MARILYN EDWARDS

County Judge



WASHINGTON COUNTY, ARKANSAS

County Courthouse

August 14, 2015

REGULAR MEETING OF THE WASHINGTON COUNTY QUORUM COURT

Thursday, August 20, 2015 6:00 p.m. Washington County Quorum Court Room

AGENDA

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 June 16th regular and the July 9th special meeting of the Quorum Court.
- 6. APPROPRIATION ORDINANCE: AN ORDINANCE REDUCING THE CIRCUIT CLERK'S BUDGET IN THE GENERAL FUND BY \$20,000; APPROPRIATING THE AMOUNT OF \$20,000 FROM THE GENERAL FUND TO THE ANIMAL SHELTER BUDGET; AND APPROPRATING THE AMOUNT OF \$20,000 FROM THE CIRCUIT CLERK COMMISSION FEE FUND TO THE CIRCUIT CLERK'S BUDGET IN SAID FUND FOR 2015. This ordinance is on second reading. (6.1)

RICK COCHRAN

7. APPROPRIATION ORDINANCE: AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$2,500 IN THE LAW ENFORCEMENT GRANT FUND, AND APPROPRIATING \$2,500 FROM THE LAW ENFORCEMENT GRANT FUND TO THE JUVENILE COURT-FAMILY COMMUNICATIONS CLASS GRANT BUDGET FOR 2015. (7.1)

RICK COCHRAN

8. COUNTY JUDGE'S REPORT. JUDGE EDWARDS

9. COMMITTEE REPORTS.

10. A RESOLUTION RECOGNIZING A VACANCY IN
QUORUM COURT DISTRICT ELEVEN FOR 2015.

JP John Firmin submitted his resignation last month. (10.1)

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BUTCH POND

11. A RESOLUTION TO EXPRESS APPRECIATION
OF THE QUORUM COURT TO JOHN FIRMIN FOR
SERVICE AS A JUSTICE OF THE PEACE. (11.1)

BUTCH POND

12. A RESOLUTION ADOPTING THE PRE-HAZARD
MITIGATION PLAN FOR WASHINGTON
COUNTY, ARKANSAS. This resolution is being
recommended by the County Services Committee. (12.1)

TOM LUNDSTRUM

13. AN ORDINANCE CREATING A CERTIFICATE INCENTIVE PROGRAM FOR THE WASHINGTON COUNTY SHERIFF'S OFFICE AND AUTHORIZING PAYMENTS PURSUANT TO THAT PROGRAM. This ordinance is on first reading and is being recommended by the Personnel Committee. (13.1)

BUTCH POND

14. AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD. The Planning Board granted a Conditional Use Permit on July 30 for Devore Homes. This ordinance contains an emergency clause making it effective immediately upon passage. (14.1, 14.2)

ANN HARBISON

15. AN EMERGENCY ORDINANCE AMENDING
CHAPTER 2, SECTION 22 OF THE WASHINGTON
COUNTY CODE. This ordinance is being
recommended by the County Services Committee
and contains an emergency clause making it effective
immediately upon passage. (15.1)

EVA MADISON

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

APPROPRIATION ORDINANCE:

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

AN ORDINANCE REDUCING THE CIRCUIT CLERK'S BUDGET IN THE GENERAL FUND BY \$20,000; APPROPRIATING THE AMOUNT OF \$20,000 FROM THE GENERAL FUND TO THE ANIMAL SHELTER BUDGET; AND APPROPRATING THE AMOUNT OF \$20,000 FROM THE CIRCUIT CLERK COMMISSION FEE FUND TO THE CIRCUIT CLERK'S BUDGET IN SAID FUND FOR 2015.

ARTICLE 1. The following line items are hereby reduced in the Circuit Clerk's Budget of the General Fund in the total amount of \$20,000 for 2015:

Postage (10000102-3021)	\$ 8,000
Public Records (10000102-3080)	12,000

TOTAL REDUCTION: \$20,000

ARTICLE 2. There is hereby appropriated the amount of \$20,000 from the General Fund to the following line items in the Animal Shelter Budget for 2015:

General Supplies (10000308-2001)	\$ 9,000
Janitorial Supplies (10000308-2003)	2,000
Medicine & Drugs (10000308-2004)	9,000

TOTAL APPROPRIATION: \$ 20,000

ARTICLE 3. There is hereby appropriated the amount of \$20,000 from the Circuit Clerk Commissioner Fee Fund to the following line items in the Circuit Clerk's Budget for 2015:

Postage (30390102-3021)	\$ 8,000
Public Records (30390102-3080)	12,000

TOTAL APPROPRIATION: \$23,000

MARILYN EDWA	ARDS, County Judge	DATE
BECKY LEWALL	EN, County Clerk	
Sponsor:	Rick Cochran	
Date of Passage	:	
Votes For:	Votes Against:	
Abstention:	Absent:	-

ORDINA	ANCE	NO.	2015	-

CE:	
	CE:

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

AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$2,500 IN THE LAW ENFORCEMENT GRANT FUND, AND APPROPRIATING \$2,500 FROM THE LAW ENFORCEMENT GRANT FUND TO THE JUVENILE COURT-FAMILY COMMUNICATIONS CLASS GRANT BUDGET FOR 2015.

ARTICLE 1. There is hereby recognized additional revenue of \$2,500 in the State Grants Revenue Line Item of the Law Enforcement Grant Fund (1904-7010) for 2015.

ARTICLE 2. There is hereby appropriated the amount of \$2,500 from the Law Enforcement Grant Fund to the following line items in the Juvenile Court-Family Communications Class Grant Budget for 2015:

		Juvenile Court-Family Communications Class General Supplies (19040477-2001) Food (19040477-2005)				
	TOTAL APPROPRIATION	:	<u>\$ 2,500</u>			
MARILYN EDWARDS, County Judge DATE						
BECKY LEWALLEN,	County Clark					
DECKT LEVVALLEN,	County Clerk					
Sponsor:	Rick Cochran					
Date of Passage:						
Votes For:	Votes Against:					
Abstention:	Absent:					

UTION NO. 2015-
UTION NO. 2015-

A RESOLUTION RECOGNIZING A VACANCY IN QUORUM COURT DISTRICT #11 FOR 2015.

WHEREAS, Quorum Court District #11 is currently held by John Firmin; and,

WHEREAS, pursuant to Ark. Code Ann. 14-14-1308, it is required that a vacancy be declared when a Quorum Court member resigns from said District; and,

WHEREAS, John Firmin has served District #11 well and faithfully, but has notified the County Judge that he must resign from the Quorum Court effective July 16, 2015.

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

ARTICLE 1. That a vacancy is hereby declared to exist in Quorum Court District #11 and pursuant to Ark. Code Ann. 14-14-1310, the County Judge shall notify the Governor of such.

MARILYN EDV	WARDS, County Judge	DATE
		_
BECKY LEWA	LLEN, County Clerk	
Sponsor:	Butch Pond	
Date of Passa	ge:	
Votes For:	Votes Against:	
Abstention:	Ahsent:	***************************************

A RESOLUTION TO EXPRESS APPRECIATION OF THE QUORUM COURT TO JOHN FIRMIN FOR SERVICE AS A JUSTICE OF THE PEACE.

WHEREAS, John Firmin was elected in November, 2008, as Justice of the Peace from District #7 of Washington County, which later changed to District #11, and was serving his fourth term as a member of the Washington County Quorum Court; and,

WHEREAS, John Firmin will served as a Justice of the Peace and a member of the Washington County Quorum Court until July 16, 2015; and,

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

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

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

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

DANIEL BALLS	HARVEY BOWMAN
RICK COCHRAN	ROBERT DENNIS
LISA ECKE	ANN HARBISON
SHARON LLOYD	TOM LUNDSTRUM
EVA MADISON	SUE MADISON
JOEL MAXWELL	JOE PATTERSON
BUTCH POND	BILL USSERY
APPROVED: MARILYN EDWARDS, County Judge ATTEST:	DATE OF PASSAGE
BECKY LEWALLEN, County Clerk	

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A RESOLUTION ADOPTING THE PRE-HAZARD MITIGATION PLAN FOR WASHINGTON COUNTY, ARKANSAS.

WHEREAS, certain areas of Washington County are subject to periodic flooding and other natural and man-caused hazards with the potential to cause damages to people's properties within the area; and,

WHEREAS, Washington County desires to prepare and mitigate for such circumstances; and.

WHEREAS, under the Disaster Mitigation Act of 2000, in accordance with 44 CFR 201.6, the United States Federal Emergency Management Agency (FEMA) required that local jurisdictions have in place a FEMA-approved Hazard Mitigation Action Plan as a condition of receipt of certain future Federal mitigation funding; and,

WHEREAS, to assist cities and the county in meeting this requirement, Washington County, with the assistance of Arkansas Technical University, has initiated development of a county-wide multi-jurisdiction Pre-Hazard Mitigation Plan for the County and all jurisdictions in the County, specifically the cities and school districts.

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

ARTICLE 1. Washington County hereby adopts the Pre-Hazard Mitigation Plan in its entirety.

ARTICLE 2. Washington County appoints the Emergency Management Director to assure that the Pre-Hazard Mitigation Plan will be reviewed at least annually and that any needed adjustment to the Pre-Hazard Mitigation Plan be developed and presented to the Quorum Court for consideration.

ARTICLE 3. Washington County hereby agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Pre-Hazard Mitigation Plan.

, County Judge
County Clerk
,
Tom Lundstrum
Votes Against:
Absent:

ORDINANCE NO. 2015-____

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

AN ORDINANCE CREATING A CERTIFICATE INCENTIVE PROGRAM FOR THE WASHINGTON COUNTY SHERIFF'S OFFICE AND AUTHORIZING PAYMENTS PURSUANT TO THAT PROGRAM.

WHEREAS, the Sheriff and the Quorum Court recognize having a professional law enforcement service is critically important to the citizens of Washington County; and,

WHEREAS, the Sheriff and the Quorum Court understand that formal education, training and the certifications that result from that education and training maintain the professionalism of each individual law enforcement officer or deputy; and,

WHEREAS, it is the desire of the Quorum Court to incentivize Washington County Sheriff's deputies to obtain and maintain these professional certifications.

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

ARTICLE 1. In the event that sufficient revenues in the judgment of the Washington County Sheriff in his or her budget, the Washington County Treasurer is authorized to make additional salary payments from such funds to those employees who have attained law enforcement certification above the basic certificate level, as defined by the Arkansas Commission on Law Enforcement Standards and Training.

ARTICLE 2. It is the intent of this ordinance that such payments shall be optional, at the discretion of the Sheriff and dependent on sufficient revenues.

ORDINANCE NO. 2015-____ PAGE 2

- (a) (1) Sheriff's deputies who are employed for at least one (1) year with the Washington County Sheriff's Office and holding the following certificates on July 1 of each year shall be eligible for all or a portion of additional salary payments scheduled as follows:
 - (A) General Certificate or Instructor Certificate -- Three Hundred Dollars (\$300) annually;
 - (B) Intermediate Certificate -- Three Hundred Dollars (\$300) annually;
 - (C) Advanced Certificate -- Three Hundred Dollars (\$300) annually;
 - (D) Senior Certificate -- Three Hundred Dollars (\$300) annually; and,
 - **(E)** Field Training Officer or Detention Training Officer Certificate -- Three Hundred Dollars (\$300) annually.
 - (2) Payment of the funds shall be made during the eligible employee's first pay period in the month of December depending upon the availability of revenues and shall be restricted to the following classifications:
 - (A) Sheriff; provided no payment under this Ordinance shall increase the Sheriff's compensation beyond the statutory maximum;
 - (B) Chief Deputy Sheriff;
 - (C) Major;
 - (D) Captain;
 - (E) Lieutenant;
 - (F) Sergeant;
 - (G) Corporal;
 - (H) Deputy First Class;
 - (I) Fire Marshal; and,
 - (J) Assistant Fire Marshal.

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Votes For:_____ Votes Against:_____ Abstention:____ Absent:____

ORDIN	ANCE	NO.	2015	_
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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 July 30 for Devore Homes; 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 Devore Homes granted by the Planning and Zoning Board is hereby ratified.

ARTICLE 2. <u>Emergency Clause</u>: 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 EDW	ARDS, County Judge	DATE	
BECKY LEWAL	LEN, County Clerk		
Sponsor:	Ann Harbison		
Date of Passage	e:		
Votes For:	Votes Against:		
Abstention:	Absent:		

Devore Homes CUP

The Planning Board/Zoning Board of Adjustments approved <u>Devore Homes</u> Conditional Use Permit (with conditions) on <u>July 30</u>, 2015.

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

County

b. Devore Homes CUP

Conditional Use Permit Approval Request

Location Address: 674 Bunyard Rd., Winslow, Ar. 72959

4.0 acres/ 2 Lots

Proposed Land Use: Single Family Residential

Project #: 2015-162 Planner: Nathan Crouch e-mail at ncrouch@co.washington.ar.us

The owners of this property are Shirley & James (Diana & Jim) Devore. Bill Jenkins, with Jenkins Surveying, is the surveyor.

The property owner is requesting to divide an existing 4.0 acre parcel into two (2) tracts as follows:

- Tract A: 3.2 acres, one existing home; 674 Bunyard Rd to be retained by the owners.
- Tract B: 0.8 acres, one existing home; 698 Bunyard Rd to be sold.

The applicant is requesting approval to create two (2) lots that are less than five (5) acres in size, and are not for family. Additionally, one of the proposed lots will be less than one (1) acre, creating a slightly higher density than is allowed, in an area zoned for Agricultural or Single Family Residential, 1 unit/acre. Therefore, they are required to proceed through the Planning Board review process.

Both proposed tracts have adequate access to Bunyard Rd, WC 41. Septic systems for both tracts already exist. A septic system inspection was completed by Reba Bailey, of Bailey Environmental Services, Inc., on July 13th, 2015. All utilities are already in service. There were no comments submitted by OG&E, Century Tel, Winslow Water, or Boston Mtn. Volunteer Fire Dept.

The surrounding uses are primarily single family residential and agricultural. This proposal is for residential purposes. As this proposal will not add any additional traffic to Bunyard Road, it shouldn't negatively affect neighboring properties. This proposal has similar land use as surrounding properties, won't affect property values, will not affect emergency and other rescue services, and is compatible with surrounding densities. Staff feels this this proposal is appropriate and compatible with the surrounding uses. While the density is higher than most of the surrounding properties (range of densities in the surrounding area is 1 unit/0.41 acres to 1 unit/196 acres), staff feels it is not out of character for the area.

All neighbors within 300 feet of the boundary of his property were notified by certified mail of this project proposal. Staff has not received any written comments from neighboring property owners. Two neighbors called in favor of this project, and no opposition was received.

Staff is recommending approval of this Conditional Use Permit with conditions.

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

Septic Conditions:

1. No parking is allowed on any portion of the septic system including the alternate area. The alternate area must remain undisturbed.

Road Department Conditions:

- 1. 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).
- 2. 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.

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.

Additional and Standard Conditions:

- 1. Pay mailing fees of \$24.54 (an invoice was emailed to Bill Jenkins on 7/20/15).
- 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.

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 AMENDING CHAPTER 2, SECTION 22 OF THE WASHINGTON COUNTY CODE.

WHEREAS, the Washington County Quorum Court has the power and authority, pursuant to A.C.A. § 14-14-801 to organize itself into committees; and,

WHEREAS, Washington County Code Section 2-22 (b), as adopted in 2013, provided that the Finance and Budget Committee was to be a Committee of the Whole; and,

WHEREAS, the Quorum Court voted on July 16, 2015 to dissolve the Finance and Budget Committee; and,

WHEREAS, the Quorum Court has decided to form an Ordinance Review Committee; and,

WHEREAS, the Quorum Court's decisions to dissolve the Finance and Budget Committee and to form an Ordinance Review Committee make it necessary to amend Washington County Code Section 2-22; and,

WHEREAS, in order for the Quorum Court to continue with an orderly, efficient and effective course of conducting the County's business, it is necessary that this Ordinance become effective immediately upon its passage.

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

ARTICLE 1. Washington County Code Section 2-22 is hereby amended to read as follows:

ORDINANCE	NO.	2015-	
PAGE TWO			

(a)	The following committees of the Quorum Court are hereby established:
	 (1) County Services; (2) Jail/Law Enforcement/Courts; (3) Personnel; (4) Public Works; and (5) Ordinance Review. (5) Finance and Budget.
(b)	The Finance and Budget Committee shall be a committee of the whole comprised of all fifteen (15) members of the Quorum Court.
(c) (b)	Each committee shall provide for its own organization and management of its affairs, including the election of its own chair and vice chair.
2015 are h in this Artic	ARTICLE 2. The actions of the respective committees of the ourt as they met and convened from January 2, 2015 through August 20, hereby ratified and confirmed in their entirety, provided however, that nothing cle shall be construed to mean that an action of a committee that was not by the full Quorum Court shall have the force of law.
immediatel such for the	ARTICLE 3. EMERGENCY CLAUSE. It is hereby I that it is the public's best interest for this ordinance to be effective by; and the general health, safety and welfare of the citizens are affected by the reasons as set out above; therefore, an emergency is declared to exist and the shall be and is effective from the date of its passage.
MARILYN	EDWARDS, County Judge DATE
BECKY LE	WALLEN, County Clerk
Sponsor: Date of Pa	
Votes For: Abstention	Votes Against:

RESOL	UTION	NO. 2	015-	
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> A RESOLUTION AUTHORIZING NATHAN CROUCH TO SOLEMNIZE THE MARRIAGE OF IAN CHANDLER AND JENNA JACKSON ON SEPTEMBER 8, 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. Nathan Crouch is authorized to solemnize the marriage of Ian Chandler and Jenna Jackson on September 8, 2015, in Washington County, Arkansas.

MARILYN EDW	ARDS, County Judge	DATE
BECKY LEWAL	LEN, County Clerk	
Sponsor:	Rick Cochran	
Date of Passage	9:	
Votes For:	Votes Against:	
Abstention:	Absent:	