



WASHINGTON COUNTY, ARKANSAS
County Courthouse

October 30, 2015

MEETING OF THE
WASHINGTON COUNTY QUORUM COURT
COUNTY SERVICES COMMITTEE

Monday, November 2, 2015
5:30 P.M.
Washington County Quorum Court Room

Vice-Chair Daniel Balls
Sharon Lloyd
Sue Madison

Chair Eva Madison

Robert Dennis
Tom Lundstrum
Gary McHenry

AGENDA

1. Call to Order.
2. Adoption of Agenda.
3. An Ordinance Establishing Vote Centers In Washington County For All Elections. This ordinance has been drafted by the County Attorney and is being sponsored by Eva Madison at the request of the Election Commission and Election Coordinator Jennifer Price. (3.1)
4. Bi-Monthly Report from Washington County Planning Office – Juliet Richey, Planning Director. (4.1)
5. An Ordinance Amending Washington County Code Section 11-76 Fees Payable To Planning Office. This ordinance has been drafted by County Attorney Steve Zega at the request Juliet Richey and is being sponsored by JP Eva Madison. (5.1)
6. An Ordinance Amending Washington County Code Section 11-205 Fees. This ordinance has been drafted by County Attorney Steve Zega at the request Juliet Richey and is being sponsored by JP Eva Madison. (6.1)
7. Quarterly Report from Washington County Animal Shelter – Angela Ledgerwood, Director. (7.1)
8. An Ordinance Amending Washington County Code Chapter 2.7, Section 35. This ordinance has been drafted by County Attorney Steve Zega at the request Angela Ledgerwood and is being sponsored by JP Daniel Balls. (8.1)

9. Other Business: Any other business to be discussed by the Committee will be brought up at this time.
10. Public Comments.
11. Adjournment.

/cs

ORDINANCE NO. 2015-_____

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

AN ORDINANCE ESTABLISHING VOTE CENTERS IN WASHINGTON COUNTY FOR ALL ELECTIONS.

WHEREAS, pursuant to Arkansas Code Annotated Section 7-5-101 the County may establish by ordinance vote centers for elections; and,

WHEREAS, the Washington County Clerk has certified to the Quorum Court and the Secretary of State that the County has a secure electronic connection sufficient to prevent an elector from voting more than once and to prevent unauthorized access to a computerized registration book maintained by the County Clerk; and,

WHEREAS, it is the desire of the Washington County Election Commission and the County Clerk to establish duly authorized vote centers for all elections.

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

ARTICLE 1. There are hereby authorized and established in Washington County vote centers for all elections in the County.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Eva Madison

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

**WASHINGTON COUNTY
QUORUM COURT SERVICES COMMITTEE/PLANNING BOARD
Sept 16, 2015 to Oct 15, 2015
PLANNING DEPARTMENT STAFF REPORT
Juliet Richey, Director**

WASHINGTON COUNTY STAFF REVIEWED AND APPROVED THE FOLLOWING ADMINISTRATIVELY:

17 PROJECTS (INVOLVING 25 LOTS)

8 EXEMPTION SPLITS – Total New Lots Created: 20

Planning Area Splits	Lots	County Splits	Lots
Fayetteville (1)	2	(6)	16
Lincoln (1)	2		

3 FAMILY SPLITS – Total News Lots Created: 5

Planning Area Splits	Lots	County Splits	Lots
(0)	(0)	(3)	5

0 CELL TOWER ARRAYS

Planning Area		County
(0)		(0)

6 LOT LINE ADJUSTMENTS

Planning Area		County
(0)		(6)

AT THE OCTOBER 1, 2015 PLANNING BOARD / ZONING BOARD OF ADJUSTMENTS MEETING THE FOLLOWING ITEMS WERE HEARD:

One Variance Request Hearing was approved.

- Variance for Johnson Minor Subdivision** – Variance request to allow an existing structure to remain in the setback. Project is located solely within the County (18.58 acres / 4 lots). Proposed land use: Single Family Residential.

Three Land Development Hearings were approved:

- Johnson Minor Subdivision** – Preliminary and Final Minor Subdivision Request. Project is located solely within the County (18.58 acres / 4 lots). Proposed land use: Single Family Residential.
- Parkerman Estates Subdivision** – Final Subdivision Request. Project is located within Fayetteville's planning area. (15.53 acres / 10 lots (8 residential, 2 detention). Proposed land use: Single Family Residential.
- Fritchie Farms Large Scale Development** – Preliminary Large Scale Development Request. Project is located in Goshen's Planning area. (19.9 acres). Proposed land use: Event Center.

One Conditional Use Permit was removed from the agenda (due to being tabled more than three times with no resubmittals):

- Summers Missionary Baptist Church CUP Youth Center/Gymnasium**- Conditional Use Permit Request. Project is located solely within the County (13 acres). Proposed land use: Church multi-use building/ gymnasium/ youth center.

One Land Development was removed from the agenda (due to being tabled more than three times with no resubmittals):

- Summers Missionary Baptist Church LSD Youth Center/Gymnasium**- Preliminary Large Scale Development Request. Project is located solely within the County (13 acres). Proposed land use: Church multi-use building/ gymnasium/ youth center.

One Land Development was tabled (at the request of the applicant):

- 1. Bookout Minor Subdivision & Private Road Development and Replat of Norma Harrelson Minor Subdivision Tract 1 and Replat of Forbis-Lacy Subdivision Tract B-1** - Preliminary and Final Minor Subdivision Replat and Private Road Development Request. Project is located solely within the County (6.3 acres / 3 lots). Proposed land use: Single Family Residential.

THE NOVEMBER 5, 2015 PLANNING BOARD / ZONING BOARD OF ADJUSTMENTS MEETING WILL CONSIST OF THE FOLLOWING:

Two Land Development Hearings:

- 1. Eastern Park Subdivision Preliminary Subdivision-** Preliminary Large Scale Development Request. Project is located solely within the County (7.66 acres / 16 lots). Proposed land use: 15 Single Family Residential (1 other lot for septic and detention).
- 2. Replat/Lotline Adjustment of Norma Harrelson Minor Subdivision Tract 1 and Forbis-Lacy Subdivision Tract B-1-** Preliminary and Final Minor Subdivision Replat and Private Road Development Request. Project is located solely within the County (6.3 acres / 2 lots). Proposed land use: Single Family Residential.

ORDINANCE NO. 2015-_____

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

**AN ORDINANCE AMENDING WASHINGTON
COUNTY CODE SECTION 11-76 FEES PAYABLE
TO PLANNING OFFICE.**

WHEREAS, Washington County Code Section 11-76 was adopted in 1991 and has been amended from time to time; and,

WHEREAS, the United States Supreme Court in *T-Mobile, South LLC v. City of Roswell, Georgia* articulated that reasons a local government relies upon to deny a permit for placement of a cell phone tower must be stated in writing “substantially contemporaneously” with the denial; and,

WHEREAS, the Quorum Court has determined that the most efficient way to accomplish the Supreme Court’s directive is to engage the services of a certified verbatim court reporter with real-time transcription capabilities.

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

ARTICLE 1. Washington County Code Section 11-76 is hereby amended by adding the following:

Sec. 11-76 – Fees Due to Planning Office

(a) With plans, plat reviews and inspections, the developer shall remit the following fees:

(1) *Concept plat (pre platting)*: Thirty dollars (\$30.00) if in a city planning area; otherwise, fifty dollars (\$50.00).

(2) *Preliminary plat*:

In a city planning area: One hundred dollars (\$100.00) if fifty (50) lots or less; three hundred dollars (\$300.00) if more than fifty (50) lots.

If not in a city planning area: Two hundred dollars (\$200.00) for fifty (50) lots or less; four hundred dollars (\$400.00) if more than fifty (50) lots.

(3) *Final plat:*

In a city planning area: One hundred dollars (\$100.00) if fifty (50) lots or less; two hundred dollars (\$200.00) if more than fifty (50) lots.

If not in a city planning area: Two hundred dollars (\$200.00) for fifty (50) lots or less; four hundred dollars (\$400.00) if more than fifty (50) lots.

(4) *Large-scale development:* High intensity/industrial (as defined in Subsection [11-100\(a\)\(2\)](#)) regardless of location, three hundred dollars (\$300.00) for preliminary plat; two hundred dollars (\$200.00) for final plat.

Residential large scale development of more than fifty (50) units, two hundred dollars (\$200.00) for preliminary plat; four hundred dollars (\$400.00) for final plat. All other large scale developments two hundred dollars (\$200.00) for preliminary plat; one hundred dollars (\$100.00) for final plat.

(5) *Minor subdivision plat (defined as four (4) lots or less):* Fifteen dollars (\$15.00) if in planning area; otherwise two hundred dollars (\$200.00).

(6) *Minor subdivision replat:* Fifteen dollars (\$15.00) if in planning area; otherwise one hundred fifty dollars (\$150.00).

(7) *Variance request:* Fifty dollars (\$50.00).
Administrative variance request: Fifteen dollars (\$15.00).

(8) *Fee for inspection of gated community:* Twenty-five dollars (\$25.00)

(9) *Applications for exempt land divisions:* Fifteen dollars (\$15.00) within a city planning area; twenty-five dollars (\$25.00) solely County jurisdiction.

(10) *Cell phone towers:* In addition to any other applicable fee listed in this subchapter, any application for approval of a cell phone tower shall also be accompanied by a Fifteen hundred dollar (\$1,500.00) fee, payable toward the estimated cost of a Court Reporter to attend and transcribe the records of meetings of the Quorum Court at which such cell phone tower application is considered. This fee, however, shall be subject to the following:

- a. In the event all or any portion of the \$1,500.00 fee is unused, the County shall return the balance to the applicant; and
- b. In the event \$1,500.00 is not enough to cover the cost to the County of such a Court Reporter, the applicant shall be responsible for the balance.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Eva Madison

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2015-_____

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

**AN ORDINANCE AMENDING WASHINGTON
COUNTY CODE SECTION 11-205 FEES.**

WHEREAS, Washington County Code Section 11-205 was adopted in 2006; and,

WHEREAS, the United States Supreme Court in *T-Mobile, South LLC v. City of Roswell, Georgia* articulated that reasons a local government relies upon to deny a permit for placement of a cell phone tower must be stated in writing “substantially contemporaneously” with the denial; and,

WHEREAS, the Quorum Court has determined that the most efficient way to accomplish the Supreme Court’s directive is to engage the services of a certified verbatim court reporter with real-time transcription capabilities.

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

ARTICLE 1. Washington County Code Section 11-205 is hereby amended by adding the following:

Sec. 11-205. - Fees.

- (1) An applicant for conditional use or variance shall remit a fee in the amount of one hundred dollars (\$100.00) to the planning office upon submittal of any application.
- (2) Conditional Use Permits for personal wireless services facilities: In addition to any other applicable fee listed in this subchapter, any Conditional Use Permit application for approval of a personal wireless services facility as defined in the Federal Telecommunications Act of 1996, (47 U.S.C. § 332 (c)(7)(C)(i) and (ii)) shall also be accompanied by a Fifteen hundred dollar (\$1,500.00) fee, payable toward the estimated cost of a Court Reporter to attend and transcribe the records of meetings of the Quorum Court at which such personal wireless services facility application is considered. This fee, however, shall be subject to the following:

- a. In the event all or any portion of the \$1,500.00 fee is unused, the County shall return the balance to the applicant; and
- b. In the event \$1,500.00 is not enough to cover the cost to the County of such a Court Reporter, the applicant shall be responsible for the balance.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

Shelter Report 3RD Qtr 2015

July Through September

	<u>Cats</u>	<u>Dogs</u>
Animal Control	151	172
Adoption Returns	1	16
Foster Returns	37	4
Return from Other	0	0
Surrender	127	24
Public Spay/Neuter	54	52
Total Animals In	370	268
Total YTD Animals in	997	888
Adopted	134	206
Euthanized sick/injured/aggression	85	21
Euthanized for space	0	0
Fostered	27	2
Reclaimed	2	30
Transferred to rescue	25	11
Rescue Waggin' Program	0	0
TNR Program	75	0
Died on Shelter	6	0
Escaped	0	0
Total Animals Out	354	270
Total YTD Animals Out	778	737

	1st QTR	2nd QTR	3rd QTR	Total
Adoption/Reclaim Fees	\$ 8,920.05	\$ 2,692.00	\$ 6,603.00	\$ 18,215.05
Spay/Neuter Deposits	\$ 2,320.00	\$ 1,550.00	\$ 2,450.00	\$ 6,320.00
Contract Income	\$ 7,225.00	\$ 2,465.00	\$ 5,270.00	\$ 14,960.00
Donations	\$ 752.00	\$ 260.09	\$ 5,223.81	\$ 6,235.90
Humane Society of the Ozarks	\$ 1,557.88	\$ 1,005.72	\$ 1,111.52	\$ 3,675.12
	\$ 20,774.93	\$ 7,972.81	\$ 20,658.33	\$ 49,406.07
PetSmart Charities Reimbursement	\$ 3,683.92	\$ 2,819.41		\$ 6,503.33
Total Deposited into County Treasury	\$ 24,458.85	\$ 10,792.22	\$ 20,658.33	\$ 55,909.40
Total year to date deposits				\$ 55,909.40

Calls for Service

	Visitors	Emails	Telephone calls	Total calls for service
April	2237	65	1969	4271
May	1732	41	2111	3884
June	2006	62	1932	4000
Public Spay/Neuter				106

2nd QTR calls for service **12261**

July	2238	65	2705	5008
Aug	1886	101	1921	3908
Sept	1886	60	1944	3890
Public Spay/Neuter				110

3rd QTR calls for service **12916**

Oct

Nov

Dec

Public Spay/Neuter

4th QTR calls for service

Grants/ Additional Funding

Applied	Request	Amount	Received
Animal League	Freezer	\$ 657.41	9/24/2015
HSO	Surgical packs	\$550.00	9/15/2015
		\$1,207.41	

ORDINANCE NO. 2015-_____

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

AN ORDINANCE AMENDING WASHINGTON COUNTY CODE CHAPTER 2.7, SECTION 35.

WHEREAS, Washington County Code Chapter 2.7, Section 35 provides for the definition of "stray" dogs and the procedures for dealing with such; and,

WHEREAS, the Code section should provide for both dogs and cats; and,

WHEREAS, there is a cost associated with processing stray dogs and cats, and where the owner reclaims such an animal, said cost should be borne by the owner; and,

WHEREAS, these changes make it necessary to change the language of said Code section.

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

ARTICLE 1. Washington County Code Chapter 2.7, Section 35, is hereby amended to read as follows:

Sec. 2.7-35. - Stray dogs and cats.

(a) *Definition.* All dogs and cats in the rural areas of the County that do not have identifying information affixed to them shall be deemed "stray". Identifying information is defined as any type of information in writing or otherwise that would clearly put a person on notice as to ~~the~~ whom the dog or cat belonged ~~to~~ and how to contact said owner.

(b) *Impoundment of stray dogs and cats.* The Animal Control Officer of the County Sheriff's Office or any other deputy is authorized to take charge and impound said stray dogs and cats at the owner's expense. Failure to claim said dog or cat within three (3) days shall subject the dog or cat to adoption or euthanasia.

(c) *Dogs or cats with identifying information; return to owners; and impoundment.* Dogs or cats that have identifying information will be returned to the owner at no cost, unless said owner cannot be contacted within ~~forty-eight (48)~~ twenty-four (24) hours, at which time said dog or cat shall be subjected to impoundment at the owner's expense. Failure to claim said dog or cat within ten (10) days impoundment shall subject the dog or cat to adoption or euthanasia.

(d) *Violation.* This section shall be amendatory to Ordinance No. 92-34 and a violation of this section will be punishable as set out therein.

(e) Upon the first violation of the ordinance from which this section was derived, said stray dog or cat shall be micro-chipped at the expense of the owner. Any dog or cat impounded more than once shall be spayed or neutered at the owner's expense before being released to the owner. In accordance with State statute, all required vaccinations shall be current before the dog or cat leaves the Shelter.

~~(f) The owner of any stray dog that is impounded more than once shall pay double impoundment fees and said dog shall be spayed or neutered at the expense of the owner before being released by the shelter. Subject to subsection (c), above, the owner of any stray dog or cat to whom said dog or cat is returned shall pay either:~~

- ~~(1) \$20 per day, beginning to the County if the animal is spayed or neutered; or,~~
- ~~(2) \$200 to the County if the animal is returned, at the owner's option, without being spayed or neutered. Provided, however, that if a dog or cat was spayed or neutered at the time it came into County custody, the return fee provided in Paragraph (f) (1) shall apply.~~

(g) *Severability clause.* If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of the ordinance from which this section was derived is invalid or unconstitutional, that finding in no way affects the validity of the remaining portions of the ordinance from which this section was derived.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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