. Madison. **The motion passed with eleven members voting in favor, three members voting against the motion, and one abstention.**
- 163.2 After discussion regarding when to hold the one-resolution special meeting, it was decided that the Special Meeting would be held on Monday, April 20, 2015 at 5:30 p.m.
- 163.3 **Judge Edwards asked for a voice vote on the Special Meeting for Monday, April 20, 2015. The motion passed unanimously by voice vote.**
- 163.4 COMMITTEE REPORTS: E. Madison, Chairman of the County Services Committee, reported that this committee did not meet this month.
- 163.5 E. Madison reported as the County's representative to the Association of Quorum Courts that their annual meeting is scheduled for Saturday, April 18th in Little Rock. She encouraged anyone with questions or input that they would like her to take to this meeting with their audits with the Association of Counties to please let her know.
- 163.6 In response to a statement by E. Madison about not being paid her expenses to attend this meeting, County Attorney Steve Zega stated that he thinks she can be reimbursed for her target mileage. L. Ecke thanked E. Madison for taking on this responsibility for the County.
- 163.7 H. Bowman reported that the Public Works Committee met on March 30th and heard a report from the County Building Superintendent Ron Wood on the Washington County buildings and grounds maintenance and everything seems to be in great shape. He noted that he spent a day with Ron Wood touring the facilities and was very impressed. He further reported spending a day with Shawn Shrum, Assistant Road Superintendent, looking at the road situation and he gave the committee a report on the same. He noted that everything was on course there.
- 163.8 H. Bowman stated that the committee had discussion about the Stonewall and Harvey Dowell Bridges and did go out to look at both bridges which was very informative and he is looking forward to this investigation. H. Bowman noted that they asked George Braswell, an employee of the Washington County Road Department, to attend the meeting and give a statement about his observations and he did so, followed by Jeff Williams who came and

talked to them about his involvement and the video. He stated that they had substantial conversation within the committee about that process later realizing that they are not making decisions about whether it is their responsibility to make decisions for the Road Department, but they need to be informed for future reference. Judge Edwards attended the meeting and made a statement as well.

- 164.1 B. Pond reported that the Personnel Committee met on April 6 and heard the routine report from Blair Johanson, Salary Consultant for Washington County. He stated that they had a request from Public Defender Denny Hyslip to change a part-time attorney to full-time attorney position which they passed this evening. He reported that they had a request from the County Library Board Director Glenda Audrain for a full-time Interlibrary Loan Librarian/Administrative Assistant Position for 2015 and they further voted unanimously to pass the request on to Finance Committee with a do-pass recommendation.
- 164.2 T. Lundstrum, Chairman of the Jail/Law Enforcement/Courts Committee, reported that this committee met on April 6th for a short meeting. Committee only had one item on their agenda; an Interlocal Agreement with the Cities of Springdale and Tontitown and Washington County regarding the operational expenses of the Springdale District Court. The committee voted unanimously to forward the resolution to the full Quorum Court with a do-pass recommendation.
- 164.3 R. Cochran, Chairman of the Finance and Budget Committee stated that the Finance and Budget Committee met on April 7th and County Treasurer Bobby Hill reviewed their sales tax revenue with an 11.5% increase declaring March as the 12th consecutive month of growth as well as being the best March that they have had since 2010. He also reminded them that in the past three years, their change in reserves has dropped by \$12 million. The committee discussed the ordinances passed earlier. He noted that they had planned to have a discussion on the condition of the Road Budget in light of the extra expense they recently had, but nobody from the Road Department was able to attend, so the topic will be included on next month's agenda and they expect to have some answers at that time. R. Cochran further stated that they had an off-agenda discussion about the bridge situation.
- 164.4 AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD: E. Madison introduced **An Emergency Ordinance Ratifying A Conditional Use Permit Granted By The Planning And Zoning Board**, and County Attorney Steve Zega read the ordinance. The Planning Board granted a Conditional Use

Permit on April 2 for EMS (Electronic Manufacturing Solutions) Expansion. This ordinance contains an emergency clause making it effective immediately upon passage.

- 165.1 E. Madison explained that this was passed by the Planning and Zoning Board at their April meeting; so it was not passed by the time they would have met for it to come through committee. She stated that this is a small scale manufacturing facility near Dutch Mills that has been in existence and are seeking to do an expansion. She noted that the facility itself is pretty isolated and there were no objections at the Planning and Zoning Board and after they approved it, they received one comment from a neighbor about some drainage. She stated that she discussed this with Planning Staff Juliet Richey and Courtney McNair and it seems that the drainage problem is perhaps an existing problem and not something that the expansion would harm, but nevertheless, they had an Engineer look at it and do not think that it is enough of a concern to worry. She noted that it is related to debris of gravel washing which happens and there is no way to prevent it. She noted that Ms. McNair, County Planner, was present to answer any questions on behalf of the Planning Staff.
- 165.2 **E. Madison made a motion to adopt the ordinance. B. Pond seconded.**
- 165.3 E. Madison stated that one thing she learned procedurally is if by chance this person who objected did want to appeal the ruling and she has heard that this is likely, their ratification of the Planning Board decision would not affect those appeal rights.
- 165.4 Citizen Comments: There were no citizen comments made.
- 165.5 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 165.6 VOTING FOR: L. Ecke, J. Firmin, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, and R. Dennis. **The motion passed unanimously. The ordinance was adopted.**

ORDINANCE NO. 2015-27, BOOK NO. 10, PAGE NO. 174

- 165.7 A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF SPRINGDALE, ARKANSAS, CITY OF TONTITOWN, ARKANSAS, AND WASHINGTON COUNTY, ARKANSAS, REGARDING THE

OPERATIONAL EXPENSES OF THE SPRINGDALE DISTRICT COURT: T. Lundstrum introduced **A Resolution Approving An Interlocal Agreement With The City Of Springdale, Arkansas, City Of Tontitown, Arkansas, And Washington County, Arkansas, Regarding The Operational Expenses Of The Springdale District Court**, and County Attorney Steve Zega read the resolution. The resolution is being recommended by the Jail/Law Enforcement/Courts Committee.

- 166.1 **T. Lundstrum made a motion to adopt the resolution. R. Dennis seconded.**
- 166.2 Citizen Comments: There were no citizen comments made.
- 166.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 166.4 VOTING FOR: L. Ecke, J. Firmin, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, and R. Dennis. **The motion passed unanimously. The resolution was adopted.**

RESOLUTION NO. 2015-09, BOOK NO. 3, PAGE NO. 103

- 166.5 AN ORDINANCE ESTABLISHING VOTE CENTERS IN WASHINGTON COUNTY FOR ALL SCHOOL ELECTIONS IN 2015: E. Madison introduced **An Ordinance Establishing Vote Centers In Washington County For All School Elections In 2015**, and County Attorney Steve Zega read the ordinance. This ordinance was placed on the agenda by JP Eva Madison.
- 166.6 E. Madison stated that this is something that she is very excited about reporting that Commissioner Deitchler came to her a few weeks ago stating that their Election Commission wanted to try something novel with how they conduct their School Board Elections this year as a test. She explained that there is new legislation in the state that allows an Election Commission to essentially do away with precinct voting wherein you can go to any Vote Center, much like early voting was conducted in their last election for early voting, but this would actually be on election day. She stated that the Secretary of State created some regulations that were a little difficult to navigate to get this done, so it wasn't an easy process for the Election Commission to do this. She noted that there is a volume of information at #11.2 in the packets that is what the Election Commission will actually have to submit to the Secretary of State's Office to get authorization to do this and obtaining the Quorum Court's approval is one step in that process.

- 167.1 E. Madison stated that she is an old fashioned voter and likes a paper ballot; however, the reality is that people want to vote the way their lives are – electronically, which is the way that voting is trending and that is one thing that you have to be able to embrace in this process because the only way it can work is for there to be all electronic voting. She explained that they estimate how many people are going to vote at a precinct and then have that number of paper ballots ready, but you can't have the ballots for every location at every place, so the only way this works is to do it electronically. She noted that she has over the years come to trust the electronic system much more because there is a paper backup, so they have had to certify the security of that system and our capability to handle that. E. Madison stated that she believes they need to at least try this for the School Board Elections and let the Election Commissioners who worked so hard to get this in place see how it goes and if it is something that they can do on a larger scale as she believes it is the voting of the future because people don't want to be constrained with a precinct, they want to be able to go anywhere to vote, and should be able to, as well as encourage more voting. She stated that Jennifer Price, Washington County Election Coordinator was present to answer any questions.
- 167.2 Jennifer Price, Washington County Election Coordinator, addressed the Quorum Court stating that they are not asking for any additional money to do this. She stated that because it is a School Board Election, they will be able to offer paper ballots at the polling places as well because they have a limited amount of races and no contested races which is one reason they wanted to try this with a School Board Election first. She reported that one of their goals was met in 2013 when they purchased the tablets so they had secure electronic communication between the polling places so that a voter couldn't vote at one polling place and drive to another one and vote there. She further noted that they have spent considerable time certifying that at all locations that they would have open for the School Board Election.
- 167.3 S. Lloyd asked if all Election Commissioners were in agreement with this pilot test to which Ms. Price responded that they were all in agreement and they have worked closely with the County Clerk's Office and are excited to be able to offer this. She stated that one of the concerns they have always had with School Board Elections, because they consolidate polling places, different school elections may not have them because they don't have contested races and voters are always a little confused about where to vote. She noted that this makes it simple for them to say if there is a polling place open on Election Day; any voter can go to that polling place and vote.

- 168.1 R. Cochran stated if he understands this right, they will have to have a paper ballot for each school at each location which Ms. Price confirmed. She further stated that they won't actually be printing more ballots because at polling places such as Prairie Grove, Farmington, and Elkins, they won't have voters from Fayetteville coming there to vote and they would offer a limited number of paper ballots at those polling places. She further stated for instance in Springdale which has an at-large race, they will have to order a number of paper ballots so it is advantageous for Springdale voters to get to go to any polling place and then have a small number of those for voters in Fayetteville. She noted that the voter turnout for a School Board Election is usually less than 5% so they are talking about ordering less than 5000 paper ballots.
- 168.2 **E. Madison made a motion to suspend the rules and place the ordinance on second reading by title only. R. Cochran seconded. The motion passed unanimously.**
- 168.3 County Attorney Steve Zega read **An Ordinance Establishing Vote Centers In Washington County For All School Elections In 2015** by title only.
- 168.4 **E. Madison made a motion to suspend the rules and place the ordinance on third and final reading by title only. R. Cochran seconded. The motion passed unanimously.**
- 168.5 County Attorney Steve Zega read **An Ordinance Establishing Vote Centers In Washington County For All School Elections In 2015** by title only.
- 168.6 **E. Madison made a motion to adopt the ordinance. R. Cochran seconded.**
- 168.7 Citizen Comments: There were no citizen comments made.
- 168.8 Judge Edwards stated that she is really excited about this pilot test as she handled voter registration for 26 years and is so glad to see them moving into the modern age. She thanked Ms. Price and the Election Commission for their hard work and excellent job.
- 168.9 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 168.10 VOTING FOR: L. Ecke, J. Firmin, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, and R. Dennis. **The motion passed unanimously. The ordinance was adopted.**

ORDINANCE NO. 2015-28, BOOK NO. 10, PAGE NO. 177

- 169.1 R. Dennis reported that he recently attended a breakfast at the Evansville Fire Department that they hold every Friday and they are in need of a help to put a ramp in because they are unable to get their voters into the Fire Department building where they vote. He asked Jennifer Price on how they can help them with a handicap ramp.
- 169.2 Ms. Price stated that they will look into that because they have some portable ramps that they could look into taking to Evansville and she will contact the Evansville Supervisor and work on that before they have their next election out there.
- 169.3 OTHER BUSINESS: H. Bowman stated that he began looking at what 1 mill of additional tax would cost them as individuals and as a business, as well as what the implications would be for income. He found out that he didn't know anything and wound up having a meeting with the Assessor, Collector and Treasurer and they talked about all of these different taxes, what they have the authority to do and what they don't have the authority to do about income. He reported that he also met with Tyson Foods and Georges to talk to them about their attitude about what 1 mill would do to their costs and he was asked many questions which is why he ended up meeting with the Assessor, Collector, and Treasurer. H. Bowman stated as they talked about this, it became obvious that these people were excited about the possibility of coming and sharing the details that they discussed with everybody on the court, so with the court's permission and approval, he would like to go ahead and have them come to their next Public Works Committee meeting and give a presentation about the taxes, how much revenue they generate and what they do and don't have the authority to do. He noted that this would be more of an educational process.
- 169.4 S. Madison stated since County Services Committee did not meet last month, she wasn't in favor of having two stacked meetings the night that they take on such a long agenda and asked if he would consider meeting on two separate days; to which H. Bowman stated that he concurred and would talk to these people and try to set that up.
- 169.5 H. Bowman stated that he was completely unaware until this year in February when he found out that they have operational ordinances for the Quorum Court; however, they are outdated. He would like for them to find the time to completely update those ordinances and look at the way they operate. Currently, he doesn't believe there are any provisions in those ordinances for a new Quorum Court coming on and who is responsible for being sure that

the organizational operations are handled properly. He believes it would be totally appropriate to update these ordinances and keep them current with details about how each new Quorum Court is operated.

- 170.1 County Attorney Steve Zega responded to H. Bowman stating that traditionally those ordinances evolve through the County Services Committee and he would suggest bringing this to E. Madison as an agenda item and if they want him to work up the particular issues in an operational ordinance, he would be happy to visit with him about that regarding specific changes to the language.
- 170.2 H. Bowman stated that this is just something that he is concerned about and believes that this would be a valuable vision to their Quorum Court. He noted that they have Roberts Rules of Order that they are supposed to operate by and there are situations where they need further guidelines on how to operate the Quorum Court properly.
- 170.3 J. Patterson congratulated the Mayors and those in County government involved in the ambulance service as he was concerned about moving Springdale and changing their policy, but everyone has done a really good job and everything was settled, it came out fair and he is thankful that they had something go good once in a while.
- 170.4 T. Lundstrum stated that he has talked to the Mayor of Elm Springs and he thinks that this will also depend on them continuing to do what they were doing for Springdale and he would really encourage the Quorum Court to support this because otherwise, the whole thing could cave in on them and cost them a lot more money than it will now. He pointed out that they have to have ambulance service in Elm Springs, Johnson and Tontitown and that runs all the way to the county line out there. He stated that they have been sending that money to Springdale for a couple of years anyway, so it wouldn't be any new revenue being spent if they just go ahead and support the ambulance service like they have been doing it in the past.
- 170.5 B. Pond stated that because of the population increase, that the amount of money that they have been paying Springdale might be a little bit more; to which Judge Edwards responded that Ron Woods has been serving on that committee and CEMS Chief Becky Stewart would be able to tell him that. She stated that they asked her the other night and she said that she could not commit to the Quorum Court appropriating the money and she believes that Ms. Stewart is coming to do a presentation at the next meeting.

- 171.1 Dan Short, County Chief of Staff, stated that they asked for a single amount of money to be dedicated of \$223,000 and then there would be a five year period when they would have to have a little bit more for startup costs for equipment. He thinks that will bring it up to \$251,000.
- 171.2 R. Cochran stated that the population by changing to the 2010 census and the expansion of the cities going out, he thinks that there is only 200 additional people in unincorporated county, so the population change is almost zero.
- 171.3 CITIZEN COMMENTS: Donald Thomas addressed the Quorum Court stating that he has some concerns about the Quorum Court investigating themselves in the bridge matter. He worked for over 40 years and if he ever made a mistake on the job, he didn't get to investigate himself, rather someone else did. He believes that the court will get some public resistance to this and he came here with the intention of asking for a Grand Jury, but has been told that is not legal. He reported that he worked for the Highway Department for over 20 years and they have a lot of registered professional engineers that are retired and he is sure that some of them would be glad to look into this matter and would conduct a very impartial investigation. Mr. Thomas stated that he has spoken to most of the JPs and about eight of them were in agreement with him, one was questionable, and five were against the idea. He believes that E. Madison and S. Madison have done tremendous work, putting their careers on the line to investigate into this and he appreciates that. He is aware that they have already made up their minds what they want to do and have passed an ordinance, but he wanted to express his concerns because he thinks the court is overlooking the possibility that he has suggested.
- 171.4 E. Madison stated that she did talk to the Prosecuting Attorney today about the possibility of a Grand Jury and thinks that the difficulty he had was that there is not really anything to bring to a Grand Jury, so she wanted him to know that he is not being ignored and that this option has been explored. She stated that she has met with some engineers since this process started and she wouldn't rule out consulting with an engineer or other professionals along the way to help them. She pointed out that they won't be inspecting the safety of the bridges or investigating that aspect of it, but she does know that having some knowledge of rebar and being able to ask the right questions is of some use in this investigation. She noted if she gets into an area where she doesn't know the answer, she will find it from the right person.
- 171.5 ADJOURNMENT: The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Carly Sandidge
Quorum Court Coordinator/Reporter

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

Monday, April 20, 2015
5:30 p.m.

Washington County Quorum Court Room

- 172.1 The Washington County Quorum Court met in special session on Monday, April 20, 2015. The meeting was called to order by County Judge Marilyn Edwards.
- 172.2 T. Lundstrum led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 172.3 **MEMBERS PRESENT:** Daniel Balls, Harvey Bowman, Robert Dennis, Lisa Ecke, John Firmin, Ann Harbison, Sharon Lloyd, Tom Lundstrum, Eva Madison, Sue Madison, Joel Maxwell, Joe Patterson, Butch Pond, and Bill Ussery.
- 172.4 **MEMBER ABSENT:** Rick Cochran.
- 172.5 **OTHERS PRESENT:** County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 172.6 **ADOPTION OF THE AGENDA:** Judge Edwards asked if there were any additions or deletions to the agenda.
- 172.7 **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.**
- 172.8 **AN EMERGENCY ORDINANCE DIRECTING AN INVESTIGATION INTO THE CONSTRUCTION OF THE STONEWALL AND HARVEY DOWELL BRIDGES AND RELATED MATTERS:** B. Pond introduced **An Emergency Ordinance Directing An Investigation Into The Construction Of The Stonewall And Harvey Dowell Bridges And Related Matters**, and County Attorney Steve Zega read the ordinance.
- 172.9 B. Pond stated that it appears to him that this Emergency Ordinance covers all of the things that they discussed and agreed on.
- 172.10 **B. Pond made a motion to adopt the ordinance. R. Dennis seconded.**
- 172.11 H. Bowman stated that he has been thinking about this process and the fact that Dan Short is directly in line of responsibility for transmitting information to

the Road Department and then back to the County Judge and for that reason, it appears that there could be a conflict of interest with the employees that answer to Mr. Short. He stated in light of that, they should look at outside sources to perform this investigation. He also stated that he is in Kiwanis with a guy named Carl Gales, who is an engineer, and presented a handout with information about Mr. Gales. He noted that Mr. Gales graduated in 1964 in engineering and has been designing and building bridges since that time. H. Bowman described Mr. Gales as having a lot of international and state experience in this area and stated his work history and projects that he still worked on.

- 173.1 H. Bowman stated that he is asking that they include Mr. Gales as a part of the investigative committee because he will be able to bring information to them about how the decisions made by the Road Department would affect the quality of the bridges and technology to the situation that nobody else in the courtroom would be able to bring. He stated that Mr. Gales' years of experience with manufacturing, modification, and corrections would be a tremendous addition to the committee. He asked that Mr. Gales be permitted to speak to the Quorum Court at that time and answer any questions about his background and possible interest in helping the County with the investigation.
- 173.2 County Attorney Steve Zega asked the Quorum Court to keep in mind that when they go to outside consultants or professional services, they do a request for qualifications and while he is not saying that it can't be done in this case, that is the proper procedure to go through.
- 173.3 H. Bowman asked County Attorney Steve Zega to explain that process to which he responded that it is akin to bidding and essentially to give an opportunity by opening it up as a need for whatever service, and in this case would be forensic engineering or investigative engineering, whatever the case may be. This is put out through an RFQ process that they have in the county where they throw it out to the general public, ask for qualifications from people, and obviously Mr. Gales would be able to submit that and in addition to his RFQ, read them his resume and advise of his cost by the hour with that sort of thing.
- 173.4 H. Bowman stated that he told Mr. Gales that this was to be a public service and that he would not be compensated at all for this services which he agreed to.
- 173.5 A. Harbison stated that she has put a lot of thought into this and wants to amend the ordinance including all of the things that they have asked the investigation to do, but would like for a private investigator to be hired to

perform it. She stated that she supported the choice of E. Madison and D. Short to investigate how Washington County Road Department constructs bridges, particularly the Stonewall and Harvey Dowell Bridges. She stated that the County Judge has already informed the Quorum Court that the blueprints were not always followed exactly. She noted that E. Madison's acceptance letter to the County Judge questioned D. Short's ability to be fair and impartial in the investigation. Further she reported receiving several phone calls over the weekend questioning whether E. Madison could be fair and impartial in this as she witnessed E. Madison in the presence of Jeff Williams on election night. She noted that Jeff Williams made the video showing improper construction on the bridges. Therefore, she believes as a court they made a mistake thinking that they could investigate the bridge situation with internal people.

- 174.1 A. Harbison stated that she would therefore make an amendment to the Ordinance that a private investigator be hired to investigate the bridge situation. She stated as B. Ussery properly stated when the train runs off the track, they need to do something. She is aware that the budget is tight and the investigation would probably cost around \$50,000 to \$100,000, if done properly.
- 174.2 **A. Harbison made an amendment to the motion to amend Article 1 of the Ordinance for a private investigator to be hired to investigate the bridge situation and be sent in a RFQ. D. Balls seconded.**
- 174.3 B. Pond was asked if he would accept this as a friendly amendment and he indicated that he would.
- 174.4 County Attorney asked A. Harbison which language she seeks to strike from Article 1; to which she responded that Article 1 would read, "The Quorum Court hereby directs an investigation into the construction of the Stonewall and Harvey Dowell Bridges by a **private investigator** (striking remaining language in Article 1). Further, all references in the ordinance to an investigative team would be replaced with **investigator**."
- 174.5 E. Madison stated she has no idea who thinks they saw her with Jeff Williams on Election night because she was in this room; to which A. Harbison responded she was in this room, with Jeff Williams. E. Madison pointed out that they were all in the room together.
- 174.6 Judge Edwards stated that there was to be no arguing.
- 174.7 E. Madison stated that the notion that she would be bias somehow is preposterous because in her work as an attorney, she strives very hard to get

to the bottom and figure out the truth of things. She noted that she has already put a lot of time and thought into this investigation just over the weekend and as she has been saying all along, the goal is to find the truth. She stated if they don't trust her to be impartial, that is disappointing because that was absolutely her goal in accepting the position. She believes that a private investigator would perhaps be cost prohibitive and she was willing to give up two weeks of her legal practice, at no cost to the county.

- 175.1 **J. Firmin arrived at the meeting.**
- 175.2 J. Patterson stated that getting someone with Mr. Gales' experience that is not going to charge anything to work with D. Short and E. Madison would be about as good as it gets without spending a lot of money and he believes this would be a good way to go, though they would probably still have to open it up for bids.
- 175.3 Judge Edwards responded that she just doesn't want to violate RFQ and will be leaving it up to County Attorney Steve Zega's judgment.
- 175.4 J. Patterson stated that the problem is that most people are not going to want to do it for nothing.
- 175.5 T. Lundstrum stated that he concurs with J. Patterson and Mr. Gale's qualifications are impressive. He would in no way question the integrity and honesty of D. Short regardless of what his job is anymore than he would E. Madison's, but he would like to see Mr. Gales involved in this investigation because of his vast experience. He noted that Mr. Gales has built bridges over the Arkansas River, which is some bridge experience, and although he has a lot of confidence in D. Short and E. Madison's ability to question and interrogate, etc., he doesn't have a lot of confidence in their bridge building experience, which has already been a problem with their Road Department. He stated he doesn't want to violate any laws either, but Mr. Gales is just a citizen volunteering to help the County with this investigation and he would like to see this three member team conduct this investigation.
- 175.6 S. Madison asked if A. Harbison did research into how much an investigator might cost because they would need to know a ballpark number realizing that an RFQ might be surprising, even after they had that information.
- 175.7 Judge Edwards stated that she has not done any investigation into the cost as of yet because she wanted to see what the court wanted to do.
- 175.8 S. Madison asked if they had anyone on staff who could estimate what a private investigator would cost.

- 176.1 Dan Short, Chief of Staff, addressed the Quorum Court stating that it was in no way representation of a standard and while he doesn't have any particular knowledge on building bridges or concrete work, just as a general private investigator, he charges \$75 an hour with a three day minimum on any case he takes with all of his expenses to be paid by the client. He stated that he has worked with people in other states who have a higher rate than that. He stated when you start talking about investigation with a specific goal and professional knowledge like engineering; he would assume it would be much higher than that.
- 176.2 S. Madison stated that she is assuming based on the math, for the two weeks that would be \$6,000 and questioned whether two weeks would be sufficient. She pointed out that they have been discussing this issue since before she came on the court back in November 2014 when they got the letter from Mr. Braswell and they still don't have any answers. She also pointed out that it is almost an established fact and widespread knowledge that the bridges weren't built according to plans and they want to know why they weren't built according to plans and who was responsible for this decision. She stated she is still baffled why they would go to the expense of hiring an engineer and then disregard his plans and wants to know why that happened. S. Madison stated that she doesn't believe it is just important that they have an engineer, but it would certainly be an asset to the investigation, as well as a possible additional impartial person to serve on this team. She doesn't see how Mr. Short can possibly be impartial when this in a sense has happened under the County Judge's Office's watch for which he is the Chief of Staff; and she also doubts seriously that the County Road employees are going to feel comfortable talking to him. So stated at this point tonight they don't know how much a private investigator would cost or how long it would take and therefore, how much longer this issue may drag out.
- 176.3 L. Ecke stated if a citizen is volunteering their time and expertise, would an RFQ be required for them volunteering; to which County Attorney Steve Zega responded that typically an RFQ is done where you are planning on spending money, so if he is committing his time to volunteering, than he would say an RFQ was not necessary. He further stated assuming that the main ordinance was passed without A. Harbison's amendment, then they would have discussion about how they now have a 3-person team as opposed to two, but this is more of a practical issue than a legal issue.
- 176.4 L. Ecke stated that she would like to know if Mr. Gales was planning on volunteering as a citizen his time and expertise and if so, being on the Budget and Finance Committee, she would be in favor of this and thinks that they should consider it and give him the due respect to listen to what he has to say.

- 177.1 R. Dennis asked whether the amendment needed to be addressed first; to which County Attorney Steve Zega responded that it did and that was a good point of order.
- 177.2 J. Maxwell asked if H. Bowman had mentioned the engineer first before they made the motion for the amendment and he was confused as to what should come next.
- 177.3 County Attorney Steve Zega responded to J. Maxwell stating that the amendment goes to the main motion and they have to deal with that first and whatever they do with the main motion will partially drive what H. Bowman said.
- 177.4 H. Bowman stated that it is really interesting that A. Harbison makes an issue about E. Madison being objective when Judge Edwards recommended her for this job as her first choice. He stated as far as he is concerned, that speaks volumes about the expectations from E. Madison, stating that she is a hard working, diligent investigator in her personal business and for the court and to imply that she would not be fair is just unfair.
- 177.5 Judge Edwards requested that they go ahead and carry this through without getting into personalities as they have gone far enough on that.
- 177.6 A. Harbison read a portion of E. Madison's letter to the County Judge in accepting her duty as a part of this investigation as follows: "Finally I feel compelled to note that I do fear some of Justice Sue Madison's concerns about Mr. Dan Short's role in the investigation. While I have no doubt his past experience working for the Arkansas State Police makes him a skilled interviewer and investigator, we have to acknowledge that he is someone who should be interviewed in the investigation. For instance, George Braswell alleges that he met with you and Mr. Short in October of 2013 regarding the Harvey Dowell Bridge. Mr. Short should be asked about this meeting. This is just one sample. In addition, because Mr. Short is your Chief of Staff and technically in the chain of command of the Road Department, I have to wonder whether every witness will feel comfortable speaking freely in front of him. At the same time I realize some witnesses may not want to speak to me either, but I come into this situation as much or more of an outsider than Mr. Short. The Court should discuss how to handle these issues." She stated that as E. Madison brought this up herself that is why she is making the recommendation.
- 177.7 J. Firmin apologized for coming into the meeting late, but asked for clarification of the amendment.

- 178.1 County Attorney Steve Zega addressed J. Firmin, stating that A. Harbison proposed to strike the two-person team consisting of D. Short and E. Madison and use a private investigator which would require them to send out an RFQ to find investigation services.
- 178.2 D. Balls stated the reason he seconded A. Harbison's motion has nothing to do with E. Madison's ability as he thinks she would do a great job. He has had a lot of calls from people and they are all stating that the County doesn't need to do this investigation internally. He stated if they can afford to go outside of the county for an investigator, he thinks that they should, but he is only one of fifteen JPs. While his opinion has nothing to do with anyone's ability, it is what he thinks they should do and is what his constituents have asked him to do.
- 178.3 B. Pond stated that he is kind of in favor of hiring a private investigator; however, if they do that then they will have people coming to them saying they don't like what the PI determined as he was handpicked by one of them. He was a little disappointed that they could find no government entity that would come in and help them with this. He pointed out that one suggestion was to appeal to the Association of Counties, though it is possibly out of their bailiwick. As far as people going back and forth in here, or with nasty letters or name calling back and forth from either side, accusing one side or the other of not being trustworthy. Whether it is E. Madison or D. Short, he doesn't think that it would float well having one or the other doing the investigation, but having both of them together gives it balance. B. Pond stated that he is impressed with the experienced engineer that wants to be a part of this committee as a citizen of the county and though he doesn't know this gentleman, it sounds like a good idea. He stated that expressing these opinions is all just wasting time and it is because they have people here not working together on this that they are currently at a standstill.
- 178.4 J. Maxwell stated his belief that much of what he is hearing is heading in the direction of what a lot of their constituents want and what they want as a Quorum Court is very healthy. He stated that it seems there is a little bit of a dichotomy between what the investigative person or group should look like. As mentioned by A. Harbison, one of the difficulties that continue to come up is having the Chief of Staff interview people while needing to be interviewed himself and what conflict of interest that might bring, as well as the technical expertise on bridge building. He stated it looks to him that they almost have what they need here and that would be a hybrid of the private investigator with the three mentioned; someone from the court, the Judge's preference, and then the gentleman who has been so kind as to volunteer his expertise for free is a bargain that would be nice to capitalize on. He stated that a hybrid of those three would give them all angles of expertise, as well as credibility and no conflicts of interest.

- 179.1 Judge Edwards stated that she is tired of the bickering and tired of the people of Washington County having doubts with what they are doing and she is ready to move forward. She stated if Mr. Gales feels like he can serve on this committee without any prejudice one way or the other, she would like to hear what he has got to say.
- 179.2 **T. Lundstrum called for the question on A. Harbison's motion to amend.**
- 179.3 **With no further discussion, Judge Edwards called for a vote on A. Harbison's motion to amend the ordinance to bring in a private investigator and dissolve the committee as it stands.**
- 179.4 **VOTING FOR: A. Harbison and D. Balls. VOTING AGAINST: J. Firmin, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, H. Bowman, R. Dennis, and L. Ecke. **The motion failed with two members voting in favor and twelve members voting against the motion.****
- 179.5 Carl Gales, resident at 18772 Harmon Road, addressed the Quorum Court stating that he has a strong feeling about counties. He began his business in 1971 in Greenwood, Arkansas and one of his major projects was Ben Garen National Park during which he worked with the County Judge and all the county members. He noted that there have been times when he has twenty cities as a consulting engineering firm in Oklahoma, where his primary business is located, and he currently has five projects active there. He stated that he and H. Bowman had been talking about this issue at Kiwanis and he had read all about it in the newspaper. He noted the other day he called D. Short to offer his help as an engineer, but had not heard back from him. He thinks that the county needs some help and he sees the entire court as volunteers as they aren't doing this job for the money as there isn't enough money for the time spent. Mr. Gales stated if he can give them a little bit of his expertise he would be glad to do it. He noted that he has traveled all over the world and Arkansas and Washington County has kept his family safe during this travels, so he owes a little bit back to Arkansas and to this county.
- 179.6 R. Dennis stated that he would like to amend the ordinance placing Carl Gales as an addition to D. Short and E. Madison on the investigative team and L. Ecke seconded.
- 179.7 E. Madison stated in recognition of the time that Mr. Gales is donating, that they shouldn't include him necessarily as part of the investigative team, but perhaps as a technical advisor to the committee. She wouldn't want to obligate him to have to sit through all of the interviews that may not pertain to the actual bridge building aspect.

- 180.1 County Attorney Steve Zega stated that he doesn't think that they can ordain him without paying him. He stated that they are not talking about a contract, but rather a volunteer service.
- 180.2 Mr. Gales stated that both he and H. Bowman do a lot of volunteer work these days because they are old.
- 180.3 County Attorney Steve Zega stated that with no objections, he will add as a friendly amendment to the end of Article 1, **County citizen Carl Gales, P.E. has volunteered his time as technical advisor to the investigative team.**
- 180.4 E. Madison stated that she is the one that raised the issue in her letter and J. Patterson had also questioned whether D. Short had a conflict of interest participating in the investigation and as she was left speechless the other night with the turn of events, she needed the night to think about it. She stated by the time she got to Friday morning, it was apparent to her that if this was a case she was investigating in her law firm for a client, she would want to interview Mr. Short and doesn't know how to reconcile that as sitting with him as a co-investigator and then suddenly turning to need to interview him. It further occurred to her that in the course of doing those interviews, there are going to be references to Mr. Short and people are going to want to talk about him as he has an office at the Road Department and spends a lot of time there. She questioned how those people would feel about talking about Mr. Short in front of him which causes her concern.
- 180.5 E. Madison stated that she has heard more from citizens of the county on this issue than on any other because people are very concerned about the propriety of an internal investigation in the first place as noted by D. Balls; and her only response was that it was a lesser of evils at this point since no one else would do it and if no one else will perform the investigation, they have to do it themselves. She stated that it was unsettling to people that an insider would be doing the investigation and she counted 12 people that said they had a problem with someone who was in the chain of command conducting the investigation. As a result of her being very outspoken on this issue, she has been contacted by people working at the Road Department, as well as friends of people working at the Road Department and has been advised that there is, for whatever reason and she isn't necessarily blaming it on Mr. Short, genuine fear at the Road Department of speaking out. She stated with those kind of fears out there, she is concerned about making sure that the witnesses feel comfortable and will be honest and open in their report to the investigative committee which is why she set some of the procedural issues such as being at a neutral location and having a court reporter to ensure the fairness to everyone involved regardless of what side they are coming from.

- 181.1 E. Madison stated that she thought about this over the weekend and called her good friend, former JP Candy Clark to talk about it and believes that they should use Candy Clark who is willing to serve as long as it doesn't get into FOI Act issues that including another JP would. She noted that the Press has had a negative reaction to their desire to sort of keep this out of the realm of the FOI Act, but she will say that it is unfair to employees to have them sit in a room and be part of an investigation involving their jobs with the press present. She stated that the process will become open after all is said and done.
- 181.2 **E. Madison made a motion to amend the ordinance to replace D. Short with former JP Candy Clark. S. Madison seconded.**
- 181.3 A. Harbison stated that this changes the whole ballgame completely and is not fair and why she still thinks it needs to go outside because Candy Clark is too connected with the integral works of the county and it wouldn't be fair to her. She stated they want the investigation and want the facts; they don't want people turning the facts to the way they think the facts are and E. Madison as a certain way she wants this investigation to come out. She stated if this investigation is done correctly, it won't satisfy half the people on this court. A. Harbison stated that she can approve E. Madison, D. Short and Mr. Gales if that would be a good combination.
- 181.4 J. Firmin stated that he thinks they are getting a little bit wound up about something that probably isn't quite as significant if they choose to find out why a bridge was built wrong. He stated that Judge Edwards was very generous in proposing this and feels that while it is not perfect, he thinks that D. Short and E. Madison will ably serve on it. He stated that obviously if they find out something criminal than it will change the direction that they go on the investigation. He urged the County Judge to move this along.
- 181.5 S. Madison stated that she has known Candy Clark since 1994 and she is a purposeful, precise, efficient kind of person who will not take nonsense from anyone. She believes that she would make an excellent addition to this team and she believes that it would be done quickly if she were on board.
- 181.6 B. Ussery stated that he too has an issue with D. Short and noted that they can all agree that there is already an integrity problem in the Road Department with people really afraid to talk to the people right above them. He stated people will be reluctant to say in front of Mr. Short exactly what happened, especially if they screwed something up or lied to somebody. He suggested that they bring in someone from a surrounding county to replace Mr. Short who maybe works for the police department to investigate this for us who they could work out a deal with. He believes that this would be

completely unbiased and this is the best way to get an honest, fair assessment of what is going on so they can take care of it and go on down the road.

- 182.1 A. Harbison stated that they need to get this problem solved and they need an unbiased committee to do this which is why she suggested a private investigator. While she doesn't question Candy Clark's integrity, she doesn't feel that she needs to be on this committee. She stated she believes the reason that Judge Edwards put D. Short and E. Madison on this committee together was that it would be balanced in that he is an investigator and she is an attorney and now with technical advice from an engineer, she thinks that they should stick with that. Since they are doing it internally, there are going to be conflicts because our constituents really don't understand. She stated that she has confidence in D. Short and she would hope that E. Madison will be fair and stick to the facts and provide them with an accurate report. She stated that since her motion failed, she is willing to stick with this, but is not willing to amend it to put someone in place of D. Short.
- 182.2 J. Maxwell stated that he still believes that job number one is to put this together with the least amount of contention possible so that the answers have integrity and almost as important, have credibility with the county. He stated since E. Madison as already been vetted by Judge Edwards and is acceptable to this court; that Mr. Gales is acceptable to offer his expertise on the technical side; he would reiterate A. Harbison's suggestion to have a private investigator who is not connected to anything outside of the county and relieves all of the contention so people will answer openly and honestly. He sees this as a great solution to resolving this without lots of infighting and still holds credibility when they bring the answers to the table.
- 182.3 L. Ecke asked if there was someone else not associated with the Road Department, but in the Courthouse if Mr. Short wasn't approved by this court to be involved in this investigation; to which Judge Edwards responded that she does not know of anyone else right now. L. Ecke stated that she concurs with T. Lundstrum on D. Short's credibility, honesty and integrity as an investigator and for that they are thankful, but she also concurs with B. Ussery on having an employee face their boss is very intimidating. She stated she wished there was someone else in the County that could be the second choice without having to hire someone else and agrees with J. Patterson that this would be the best solution.
- 182.4 S. Lloyd stated that she agrees that with D. Short's skills as an investigator, she would like to see him stay on and asked if they have established that he would have to be in the room at all times. She questioned whether it would be a possibility that with a Court Reporter present, the employee could

request that D. Short be excused during their questioning with only E. Madison questioning them; and it was noted that Article 2 of the Ordinance requires that both members of the investigative team shall be present while witnesses are interviewed.

- 183.1 E. Madison stated that she offered Candy Clark because she couldn't come up with anyone else, but she is open to somebody else. She was able to speak to Candy Clark who has a lot of respect among her colleagues and she indicated that she would be willing to do this. She stated that she is hearing a lot of people's concerns over this issue and wants them to get together to find resolution and be united on how they want to move this forward. She believes there are a lot of concerns about having someone that may be a subject of the investigation is a part of the investigation as there is not really a way around that. E. Madison stated that because her integrity is very important to her, she is not sure that she could actually conduct the investigation alongside D. Short because she in some ways would feel like the investigation was not fair to the witnesses involved. She stated she is not going into this with any kind of predetermined notion of how she wants it to come out at all, but she wants to find the truth just like everyone else. She believes in order to get to that truth they need to have two people conducting the questioning that don't cause problems for what goes on in the room which is why she had asked that a Court Reporter be present so that there be no question about their work. She stated she is in a unique spot as being chosen to investigate, noting the pressure that this places on her that she is willing to take that on. She noted if she found such a problem as a lawyer, she would not conduct an investigation in this way in her practice, nor will she be a part of an investigation in her Quorum Court work where she believes that it may be potentially conflicted from the beginning.
- 183.2 A. Harbison asked if she heard E. Madison say if D. Short is on the committee, that she will not do the investigation; to which E. Madison responded that she believes that she would remove herself.
- 183.3 A. Harbison asked J. Maxwell if his suggestion was that a Private Investigator be hired to work with D. Short and E. Madison; to which he responded that this would bring three facets to the investigation; one technical as they discussed, one from their body who was outside of the Road Department and not part of his process as E. Madison; and a private investigator who would have the investigative skills to go along with that and be unbiased.
- 183.4 A. Harbison stated if they are going to go with a PI, then she believes they need to take everyone off that has anything to do with the county as this is an issue with the public that they are investigating themselves internally.

- 184.1 R. Dennis stated that they were all elected by their constituents and half of them trust him because they voted for him and the other half probably don't and this is probably the same with the other JPs. He pointed out that when all of the issues with the bridge investigation are in the newspapers and television with sound bites, the constituents don't know what to believe. He stated that it is difficult to be interviewed by anyone or the press, but when you are under oath it is even more difficult, but all of their testimony will be for everyone to read, so it doesn't matter if D. Short is conducting the interview or E. Madison, because of the FOI Act anyone can read anything that was said anyway. He stated the reason they picked one JP because with the laws the way that they are, they couldn't have more unless the media goes with them and then that adds another pressure point for the people to talk about.
- 184.2 R. Dennis stated that three days after he received Mr. Braswell's letter, he started taking pictures of the Stonewall Bridge and talked to every level in the Bridge Department with the exception of one retired gentleman and every one of them was willing to talk to him and told him exactly what they did, stood up like men and stated that they did it wrong. He believes that they are making a lot bigger deal of this than what it is because he believes if they are sworn in and told they are signing an affidavit to tell the truth, these employees are going to tell the truth no matter who is interviewing them because the truth is really already out there. He stated that these are not criminals, just guys working on a bridge who made a mistake, and their only cover-up was asking their supervisor if they were right or wrong with what they did and the supervisor told them that it would be okay, so right there is the end of the story. However, they don't want to accept that and want to go on and investigate which he thinks is the right thing to do. He noted that the Fire Chief suggested that they have the bridge workers write everything down, go back and read it and see where it matches up and where it doesn't and you would have your story. He stated that he is good with both E. Madison and D. Short and is ready to vote yes and start interviewing.
- 184.3 B. Pond addressed E. Madison's motion to replace D. Short with Candy Clark, stating that unless she withdraws this motion, it is his responsibility to say something even though he can predict that he will be called a liar. He stated that there is a conflict of interest with E. Madison and Candy Clark as an investigative team because they are set out to undermine Judge Edwards whether there was a mistake made by employees or not. He stated directly after money was appropriated for the Animal Shelter, one afternoon in this courtroom after a committee meeting, E. Madison and Candy Clark approached him asking for his help, stating that they needed to do what they could to get rid of Marilyn Edwards as County Judge because she is a liberal. He reported that they didn't get an audible response from him because he would then be breaking the FOI Act. He stated that E. Madison may not

remember this or can totally deny it, but it did happen and he felt it was his responsibility at this time to report the incident.

- 185.1 L. Ecke stated as to the location of the interviews that are going to be conducted, she recommended using this Quorum Courtroom because they have both audio and video of the interviews available to them and she believes if they are conducting county business, it needs to be done in this courtroom.
- 185.2 T. Lundstrum stated that E. Madison's proposal creates a problem for him because he thinks a lot of Candy Clark's abilities. For those who are new on this court and didn't know Candy Clark, he stated that she is tough as nails and shut them all up from time-to-time as Chairman of the Finance Committee; she is a championship debater and knows how to deal with words. This presents him with a quandary because he thinks Candy Clark would do an excellent job, but he wants to stick with where they started out because like Judge Edwards, he is tired of fooling with it and wants to get on with the investigation, get it done and put it to bed, get the bridges built right and be done with it for a change. He addressed his fellow JPs stating that they will never satisfy 100% of their constituents or everybody in this body.
- 185.3 E. Madison referred to B. Pond's comments, stating that she has never said that remark or used the word "liberal" and is appalled that she would be accused of such a thing. She stated that she is getting dirt tonight and doesn't want to put her friend Candy Clark through a vote where she fails on the body that she just sat on. She stated that she would withdraw her motion, but cannot support the main motion with D. Short participating in the investigation.
- 185.4 **E. Madison withdrew her motion.**
- 185.5 Dan Short, Chief of Staff, addressed the Quorum Court stating that he realizes how difficult this decision is for this Quorum Court. He stated that they recognized initially that the best end result would come from an impartial investigation from people totally disconnected from the county because if they had done their own investigation, they felt that there would always be people who would say that they had slanted the investigation one way or another. He stated that he along with Judge Edwards want the truth, the facts and they are not afraid of what that truth and those facts are, but they want that out on the table so they can get on past this and get on with county government.
- 185.6 Mr. Short stated he understands E. Madison's comments that if he is going to be interviewed according to her wishes as part of the investigation, he doesn't see how he can be part of the investigative team. He stated that typically

protocol for an investigation is no more than two people and he believes that a 2-person team is sufficient because if you start flooding a room with 3 or 4 people trying to do an investigation and talk with one person, it would be very intimidating to that person. He noted that they have Mr. Gales who has come forward and offered his expertise as an engineer and his time free of charge to help the county with this investigation; and he would recommend that Mr. Gales be accepted as one-half of that team. He stated that they have other elected officials in this county who are here because they were elected by all fifteen districts in the county. Mr. Short stated that Russell Hill would be an acceptable and very good second half to that investigative team, but doesn't know if he has the time for that or not.

- 186.1 In closing, Mr. Short stated that he is not afraid of what will come out of the investigation, but just wants to see the investigation completed. He noted that they have a fairly limited number of people to interview from the bridge crew and most of the information needed will come from those folks. He suggested that they start with Mr. Gales and then look for someone who everyone thought could be impartial and that would be his team.
- 186.2 T. Lundstrum stated that he would have no problems with Russell Hill either, but asked Mr. Short what he would think about Kyle Sylvester as well who has had a number of years in police work and interrogative experience; to which Mr. Short responded that he has the utmost confidence in Mr. Sylvester's integrity.
- 186.3 H. Bowman stated that he really admires and respects what D. Short just did because it is obvious that there could be some intimidation by people responding to him and believes that taking himself off the table was a classy, intelligent thing to do.
- 186.4 J. Patterson stated that they have wasted a lot of time, need to quit backstabbing and need to start thinking positive to get it figured out. He noted that he can not remember many times in his 13 years on this court that he has walked out of this room happy after they finalized the budget, and not everyone was happy, but they moved on and did everything they could to make this one of the best counties in the State of Arkansas. He stated that they need to quit the back fighting, focus on the positives, and get this figured out. He stated that they need to get 2-3 people who will do a good job and they have them right in this room, get past it that nobody will be happy with all three. He stated "when it is all said and done, there will be more said than done" and "if you don't lie, you don't have to remember what you said."
- 186.5 Judge Edwards asked Russell Hill if he would be willing to serve on this investigative team and he indicated that he would.

- 187.1 S. Madison stated that her understanding of what R. Dennis reported was that he had done his own mini-investigation of his own at the Road Department and inquired as to whether he kept a record of that and if it could be made available to these investigators; to which R. Dennis responded that he didn't keep real accurate records, but could recall what they had said and would be okay to share that.
- 187.2 A. Harbison stated that T. Lundstrum has police training in investigation and she would suggest that he be part of the investigative team as well as R. Dennis as he has already done an investigation, has pictures, is fair and doesn't have any bias; to which Judge Edwards responded that it would create an FOI Act violation. A. Harbison responded that she would like to see T. Lundstrum be made a part of the investigative team.
- 187.3 **L. Ecke made a motion to adopt the ordinance with a friendly amendment to add technical advisor Carl Gales and replace Dan Short with Russell Hill. S. Lloyd seconded.**
- 187.4 County Attorney Steve Zega explained that they were voting on the main motion to adopt Ordinance #5.1 as amended.
- 187.5 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance as amended.**
- 187.6 **VOTING FOR: J. Firmin, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Dennis, and L. Ecke. The motion passed unanimously by those present. The ordinance was adopted as amended.**
- 187.7 ***Secretarial note: This ordinance was expunged later in the meeting and additional amendments made. See Paragraph 189.5***
- 187.8 Judge Edwards extended the court's appreciation to D. Short, Carl Gales, and Russell Hill for being patient and such gentlemen through this process.
- 187.9 **AN ORDINANCE APPROPRIATING THE AMOUNT OF \$3,000 FROM THE GENERAL FUND TO THE GENERAL SERVICES BUDGET FOR 2015 TO FUND THE INVESTIGATION OF COUNTY BRIDGES: J. Firmin introduced **An Ordinance Appropriating The Amount Of \$3,000 From The General Fund To The General Services Budget For 2015 To Fund The Investigation Of County Bridges**, and County Attorney Steve Zega read the ordinance.**

- 188.1 J. Firmin explained that he brought this ordinance since E. Madison indicated in her letter that she may need some funds to perform the bridge investigation and he thought this would be an opportunity to move forward quickly without having to do this at a later date.
- 188.2 **J. Firmin made a motion to adopt this ordinance. T. Lundstrum seconded.**
- 188.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 188.4 **VOTING FOR: J. Firmin, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Dennis, and L. Ecke. The motion passed unanimously by those present. The ordinance was adopted as amended.**

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- 188.5 Judge Edwards noted that they had some further business in that L. Ecke brought up the possibility of having the investigation done in the Quorum Courtroom and if that is the court's choice, Karen Beeks in her office would work with them to make sure that the room was available.
- 188.6 L. Ecke reiterated the reason she mentioned using this room, stating that while it is not the fifth floor of the Courthouse, it is county business and they would have available audio and video recording available to them which would keep them from having to hire a court reporter. She further noted that there would be no charge for them to use the Quorum Courtroom and would just have to schedule the time for interviews with Karen Beeks. She believes that those being interviewed would feel secure in doing what is right in this place and not somewhere off premise and would be no charge to their budget.
- 188.7 D. Short stated that he appreciates the recommendation as far as saving money for the county; however, when you do an investigation, there are a couple of things that get in the way; one taking notes or messing with a recorder to try to capture that. He stated that E. Madison made a recommendation to get a court reporter which he thinks is a great idea because they have someone then who is professionally trained to capture everything that is said. Further, in doing that they also make a transcription which can take a whole lot of time off an investigator's work and gives them a finished product that will not be questioned. D. Short stated that he would recommend that they strongly consider having a court reporter do that because it takes a lot of time off of the investigative team.

- 189.1 County Attorney Steve Zega stated that he isn't sure what they have in mind, but this would ordinarily be another thing that they would get an RFQ for, so you need to get them on board quickly. He asked E. Madison if she had someone in mind; to which she responded she did not and had only considered that Professional Reporters has a conference room across the street in the Bank Building as most court reporters have a conference space available. She stated that she was trying to think of someone close that they could use for both purposes who wouldn't charge separately for the conference. She stated that she has been very mindful of trying to find a conference room without an expense, but believes that they need to allow for the possibility of an expense. She noted that she has conference rooms in her building that is right behind the Courthouse, but she didn't want to suggest her office as someone may think that work would be unfair. She stated that he can work with Mr. Hill to find a location and concurs with Attorney Zega that they would need on RFQ for the court reporter.
- 189.2 County Attorney Steve Zega stated that it wouldn't affect the Ordinance, but believes that they better get an RFQ for the court reporter and will get this done as quickly as the law allows.
- 189.3 In response to a question whether they need to get an amendment to not start the two-week time frame provided for in the ordinance until after the RFQ and court reporter is obtained; County Attorney Steve Zega explained that the ordinance gives the team authority to come back and ask for an extension if they need it and he doesn't think that they necessarily need to build that in today. He expects if they have to wind up doing an RFQ process, the team will need more than two weeks to complete the investigation.
- 189.4 County Attorney Steve Zega stated that another point made was that they forgot to hold a "Public Comment" before #5.1 passed, so he suggested that J. Maxwell entertain a motion to reopen #5.1 and amend the ordinance not to begin the two week period until after the court reporter is engaged and RFQ is completed and then to reopen for public comment. In response to a statement made by S. Madison, Attorney Zega stated that they are reconsidering it to add the language that J. Maxwell suggested and they could do it by unanimous consent otherwise as well. He further explained that they have to reopen the vote because there was no public comment. After further discussion, he concurred that a Motion to Expunge would work as well.
- 189.5 **S. Madison made a motion to expunge Ordinance #5.1 in order to reopen for public comment. A. Harbison seconded. The motion passed unanimously by those present by voice vote. The ordinance was expunged.**

- 190.1 **J. Maxwell made a motion to amend the ordinance wherein the two-weeks doesn't begin until the RFQ process is completed and a court reporter has been retained. J. Patterson seconded. The motion passed unanimously by voice vote by those present. The ordinance was amended.**
- 190.2 D. Short noted that typically they advertise the RFQ's two weeks running and if they want to shorten that amount of time by vote of the committee, this would be the time to do that and that would allow them to make two advertisements in one week.
- 190.3 In response to questions regarding the professional services, Attorney Zega stated that there is an RFQ process and he would be a little hesitant to shorten it as they are akin to bidding processes and if they shorten them, they give themselves room for a challenge.
- 190.4 Judge Edwards stated that her feeling is that they need to do the RFQ's legally and then set the date.
- 190.5 E. Madison noted that her calendar was clear for the next two weeks, but it is not so good in May and she has a trip in early May, so the delays may create a problem.
- 190.6 County Attorney Steve Zega stated that the ordinance, although they expunged the vote, has a back-up for E. Madison of T. Lundstrum. In response to a question from T. Lundstrum that if they can get a court reporter for under \$5,000, could this be done without a bid; to which S. Zega stated that he didn't know but would check into that and if that is true, then they could start the investigation right away.
- 190.7 T. Lundstrum stated that Judge Edwards should have some kind of way that they can spend up to \$5,000 just on her own decision without someone bidding on it and thinks that would be something worth checking in to.
- 190.8 Judge Edwards stated that if this were to happen, Karen Beeks would contact members of the court and they can get it started.
- 190.9 In response to a question if the video and audio are running in the Quorum Courtroom, whether the court reporter could transcribe it at some later date; to which County Attorney Steve Zega responded that it would not be an official court proceeding, but he believes they can. He actually has questions about swearing people in as his understanding is the court reporter is there for the sake of accuracy and convenience.

- 191.1 J. Maxwell suggested that they let the video cameras run and on a reasonable time frame handle the RFQ process after the videos are done and transcribe it in a more congenial fashion and County Attorney Steve Zega stated that he thought that was a good point.
- 191.2 E. Madison stated that she will work with Mr. Hill to find a location where the two of them can record the proceedings and have a back-up and then the court reporter can come along and get that later.
- 191.3 County Attorney Steve Zega stated that the court did expunge Ordinance #5.1, but they did not have Public Comments which is what needs to happen now.
- 191.4 Citizen Comments: There were no comments made.
- 191.5 **J. Firmin made a motion to adopt this ordinance. T. Lundstrum seconded.**
- 191.6 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 191.7 VOTING FOR: J. Firmin, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Dennis, and L. Ecke. **The motion passed unanimously by those present. The ordinance was adopted as amended.**
- ORDINANCE NO. 2015-29, BOOK NO. 10, PAGE NO. 178**
- 191.8 OTHER BUSINESS There was no other business to discuss.
- 191.9 ADJOURNMENT: The meeting adjourned at 7:05 p.m.

Respectfully submitted,

Carly Sandidge
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 CHARLES ORVILLE GOODING AND ANGEL DAWN BATY ON MAY 23, 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 Charles Orville Gooding and Angel Dawn Baty on May 23, 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: _____

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 EXPRESSING APPRECIATION TO
THE BRIDGE INVESTIGATION TEAM.**

WHEREAS, the Quorum Court adopted Ordinance No. 2015-20 directing an investigation into the construction of the Stonewall and Harvey Dowell Bridges and related matters; and,

WHEREAS, County Assessor Russell Hill represented the County Judge's Office and Justice of the Peace Eva Madison represented the Quorum Court on the two-person investigation team; and,

WHEREAS, County Citizen Carl Gales, P.E., volunteered his time as technical advisory to this investigative team; and,

WHEREAS, the bridge investigation has been completed and presented to the Quorum Court on May 5, 2015.

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

ARTICLE 1. That the Quorum Court of Washington County, Arkansas hereby expresses their appreciation to Russell Hill, Eva Madison, and Carl Gales for volunteering their time and resources to assist Washington County.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Butch Pond

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

RESOLUTION NO. 2015-_____

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

A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO APPLY FOR A BUREAU OF JUSTICE ASSISTANCE GRANT ON BEHALF OF THE WASHINGTON COUNTY DRUG COURT.

WHEREAS, the Quorum Court has determined that the Washington County Drug Court meets eligibility requirements necessary to apply for a grant under the Bureau of Justice Assistance Drug Court Discretionary Grant Program; and,

WHEREAS, the Washington County Drug Court has presented the need for additional substance abuse treatment; and,

WHEREAS, the Quorum Court recognizes the need for said grant in the amount of \$200,000 for a maximum of 2 years with a match of \$66,667 each year to be paid by the State of Arkansas.

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

ARTICLE 1. The County Judge is hereby authorized to submit a grant application to the Bureau of Justice Assistance to execute the proposed project described herein.

ARTICLE 2. The County Judge is further authorized to administer the grant funds for the same project.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Rick Cochran

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

RESOLUTION NO. 2015-_____

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

A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO APPLY FOR A BUREAU OF JUSTICE ASSISTANCE GRANT ON BEHALF OF THE WASHINGTON COUNTY SHERIFF'S OFFICE.

WHEREAS, it is the desire of the County Judge and the County Sheriff to apply to the Bureau of Justice Assistance for a Body-Worn Camera Pilot Implementation Program Grant; and,

WHEREAS, the Quorum Court has determined that the Washington County Sheriff's Office meets eligibility requirements necessary to apply for said grant; and,

WHEREAS, the Quorum Court recognizes the need for said grant in the amount of up to \$75,000, with a 50% match that may be contributed by either in-kind contributions or a combination of payment from the Sheriff's Budget and in-kind contributions.

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

ARTICLE 1. The County Judge is hereby authorized to submit a grant application to the Bureau of Justice Assistance.

ARTICLE 2. The County Judge is further authorized to administer the grant funds for the same project.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Rick Cochran

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2015-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE APPROPRIATING THE AMOUNT
OF \$98,995 FROM THE GENERAL FUND TO THE
COMPUTER/IS DEPARTMENT BUDGET FOR 2015.**

ARTICLE 1. There is hereby appropriated the amount of \$98,995 from the General Fund to the following line items in the Computer/IS Department Budget for 2015:

<u>Computer/IS Department Budget:</u>	
Computer/IT Equipment (10000115-2009)	\$ 51,821
Other Professional Services (10000115-3009)	11,135
Computer Software (10000115-3102)	28,589
Machinery & Equipment (10000115-4004)	<u>7,450</u>
 TOTAL APPROPRIATION:	 <u>\$ 98,995</u>

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

ORDINANCE NO. 2015-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE RECOGNIZING REVENUES IN
THE AMOUNT OF \$18,421 IN THE GENERAL FUND;
AND APPROPRIATING THE AMOUNT OF \$18,421
FROM THE GENERAL FUND TO THE JUVENILE
DETENTION CENTER BUDGET FOR 2015.**

ARTICLE 1. There is hereby recognized revenue in the amount of \$18,421 in the Reimbursement-Social Services Revenue Line Item of the General Fund (1000-8718) for 2015.

ARTICLE 2. There is hereby appropriated the total amount of \$18,421 from the General Fund to the following line items in the Juvenile Detention Budget for 2015:

<u>Juvenile Detention Center</u>	
Other Professional Services (10000444-3009)	\$ 110
Vehicles (10000444-4005)	<u>18,311</u>
TOTAL APPROPRIATION:	<u>\$ 18,421</u>

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Rick Cochran

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2015-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE RECOGNIZING REVENUES OF
\$1,950 IN THE JDC GRANT FUND AND
APPROPRIATING THE AMOUNT OF \$1,950 FROM
THE JDC GRANT FUND TO THE JDC HOFNOD
BUDGET FOR 2015.**

ARTICLE 1. There is hereby recognized revenue in the amount of \$1,950 in the Local Grants Revenue Line Item of the JDC Grant Fund (1900-8781) for 2015.

ARTICLE 2. There is hereby appropriated the amount of \$1,950 from the JDC Grant Fund to the Small Equipment Line Item of the JDC HOFNOD Budget (19000434-2002) for 2015.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Rick Cochran

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2015-_____

APPROPRIATION ORDINANCE:

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

AN ORDINANCE ANTICIPATING REVENUE OF \$30,889 IN THE DEM GRANT FUND FOR 2015; AND APPROPRIATING \$30,889 FROM THE DEM GRANT FUND TO THE WHEELER FIRE DEPARTMENT – SCBA BUDGET FOR 2015.

ARTICLE 1. There is hereby anticipated additional revenue of \$30,889 in the State Grants Revenue Line Item of the DEM Grant Fund (1901-7010) for 2015.

ARTICLE 2. There is hereby appropriated the total amount of \$30,889 from the DEM Grant Fund to the Small Equipment Line Item of the Wheeler Fire Department – SCBA Budget (19010596-2002) for 2015.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Rick Cochran

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2015-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE ANTICIPATING REVENUE OF
\$10,000 IN THE ENVIRONMENTAL AFFAIRS
GRANT FUND FOR 2015; AND APPROPRIATING
\$10,000 FROM THE ENVIRONMENTAL AFFAIRS
GRANT FUND TO THE BMT01-15EW BUDGET
FOR 2015.**

ARTICLE 1. There is hereby anticipated additional revenue of \$10,000 in the State Grants Revenue Line Item of the Environmental Affairs Grant Fund (1902-7010) for 2015.

ARTICLE 2. There is hereby appropriated the total amount of \$10,000 from the Environmental Affairs Grant Fund to the Machinery & Equipment Line Item of the BMT01-15EW Budget (19020760-4004) for 2015.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Rick Cochran _____

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2015-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE ANTICIPATING ADDITIONAL
REVENUES OF \$1,520 IN THE LAW
ENFORCEMENT GRANT FUND; AND
APPROPRIATING THE AMOUNT OF \$1,520
FROM THE LAW ENFORCEMENT GRANT
FUND TO THE SHERIFF-COMMUNITY FIRE
PREVENTION GRANT BUDGET FOR 2015.**

ARTICLE 1. There is hereby recognized additional revenue of \$1,520 in the State Grants Revenue Line Item of the Law Enforcement Grant Fund (1904-7010) for 2013.

ARTICLE 2. There is hereby appropriated the amount of \$1,520 from the Law Enforcement Grant Fund to the Small Equipment Line Item of the Sheriff-Community Fire Prevention Grant Budget (19040509-2002) for 2015.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

ORDINANCE NO. 2015-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE RECOGNIZING REVENUES IN
THE AMOUNT OF \$8,876 IN THE COUNTY
LIBRARY FUND; AND APPROPRIATING THE
AMOUNT OF \$8,876 FROM THE COUNTY LIBRARY
FUND TO THE COUNTY LIBRARY BUDGET FOR
2015.**

ARTICLE 1. There is hereby recognized revenue in the amount of \$8,876 in the Reimbursement-Expense Revenue Line Item of the County Library Fund (3008-8730) for 2015.

ARTICLE 2. There is hereby appropriated the amount of \$8,876 from the County Library Fund to the Dues & Memberships Line Item of the County Library Budget (30080600-3090) for 2015.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Rick Cochran

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2015-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE ADJUSTING REVENUES AND
APPROPRIATIONS IN THE COMMUNICATION
FUND AND VARIOUS GRANT FUNDS FOR 2015.**

ARTICLE 1. There are hereby recognized additional revenues totaling \$15,286 in the revenue line items of the following Funds for 2015:

<u>Environmental Affairs Grant Fund</u> State Grants (1902-7010)	\$ 1,319
<u>Law Enforcement Grant Fund</u> Other Federal Grants (1904-7109)	<u>13,967</u>
TOTAL REVENUES:	<u>\$ 15,286</u>

ARTICLE 2. The following budget line items are hereby reduced by the total amount of \$11,035 for 2015:

<u>Animal Shelter Grant Fund Budget:</u> Advertising & Publications (19050309-3040)	\$ 397
<u>Communication Facility/Equipment Fund Budget:</u> Software Support Maint. Agreement (30140400-3102)	<u>10,638</u>
TOTAL REDUCTION:	<u>\$ 11,035</u>

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Rick Cochran

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2015-_____

APPROPRIATION ORDINANCE:

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

AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$12,000 IN THE 9-1-1 FUND; AND APPROPRIATING \$12,000 FROM THE 9-1-1 FUND TO THE ACT 442 OF 2013 PSAP BUDGET FOR 2015.

ARTICLE 1. There is hereby recognized additional revenues of \$12,000 in the E911 Act 442 of 2013 Revenue Line Item of the 9-1-1 Fund (3020-7710) for 2015.

ARTICLE 2. There is hereby appropriated the amount of \$12,000 from the 9-1-1 Fund to the Small Equipment Line Item of the Act 442 of 2013 PSAP Budget (30200571-2002) for 2015.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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



WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING REPORT OF THE
WASHINGTON COUNTY QUORUM COURT
COUNTY SERVICES COMMITTEE

Monday, May 4, 2015
5:30 PM

Washington County Quorum Court Room

Members Present: Daniel Balls, Robert Dennis, Tom Lundstrum, Eva Madison, Sue Madison, Sharon Lloyd

Members Absent: John Firmin

Others Present: Harvey Bowman, Rick Cochran, Ann Harbison, Steve Zega, Lisa Ecke, Joe Patterson, Butch Pond, Bill Ussery, Nathan Crouch, Juliet Richey, Angela Ledgerwood, Sophia Stephenson, Ann Pollard, John Pennington, and members of the press.

Chair Eva Madison called the meeting to order at 5:30 P.M and the agenda was adopted as presented.

Presentation from Beaver Watershed Alliance – John Pennington, Executive Director. J. Pennington stated that he was a County Extension Agent for Washington County for 7 years, where he learned about water quality to the point that he had the opportunity to become the Director of the Beaver Watershed Alliance which formed in 2010 and received a 501 (c) (3) status in 2011. He stated that the Beaver Lake Watershed Protection Strategy was commissioned by the NWA Council and funded in part by the Walton Family Foundation and includes participants from Carrol, Benton, Washington, Madison, Franklin, and Crawford counties. There were some agreements that were brought about the water quality that is currently in good shape but could change in the future if people are not thoughtful and mindful about management actions whether it is at a construction site, pasture, forest, city, or backyard. He reported that the West Fork of the White River is listed as impaired for 27 miles and has been listed on the 303 (d) list for more than a decade so they identified the streamside and the riparian land owners by using the county GIS database and started sending them mail so they would know of information about water quality and their watershed and asked them to participate in a series of community meetings where they could share info about the watershed. Mr. Pennington stated that they also wanted to know from the landowners what some things were that might not have been documented in a scientific study or that they needed to consider as opportunities to improve water quality in that watershed. They had 14 community meetings and educational programs with these people, where 340 residents participated in over 100 water quality best management practices and identified 56 opportunities within the watershed that can improve water quality. They strongly feel that

they can delist a portion of the West Fork White River simply through technical means to the point where State and Federal government will have to go back and consider what would be the best way to break the 27-mile stretch into new segments. Beyond the water quality monitoring, they also conducted a pond placement optimization study in West Fork since the increase in urban areas changed the way the water flows off of the hills and into the streams. That way they can figure out what the best places are to have the large ponds made to collect water that temporarily hold run-off, which deal with flooding issues that exist in South Fayetteville, and also relieve stress on stream banks when it rains a lot.

Quarterly Report from Washington County Animal Shelter – Angela Ledgerwood, Director.

A. Ledgerwood reported that the animal shelter had a lot of puppies and kittens and was thankful that they have the "Rescue Waggin," who was used to send out 55 puppies up north last month. The kittens are coming in a little slower than the puppies, which is really good since the Animal Shelter doesn't have an outlet for them and wants it to continue. She stated that during the first quarter, they sent out 30 more animals than they brought in and the average length of stay was 15 days. They had a lot of animals but they also had a lot of people coming in with 13 adoptions on Saturday alone. She stated that it seems they were getting to the point that people knew who and where they were.

R. Dennis asked A. Ledgerwood to define owner surrender; to which she responded that it is an owned animal that is surrendered to the animal shelter by the owner.

A. Harbison asked A. Ledgerwood if the shelter asked for a voluntary contribution when they have owner surrenders or do they charge the owner; to which she responded that they are not charged but they do recommend that they at least donate the adoption fee for the animal that way it helps to expedite the animal out of the door. A. Harbison asked if the Fayetteville Animal Shelter charges to which she responded that as far as she knows they do not.

Bi-Monthly Report from Washington County Planning Office – Juliet Richey, Director. J. Richey reported that from the past month the lot splits and administrative items have been picking up with 20 projects involving 29 lots that came through administratively. At the April Planning Board Meeting they had a conditional use permit for Electronic Manufacturing Solutions that the Court heard at the last regular Quorum Court meeting and a replat in a minor subdivision. Some tabled items from that meeting included the Summers Missionary Baptist Church, who is doing an expansion of their youth center and gymnasium, and the Saddlebock Brewery Expansion. They are on the Planning Board agenda for this week and they are hoping to get those through for approval. She stated that there will also be two conditional use permits on the agenda from Fritchie Farms, who will be using the area for a wedding venue, and the Elkhorn Springs dirt pit expansion and she will keep the Quorum Court apprised of the situation.

R. Cochran asked if Ms. Richey had any information regarding the denial of the Riches dirt pit CUP and if they filed an appeal; to which Ms. Richey responded that the deadline to file an appeal has passed. Mr. Rich was exploring other options about coming in on Harmon Road and leaving on Riches Road; however, no one has submitted any formal applications.

Quarterly Report from Washington County Environmental Affairs Office – Sophia Stephenson, Director. S. Stephenson reported that they have only had one pick up this year for household

hazardous waste but still do not have the total amount that has actually been collected. She also reported that they have been working with a University of Arkansas graduate student to look at food waste in local schools by doing audits and collecting data for how much food is wasted and see what the potentials are to divert some of that waste. Currently, the audits have been conducted, the data is being compiled, and they are going to have a meeting later this month to look at what was found from the audits and where to go with it.

S. Stephenson stated that they partner with a lot of pharmacies in the county to provide quart-sized red containers for people to dispose of used medical sharps, and that program is getting more and more expensive every year so they are focusing on educating the public about reusing household containers that are appropriate to use as long as they are properly labeled with the lid taped closed. They can still bring full containers to their facility for disposal but it is helping them cut down on cost and so far all of the feedback that they have gotten from people is really positive when they realize that they can use something from their house instead of having to go to a pharmacy and get one of the containers that fill up rather quickly for some folks.

S. Stephenson stated that the Rural Library Book Project that focuses on resource conservation is a grant-funded project with some of the rural libraries with educators and some of the rural librarians who looked at purchasing some books that focused on resource conservation for a variety of ages that they could buy multiple copies of and put in all of the libraries and then they would use those with preschool story time, teen reading groups, adult reading clubs and do some community discussions or projects around those books. Currently with that the books have been narrowed down and they are trying to figure out exactly which ones they can purchase and how many with the grant that they have and they should have that information by the end of May.

S. Stephenson reported that under special and upcoming events they have the first of their Solid Waste Matters Speaker Series in April and they had about 20 people attend and 11 people who actually went on a tour of a landfill with them. The one that they had scheduled for this Wednesday will be rescheduled for a later date and they will have another one coming up in July, but is unsure of the topic that they will be discussing. They have begun accepting fluorescent bulbs from businesses. They can take household hazardous waste but they cannot accept hazardous waste from businesses. There is a gap locally for small businesses and how they deal with their hazardous waste. They don't have a permit that would allow them to do that and the cost would be too much for them to take on, but there is certain types of waste that even if they are hazardous, they are classified differently including electronics and fluorescent bulbs. They have been taking electronics from businesses for years and they realized that it would be pretty easy for them to just change one small thing on their permit and begin taking them from businesses as well. They have not done a lot of advertising for that yet. They are just starting and are working it out to see if there are any issues and address those before they really start pushing for that. They are charging for that as well.

In concluding her report, S. Stephenson stated that the County Spring Clean-Up will start next week and hopefully will be successful. The other things to notice are the enforcement cases. At one time they had 52 cases open with one enforcement officer and now it has gone down to 13 new cases open and 10 older (or larger) cases and most of those are about to be closed down.

S. Madison stated that she received an email from a member of her church taskforce who complained about the new charge of \$2.00 to recycle a standard length fluorescent bulb and asked why the cost was so much if the amount of the bulb itself is around \$2.00; to which Ms. Stephenson explained that the cost is a few cents above what it costs them so they have implemented a fee for all residents for recycling fluorescent bulbs by looking at what it cost to send them for recycling and labor and supplies. She stated that the fees ranged from \$1.00 to \$4.00 depending on the size of the bulb. S. Madison expressed her concern for the amount saying that the \$2.00 to recycle a fluorescent tube is a lot of money and she suggested that her fellow member take them to Lowe's instead where they recycle them for free. S. Madison asked how they recycle a fluorescent tube; to which S. Stephenson responded that they send it to a company called Stericycle and are not actually doing the recycling themselves just collecting. S. Madison asked how they package the tubes without them breaking; to which Ms. Stephenson replied that they send them in a secure, thick cardboard box. S. Madison responded by asking if that is where the expense comes from; to which Ms. Stephenson responded that it is part of it but it is really the processing fee that Stericycle charges them.

L. Ecke asked what the system that the school cafeterias had to dispose of their food waste was; to which Ms. Stephenson replied that apparently it was going in a landfill. L. Ecke responded that her husband worked for Luby's Cafeteria and they always contracted with the hog farmers to pick up slop buckets and that was where all of their food waste went to and she wanted to know if there was a program that they were using for hog farmers. Ms. Stephenson responded that they are not directing how they dispose of food but they are just watching it with the graduate student, who has discovered an issue that a lot of the schools are concerned about liability issues. The graduate student is looking at what is being wasted and if there is a way to send it to farmers as well as a way to redistribute to humans. She reported that there are some schools around the country that instead of putting certain foods in the trash, they are setting them aside and allowing them to be distributed again like at an after-school program or some other way. The graduate student is also looking at food that is increasing landfill waste and food insecurity and how many kids in the area don't get enough to eat.

S. Lloyd asked how she was educating people that they can use household containers for the sharps disposal; to which Ms. Stephenson replied that when people come in to dispose of the full containers instead of giving them another one of the red ones; they are giving them a clean container like a detergent bottle that they can use and then let them know how they can do that at their house. So they are still dispersing those to participating pharmacies, but hopefully not as much. She mentioned that there are some households where the red containers make the most since because they are so identifiable so they talk to the person who brings it in and ask them what makes the most sense for their household.

S. Lloyd asked if they took donations for empty containers; to which Ms. Stephenson responded that getting enough clean, empty containers is one of the gaps that they are having right now; so if anyone has any empty detergent bottles, then bring them by. S. Lloyd asked if they were letting people know that; to which S. Stephenson answered that they are letting the ones who bring the containers know that they need them.

Update on E-Fax Project – Eva Madison. E. Madison reported that she was excited to receive an email update from IT Director, John Adams that all fax lines have been cut over and that project is complete.

There was a round of applause.

Discussion On Protocol For Sponsorship Of Planning Board CUP Ratification Ordinances – Eva Madison. E. Madison stated that she requested that this be put on the agenda because she thinks it is something that the committee would like to discuss again. She talked to Planning Director Juliet Richey about the CUP ratification process and somehow by default, the Chair of the County Services Committee has been the one designated as the sponsor for any ordinance regarding CUP ratification. She went on to say that the chair at that time decided that the chair would be the sponsor for the CUPs. Ms. Madison wanted to put it towards the court stating that she is happy to share because sometimes they are in other people's districts and are not really going to be in hers since it is entirely within the city of Fayetteville. The County Judge's Office will call or email whoever's district the CUP is in first and if they want to sponsor it then Ms. Madison is happy for them to do that and if they do not want it then she will take it. E. Madison stated that it may make for some difficulties in the committee process because they may not be on the Committee, but she thinks that whoever's district it is should get the opportunity to take it before the Quorum Court. She asked what the committee's pleasure was on that issue; to which the members agreed. E. Madison stated that the way they will handle it is that whoever's district that it comes to will be notified that it is coming up and if it needs to come through a committee first and that person is not on the committee; they will handle it in committee, but then that person can be listed as the sponsor when it goes through to the Quorum Court.

B. Pond pointed out that occasionally something comes up that you might be the sponsor because it is in your district but it might not be appropriate because they might be opposed to it or you might possibly have a conflict of interest.

E. Madison responded that whoever's district that it is in would get the option first and the Chair of County Services will be the default for any unwanted CUPs.

Other Business: County Attorney Steve Zega stated that the wind farm annexation petition by the wind farm folks to annex into Elm Springs has been filed and the County Judge has set the public hearing for June 15, 2015 at 9:00 AM in the Washington County Quorum Court Room.

With no other business and no public comment, the meeting adjourned at 6:42 p.m.

/cs

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, May 12, 2015
5:30 P.M.

Washington County Quorum Court Room

Member Present: Rick Cochran, Robert Dennis, Lisa Ecke, John Firmin, Ann Harbison, Butch Pond, Bill Ussery

Others Present: Daniel Ballis, Harvey Bowman, Steve Zega, Sharon Lloyd, Tom Lundstrum, Sue Madison, Eva Madison, Joel Maxwell, Marilyn Edwards, Scarlet Sims, Jeane Mack, Glenda Audrain, Cheryl Bolinger, Ashley Farber, Cindy Dickey, Cristi Beaumont, Kendrick Sexton, John Adams, Jay Cantrell, Steve Whitmill, Rick Jensen, Dennis Ledbetter, Jeremy Oxford, Ryan James, Teresa Soares, Melissa Clark, Russell Hill, William Stephenson, Bobby Hill.

Chairman R. Cochran called the meeting to order at 5:30 P.M. and the prayer and pledge was led by B. Pond. The agenda had two additions, one being a report from County Judge Marilyn Edwards on the approximate cost data for the Stonewall Bridge and the other an appropriation for security camera. The agenda was unanimously adopted as amended.

Financial Report. County Treasurer Bobby Hill reported that the general expenditures outpaced revenues, which is not unusual for this time of year, and the \$1.6 million difference between the two is a little concerning; however, for the month of May, the treasurer's office received \$3.5 million in the general fund for the current taxes and is hopeful that will make the end balance look a lot better for the next month. He stated that the road and jail did well with revenues coming over expenditures. He reported that the 12 month streak of increases for 1 cent sales tax has been broken since the Fayetteville Schools had snow days in February, but they are still \$125,000 over last year's amount and expects for it to come back up for the March report. The jail sales tax also dropped by 1.5% but they are still up \$221,000 for the year. The road half cent sales tax had a modest increase of 1.63% and May's total is \$113,000 so next month will be up also.

Comptroller Cheryl Bolinger reported that the changes on the unappropriated reserves county general fund report included the \$34,640, which was made from the quarterly housekeeping and the quarterly ordinances done for the drug enforcements, communication, and boating safety; the public defender's new position; and then the \$3000 that was put in for the court

reporter used in the county bridge investigation. County General is better than it looks like because it does have the encumbrances in there along with all of the funds, which are broken down by department.

County Judge Marilyn Edwards stated that according to Engineer Jim Beatty and Assistant Road Superintendent Shawn Shrum, the approximate cost was \$289,694 for Stonewall Bridge and surmised it will take a grand total of about \$635,000 with \$200,000 of that being in salaries which alleviates the cost of about \$345,000. She stated that some of the plans that they have been working on include finishing Stonewall Bridge with labor and materials from the road department and a private contractor overseeing the crew as a supervisor along with GTS and Jim Beatty inspecting the work as they go along. Mr. Beatty, will sign off on everything that is implemented and when the bridge is finished, he will sign off on the certification. They are going to retrofit the Harvey Dowell Bridge according to engineer plans and bid the entire project out with the estimated cost of \$635,000. This plan depends on getting a positive response on their request for qualifications for someone to take the job as a supervisor and finish Stonewall Bridge along with their bid request for the Harvey Dowell Bridge.

Judge Edwards also reported that 4-5 members of the Road Department will be attending a Dale Carnegie leadership class starting tomorrow. They are also going to have some input from the Human Resources Department and some others to start figuring out a way to assign the jobs as well as implementing some job revisions.

An Ordinance Recognizing Revenues In The Amount Of \$8,876 In The County Library Fund; And Appropriating The Amount Of \$8,876 From The County Library Fund To The County Library Budget For 2015. County Library Director Glenda Audrain stated that they have entered into an agreement with the Springdale Public Library to start receiving downloadable magazines so they worked out a cooperative thing where the Springdale Library would pay for the content and the County Library would pay the platform fee that way the patrons in the smaller libraries would have access to the content that Springdale Library buys. The money needed to come from the Washington County Library System so they paid the total bill and then invoiced Springdale Library for their amount. The check has been received and needs to be put back into the budget for what it was originally intended for.

B. Pond made a motion to forward the Ordinance to the full Quorum Court with a do pass recommendation. R. Dennis seconded. The motion was approved unanimously.

An Ordinance Recognizing Revenues In The Amount Of \$18,421 In The General Fund; And Appropriating The Amount Of \$18,421 From The General Fund To The Juvenile Detention Center Budget For 2015. JDC Director Jeane Mack stated that this is an insurance settlement due to an accident with one of their staff cars that was declared totaled and needs the money to purchase another vehicle for transport.

A Harbison made a motion to forward the Ordinance to the Quorum Court with a do pass recommendation. B. Pond seconded. The motion was approved unanimously.

An Ordinance Adjusting Revenues And Appropriations In The Communication Fund And Various Grant Funds For 2015. C. Bollinger stated that there were a few funds that were in

the negative on unappropriated reserves because when they corrected the carryover to be accurate, it caused some of the funds to be in the negative. In order to bring those funds into balance, they had to make some adjustments. Two of them were reducing appropriations and another two were recognizing some revenue that had not already been recognized. Once the ordinance is passed it will show those negative funds at \$0 amount and the revenue and the appropriations will be in balance.

A Harbison made a motion to forward the Ordinance to the Quorum Court with a do pass recommendation. J. Firmin seconded. The motion was approved unanimously.

A Resolution Authorizing The County Judge To Apply For A Bureau Of Justice Assistance Grant On Behalf Of The Washington County Drug Court. A Harbison made a motion to forward the Ordinance to the Quorum Court with a do pass recommendation. B. Pond seconded. The motion was approved unanimously.

A Resolution Authorizing The County Judge To Apply For A Bureau Of Justice Assistance Grant On Behalf Of The Washington County Sheriff's Office. Chief Deputy Jay Cantrell stated that the grant is for Body-Worn Cameras which is the hot-button issue across the country right now. The big thing about the cameras is coming up with a policy on retention of that video and storage because there are a lot of things that a law enforcer will see out there that may not be releasable to the public. They are planning on purchasing the cameras and have already talked about having it within their budget to do so. He stated that the cameras they like are \$600-\$1,500 each and they would need about 65 of them making the total estimated cost to be between \$30,000 and \$75,000 and have a 5 to 7 year life span. The cameras will also automatically download to the car, then to the server when the car gets within 300 feet of the office.

B. Pond made a motion to forward the Ordinance to the Quorum Court with a do pass recommendation. R. Dennis seconded. The motion was approved unanimously.

An Ordinance Recognizing Revenues Of \$1,950 In The JDC Grant Fund And Appropriating The Amount Of \$1,950 From The JDC Grant Fund To The JDC HOFNOD Budget For 2015. A. Harbison made a motion to forward the Ordinance to the Quorum Court with a do pass recommendation. J. Firmin seconded. The motion was approved unanimously.

An Ordinance Anticipating Revenue Of \$30,889 In The DEM Grant Fund For 2015; And Appropriating \$30,889 From The DEM Grant Fund To The Wheeler Fire Department – SCBA Budget For 2015. Assistant Fire Chief Jeremy Oxford stated that in Fall 2014 they bought and sold a fire engine and in doing so needed 4 air packs in the new engine, which is used when the firefighters go inside a fire. The air packs need a spare bottle so instead of purchasing 4 new air packs for the engine; they just moved air packs around. This ordinance is going to purchase 4 new air packs to go on the new engine.

A Harbison made a motion to forward the Ordinance to the Quorum Court with a do pass recommendation. J. Firmin seconded. The motion was approved unanimously.

An Ordinance Anticipating Revenue Of \$10,000 In The Environmental Affairs Grant Fund For 2015; And Appropriating \$10,000 From The Environmental Affairs Grant Fund To The

years, but without the budget control of moving amongst line items, they really don't know what is in the department's "bucket of money." He stated that he has never seen a department's budget, not talking about the dollars budgeted on each line item, but what they are planning to do project, personnel, material, and equipment-wise like he would do if he was in manufacturing.

R. Cochran believes that they can make a change by looking at the detailed budgets from the departments, showing what they are going to do and their plan for the next year and if that is what they are going to do then they need to tell them that now because that is a big job. R. Cochran stated that he wanted the court to think about the way that they approach the budget and would like to hear what they would like to do.

A. Harbison asked if it was said that when money was moved from one line item to another that they let the quorum court know; to which R. Cochran confirmed. A. Harbison then asked if a monetary limit had been placed on the amount that could be moved, but was told that it was only for the capital line item.

R. Cochran stated that at the next finance meeting the committee needs to go ahead and do their budget constraints discussion and go ahead and get that settled, which could make their budget process go faster.

E. Madison stated that if R. Cochran wants a strong budget process this year then they all need to vote. She does not know how they are going to do a budget process when they don't all have a vote and thinks that it is a serious flaw; to which R. Cochran disagreed stating that the only vote that counts is the one that takes place at the full Quorum Court where they decide if the budget passes or not and amendments can be made.

With no other business and public comments the meeting adjourned at 8:07 P.M.

/cs

ORDINANCE NO. 2015-_____

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 May 7 for Fritchie Farms; 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 Fritchie Farms 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: _____ Eva Madison

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

Fritchie Farms CUP

The Planning Board/Zoning Board of Adjustments approved Fritchie Farms Conditional Use Permit (with conditions) on May, 7, 2015.

There were quite a few neighbors who appeared to speak in opposition to this project at the Planning Board meeting, and therefore there may be an appeal filed for this CUP. However, at this time staff is recommending ratification of the project due to no appeals being filed to date.

The owners of this property are Herman and Carol Salisbury. The applicant is Matt Fritchie. The applicant is requesting Conditional Use Permit approval to allow the use of a wedding/event center in an area zoned for agricultural and residential uses.

The proposed project includes construction of a new barn (event center), parking area and driveway, and associated septic system. Hours of operation will be from 10:00 a.m. until 10:00 p.m. on Fridays, and 8:00 a.m. until 10:00 p.m. on Saturdays. The applicant is planning to accommodate parking of 70-85 vehicles, depending on occupancy (Architect drawings are required to set the final occupancy at the Large Scale Development stage of the project).

The applicant has stated that outdoor entertainment will not be amplified, and no fireworks will be allowed. Due to the concerns of some neighbors regarding noise, the Planning Board added a condition that all outdoor music must end by 8:00pm. With this proposal the applicant will not provide alcohol and will not apply for any permits with Alcohol Beverage Control board, but alcohol will be allowed on a catered basis.

The primary concern with this project involves intersection sight distance from the point where the driveway meets Ball Road. However this proposed intersection has been evaluated by the applicant's engineer who stated that with some grading and vegetation removal (on the land to be owned by the applicant) the sight distance can be made adequate.

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. Prior to the Planning Board meeting three neighbors called in to the Planning office to voice their concerns, all of them ultimately submitting written comments. Fourteen (14) neighbors attended the meeting to voice their opposition to the project for the below stated reasons, several who also submitted written comment forms at that time. A total of six written neighbor comment forms were received at the meeting.

The nine comments submitted, in opposition to the project, were based on several factors including alcohol, traffic, noise, lighting, dust, zoning, compatibility, property values, and other wedding venues located in the general Goshen area.

Planning staff feels that all of these concerns have been addressed (or are not an issue):

- Traffic on Ball Road-the applicant estimates 80 vehicles per event. This is not come and go traffic like one might expect with a retail commercial establishment or subdivision, but more similar to a church-type use; one influx and one outlet per event. This is not a large number of vehicles. The speed limit on this road is 35 mph. Planning Staff has no

control if residents choose to break the law by speeding. We can only make sure that the project meets minimum requirements based on the speed limit. Additionally, the Road Department and County Engineer have reviewed the potential impact on the County Road and have no concerns.

- Devaluation of property-Staff does not feel that this event center will devalue the neighboring properties. It will be low impact and generally appear residential/agricultural in nature. In addition, care has been taken by the applicant to limit hours of operation and noise concerns. Additionally the Planning Board has added a condition to end any outdoor music by 8:00 p.m.
- Lack of specific occupancy- the applicant is required to hire an architect if this project moves forward to the Large Scale Development phase. The applicant estimated 175 people per event, but ultimately the applicant's architect will determine the occupancy once the building design is completed. The applicant must comply with the architect's recommendations regarding AR state fire code and ADA compliance. Generally, we do not require architect plans at the CUP phase. The LSD phase is where most technical drawings are required.
- Hours of operation not being defined enough-Hours of operation are clearly defined by the applicant, so staff is unsure what the concern is for this. As always, we word conditions as "generally" so as not to be overly restrictive if some slight variation is necessary.
- Litter-Staff has placed conditions regarding the placement/screening of a dumpster if litter becomes a concern. However, staff does not anticipate litter being an issue. The Planning Board opted not to add any additional conditions regarding litter.
- Noise-The Planning Board added a condition that all outdoor music must end by 8:00pm.

Even if this project is ratified, it does not impede anyone's right to appeal within 30 days of the Planning Board's approval.

Staff recommended approval with conditions.

The Planning Board/ Zoning Board of Adjustments approved (5 members voted "in favor", 0 members voted "against", and 2 members were not present) the project with the following conditions:

Water/Plumbing/Fire Conditions:

1. If total length of drive does not exceed 500', all access roads and parking area drives must be a minimum of 20' wide. If the drive exceeds 500' in length, the minimum width is 24'.
2. All access roads and parking area drives must have a 38' turn radius at minimum, and fire lanes and access roads must be compacted to support 75,000lbs in all weather conditions.
3. Fire lanes along the drive and within the parking area must be marked (can be marked with signage- if the drive and lots are gravel; or marked with paint- if the drive and lots are paved).
4. The pick-up/drop-off area must be looped in such a way that when the water-tanker is empty it can pull away and the next tanker can easily move into that position.

5. A “warming only” kitchen is allowed. If commercial kitchen is desired, additional review will be required.
6. The building must meet Arkansas State Fire Code.
7. Exit lights/emergency lights and fire extinguishers are required.
8. The Fire Marshal will inspect all improvements prior to the building being occupied.
9. The applicant’s architect is to set the final occupancy load, and ensure the building meets Arkansas State Fire Code, and is compliant with ADA standards.
10. The connection between the building and the handicapped parking spaces, as well as the restrooms, must be ADA compliant.
11. Architectural drawings for the event structure, signed and stamped by a licensed architect, are required and must be submitted prior to, or concurrent with Preliminary LSD.
12. Architectural plans should show the proposed ingress/egress paths, exit/emergency lighting, and fire extinguishers, as well as all other information needed to meet Arkansas State Fire Code and ADA compliance.
13. The applicant must comply with any Health/Safety/Fire Code recommendations made by the architect.
14. The Fire Marshal will review the plans, make comment, and must approve plans before project can move forward, or be occupied.

Planning Conditions:

1. Official sight distance for the new entrance will need to be stated at Preliminary LSD. The proposed grading must be shown on the Preliminary LSD plans. The applicant’s engineer is to certify the sight distance meets or exceeds the minimum County Code at Preliminary LSD.
2. No fireworks or outdoor amplified music is allowed.
3. ~~Pay \$100 CUP fee prior to CUP approval.~~ **PAID**
4. No outdoor music is to be played after 8:00 p.m.

Septic Conditions:

1. The septic system must receive approval from the Health Department before it is installed.
2. The system will be inspected by the Health Department prior to occupation of the proposed building.
3. No parking is allowed on any portion of the septic system including the alternate area. The alternate area must remain undisturbed. (No overflow parking either).
4. The septic system (primary and alternate area) must be delineated (landscaping/fencing/other barrier) to prevent anyone from parking or driving in this area.
5. The applicant is requesting a “warming only” kitchen at this time. Full details will be required at Preliminary LSD. A retail food service permit may be required. Please contact David Cowan at the Washington County Health Department to discuss.
6. Project must be in compliance with the regulations of the Arkansas Department of Health.

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

1. No signage or parking is allowed within Washington County's road right-of-way (ROW).
2. The Road Department requires 30' ROW to be dedicated on the applicant's side of the road (if applicant owns both sides, both sides must be dedicated).
3. Any work (i.e. clearing, grading, driveway install) 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.

Drainage

1. A full drainage study is required at Preliminary LSD.

Environmental Conditions:

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

Utility Conditions:

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

Signage/Lighting/Screening Conditions:

1. All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.
2. A sketch of the proposed sign must be submitted to Washington County Planning for approval prior to the sign being placed.
3. No additional signage is allowed to be placed without additional review.
4. If the applicant chooses to use lighting for the sign, all signage must be indirectly lit.
5. If a dumpster is placed, staff must approve the placement and will require it to be screened with an opaque material, including the gate, so it won't be visible to neighbors.
6. Care should be taken to leave existing vegetation on the north and west property boundaries intact.

Additional and Standard Conditions:

1. A lot split will need to be completed. Both Goshen and Washington County will need to review and approve the lot split.
2. ~~Pay mailing fees of \$41.40 (an invoice was emailed to the applicant on 4/28/15).~~ **PAID**
3. A statement from the applicant, owner, architect or engineer must be submitted prior to the building being occupied that says the building, parking, access, and restrooms are in compliance with all ADA regulations.
4. Hours of operation must be generally as stated (Fridays: 10:00 am to 10:00 pm; Saturdays: 8:00 am to 10:00 pm).
5. The applicant must apply for an address to be assigned.
6. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
7. This CUP must be ratified by the Quorum Court.

8. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
9. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - This project does require additional Planning Board review (Large Scale Development). Therefore, the preliminary LSD must be submitted within 12 months of this CUP's ratification.

ORDINANCE NO. 2015-_____

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 May 7 for Elkhorn Springs Road Dirt Pit Expansion # 2; 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 Elkhorn Springs Road Dirt Pit Expansion # 2 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: _____ Rick Cochran

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

Elkhorn Springs Road Dirt Pit Expansion #2 CUP

The Planning Board/Zoning Board of Adjustments unanimously approved Elkhorn Springs Road Dirt Pit Expansion #2 CUP Conditional Use Permit (with conditions) on May, 7, 2015.

It is possible that there may be an appeal on this CUP (the appeal period is 30 days from the date of Planning Board Approval), but staff is continuing to recommend ratification of the project at this time because no neighbors of the project or other concerned parties have indicated their intentions to file an appeal. The ratification of a CUP by the Quorum Court prior to the appeal period ending does not prohibit an appeal being filed.

The applicant is requesting Conditional Permit approval for Elkhorn Springs Road Dirt Pit Expansion #2 to transition existing agricultural/residential property (directly adjacent to an existing pit operated by Les Rogers, Inc.) to open pit red dirt/clay/gravel extraction operations. This property is owned by Larry and Tawana Hillian and under lease to Les Rogers, Inc. for mining purposes.

This operation proposes the improvement and extension of an existing haul road and red dirt pit operations (extraction of clay and gravel). (This application does not include a request for quarrying of rock. The existing entrance to the Dirt pit on Elkhorn Springs Road is proposed to be used for this expansion. **No new entrance points onto to any roads are proposed with this submittal.** The existing entrance does not appear to have an address point, but is located on the north side of Elkhorn Springs Road (across the street from 14842 Elkhorn Springs Road, Fayetteville, AR, 72704).

This operation proposes the expansion of red dirt pit operations to include an additional +/-12.66 acres of permit area. Of the +/-12.66 acres of proposed permit area, **only +/-4.965 acres of area proposed to be mined** (remaining area will be used for buffers, sedimentation pond, etc.).

As outlined in the letter of explanation from the engineer, there has been a dirt pit in operation in this area for the past 15 years. Originally the pit operated solely on parcel 001-11554-000 (owned by Les Rogers). At this time it appears that all mining activity (with the exception of haul roads and sedimentation ponds) has ceased on this portion of the site, and it has been primarily re-vegetated and considered to be in reclaimed status by ADEQ.

In 2008, Washington County Planning Board approved a Large Scale Development permit (Project #2007-149) to expand the mining area north onto a portion of the parcel that was submitted with this project, 001-11546-000 (owned by the Hillian family). This plan permitted a +/- 19.95 acre permit boundary with +/- 9.5 acres of disturbed area within the boundary. In 2008, this area was not yet zoned, therefore no CUP was required at that time; only compliance with the LSD process (with which Mr. Rogers complied).

Mr. Rogers now seeks to expand the mining area west of the 2008 permitted area for mining.

At CUP we are evaluating whether or not this proposed use is appropriate for this site (in the manner it is proposed) - or if it could be made appropriate/compatible with the addition of any conditions. As per our zoning ordinance, we must evaluate the proposed use using the below criteria:

(a) The Board shall hear and decide requests for a conditional use and may authorize such if it finds:

- (1) That a written application has been filed with the Planning Office and the appropriate fee has been paid. **Received 4-5-15**
- (2) That the applicant has provided proof that each property owner as set out in section 11-204 has been notified by return receipt mail. **Completed 4-8-15**
- (3) That adequate utilities, roads, drainage and other public services are available and adequate or will be made available and adequate if the use is granted.
- **No additional utilities are needed to service this site for the proposed expansion.**
 - **No additional traffic is proposed. The Road Department has inspected Elkhorn Springs Road and found no road deficiencies related to the existing operation; therefore no improvements will be required at this time as traffic impact is proposed to stay as it is currently. The applicant understands that they will be responsible for fixing and any future damage to the County Road specifically attributable to their operation. This is noted on their plans.**
 - **The interior haul road will be widened and paved as per County regulations (40' wide x 250'in length), although the ingress egress point will remain in the same location. Intersection sight distances for turning movements from the site onto Elkhorn Springs Road are adequate.**
- (4) That the proposed use is compatible with the surrounding area.
- **The interior haul roads have been/are proposed to be located well away from neighboring property lines.**
 - **Due to the intensity of the traffic and operations of a dirt pit, staff is hesitant to recommend less than 100'-150' wide buffers along all adjoining property lines. The recommendation of 100'-150' buffers is in line with what has been recommended in the past for other industrial/mining CUPs submitted to this office.**
 - **The plans show 100' buffer to the south, 150' buffer to the east, 100'-150' buffers to the north, and a 60' buffer along the Western property line. Staff feels that the areas with the 100'-150' will be adequately buffered. The applicant has stated that although a buffer only 60' in width is proposed along the western property line, they plan to further buffer the area by the addition of a 48' wide, 8' tall berm to mitigate the reduction in buffer width. Planning Staff feels that the addition of this berm will be adequate to alleviate any concerns regarding reduced recommended buffer width provided that:**
 - **The berm is in place prior to red dirt mining beginning on the property**
 - **The berm is vegetated to prevent erosion**

- ***The berm is a minimum of 8' in height and 48' in width as proposed***
- (5) *That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.*
 - (6) *That the conditional use will not be injurious to the use and enjoyment of other property in the surrounding area for the purposes already permitted, nor substantially diminish and impair property values within the surrounding area.*
 - (7) *That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding area for uses permitted in the zone.*

The following bullet points address criteria points (5), (6) and (7) above:

- ***The project as proposed appears to be adequate in regard to safety. There are no fire concerns. There are no intersection sight distance issues, and the interior haul roads will be improved with this expansion.***
- ***This project proposes to continue the operation at the same intensity as the existing operation, but to mine adjacent land as the existing mining area is reclaimed. Therefore, other than the impact of the operation moving somewhat closer to three adjoining land owners, the impact to others in the area should remain unchanged or lessen somewhat from what it has been in years past. A berm is proposed to be placed on the western and southern edges to mitigate impacts to the landowners these sides of the operation. The applicant's engineer has stated that Mr. Rogers has met with the adjacent property owners to the west and that they are happy with the project as proposed. At this time staff has not received any communication from the landowners to the west of the project to indicate whether they are in favor or opposed to the project. Staff has received information from the property owner to the south (Mr. Williams) stating that he is fully in support of the project.***
- ***Some neighbor concerns (seven received to date) have been received. From the comments and proximity of some of the neighbors who responded it was unclear to staff if their concerns were truly with this particular operation or the combined impact on HWY 16 of several mining operations in the area whose trucks utilize this portion of HWY 16 (or even traveling to and from construction sites or other areas). HWY 16 is a busy thoroughfare and subject to the types of traffic that any major arterial highway would expect. The proposed expansion does not propose any additional impacts to HWY 16 or Elkhorn Springs Road.***

Other concerned neighbors' proximity indicates that they are probably impacted by noise from this operation; however, as this expansion serves to utilize area as existing mining areas are reclaimed; the impacts should remain the same as the existing impacts.

- ***Safety and compatibility issues are discussed in depth in the staff report***

(b) If it is determined that there exist conditions that could be imposed by the Board that would significantly lessen the impact of the aforesaid, then the Board has the power to impose said conditions which shall be specifically set forth.

- ***Conditions were recommended by staff and were approved by the Planning Board for this CUP***

Neighbor Comments:

On April 8, 2015, 175 neighbor notifications were mailed (via certified mail) to all property owners within ½ mile of the project.

To date staff has received ten written neighbor comments:

- 1 in favor
- 2 neutral/stated concerns/asking questions
- 7 opposed

Only one neighbor (Jim Binns) attended the Planning Board Meeting on May 7, 2015. Mr. Binns' concerns were not specific to the Les Rogers operation, but with the County's approach to zoning via the Conditional Use Permit process (as opposed to the more standard type of zoning used by cities).

Staff recommends approval with conditions.

The Planning Board/ Zoning Board of Adjustments approved (5 members voted "in favor", 0 members voted "against", 2 members were not present) the project with the following conditions:

Planning Conditions:

1. CUP is generally subject to the site layout, elements, and notes shown on the submitted plan and accompanying explanation letter, traffic statements, dust abatement statements, etc.
2. All required ADEQ approvals, permits, or NOIs must be in place prior to any mining taking place.

Environmental Conditions:

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

Utility Conditions:

1. Any damage or relocation of utilities will be at the expense of the owner/applicant.
2. Please indicate utility easements along highway frontage (AR 16) on LSD plans.

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. All security lighting must be shielded appropriately.
2. The applicant has stated that although a buffer only 60' in width is proposed along the western property line, they plan to further buffer the area by the addition of a 48' wide, 8' tall berm to mitigate the reduction in buffer width. Planning Staff feels that the addition of this berm will be adequate to alleviate any concerns regarding reduced recommended buffer width provided that:
 - The berm is in place prior to red dirt mining beginning on the property
 - The berm is vegetated to prevent erosion
 - The berm is a minimum of 8' in height and 48' in width as proposed
 - The berm is inspected by staff prior to any mining
3. Care should be taken to leave existing vegetation on the west and south property boundaries intact if possible.

Additional and Standard Conditions:

1. Pay mailing and engineering fees (an invoice will be supplied by County staff).
2. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
3. This CUP must be ratified by the Quorum Court.
4. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
5. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - This project does require additional Planning Board review (Large Scale Development). Therefore, The Preliminary LSD must be submitted within 12 months of this CUP project's ratification.