

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

Thursday, March 17, 2016

6:00 p.m.

Washington County Quorum Court Room

2016 MAY 20 PM 4:07
DEBRA L. LITTLE
CLERK & PROCLAMATION CLERK
WASHINGTON CO., WA

FILED

- 40.1 The Washington County Quorum Court met in regular session on Thursday, March 17, 2016. The meeting was called to order by County Judge Marilyn Edwards.
- 40.2 G. McHenry led the Quorum Court in prayer and in the Pledge of Allegiance.
- 40.3 MEMBERS PRESENT: Daniel Balls, Harvey Bowman, Robert Dennis, Lisa Ecke, Ann Harbison, Sharon Lloyd, Tom Lundstrum, Eva Madison, Sue Madison, Joel Maxwell, Gary McHenry, Joe Patterson, Butch Pond, and Bill Ussery.
- 40.4 MEMBER ABSENT: Rick Cochran.
- 40.5 OTHERS PRESENT: Chief of Staff George Butler, County Attorney Steve Zega, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 40.6 Judge Edwards stated before starting with the agenda, L. Ecke had made a special request.
- 40.7 L. Ecke explained that she had invited Juvenile Court Judge Stacey Zimmerman, Director of Juvenile Court Services Norma Frisby, Cargill's Human Resource Manager Julie Lawrence, and Cargill's Complex Comptroller Carl West to speak and bring recognition to the Creating Lasting Family Connections (CLFC) Diversion Program. She also wanted to recognize Cargill for its participation with the Juvenile Detention Center (JDC).
- 40.8 Judge Stacey Zimmerman addressed the Quorum Court and thanked L. Ecke for partnering them with Cargill to help kids and families in Washington County. She explained that Cargill has graciously donated the food for the CLFC Program classes wherein parents and families can come together in evenings to learn about communication in families, how parents can be more functioning and positive in dealing with their kids and kids with their parents. She noted without Cargill's help, she would be asking the Quorum Court to pay for pizza at these meetings. She reported that the CLFC program has helped over 150 families in the last couple of years with a low repeat of kids getting into trouble after doing this class.
- 40.9 Director of Juvenile Court Services Norma Frisby addressed the Quorum Court thanking L. Ecke for connecting them with Cargill and its Human Resources Manager Julie Lawrence. She also explained that a lot of the families who

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- work at Cargill are also the families who are attending their program. She further distributed a flyer showing other diversion programs and alternatives to detention programs.
- 41.1 Julie Lawrence, Cargill's HR Manager, addressed the Quorum Court stating that Cargill has employees and families who have benefited from this program and is aware of the impact it makes in giving the opportunity for these youth to turn around and proceed on a positive path. She stated that they all live in this community and want to work to make it better for everyone.
- 41.2 Carl West, Cargill's Finance Leader/Comptroller, addressed the Quorum Court stating that Cargill is in Springdale and it loves to support its community. He noted that Cargill's employees spent about 6000 hours last year donating their time in the community, and Cargill loves to support their community by donating food.
- 41.3 L. Ecke stated that she believes an interconnected community is a successful one and she thanked Cargill for partnering with JDC and helping to make Washington County a successful community. She further reported that Cargill has also opened up its company store to all county employees as a benefit.
- 41.4 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 41.5 **A. Harbison made a motion to adopt the agenda as presented. S. Lloyd seconded. The motion passed unanimously by those present by voice vote. The agenda was adopted as presented.**
- 41.6 APPROVAL OF MINUTES: Judge Edwards asked if there were any corrections to the minutes of the October 27, November 10, 16, 17 and 19, December 1 and 17 Quorum Court meetings.
- 41.7 **A. Harbison made a motion to approve the minutes of the October 27, November 10, 16, 17 and 19, December 1 and 17 Quorum Court meetings as presented. R. Dennis seconded. The motion passed by a majority of those present by voice vote. The minutes were approved as presented.**
- 41.8 PUBLIC HEARING: Judge Edwards announced that the Quorum Court would conduct a public hearing for the purpose of receiving input from the citizens of Washington County in regard to a revised dangerous animal ordinance before the Quorum Court for adoption.

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- 42.1 County Attorney Steve Zega stated that in a situation where there is a lot of public interest and potentially a lot of public division about a particular subject, the court and Judge can open up for a public hearing of extended public comment. He explained the procedure and time limits, and in this particular case there will be a chance for the court to speak to the person making the public comments.
- 42.2 B. Pond suggested that those in the audience who agree with the speaker raise their hand in lieu of applause.
- 42.3 S. Madison questioned the authorization for this voluntary type of public hearing and how the county ordinances address this situation.
- 42.4 S. Zega responded to S. Madison stating that there are two particular laws that come into play and he has provided S. Madison with the State Statute that talks about when the Court is required. There is also a County ordinance that deals with public hearings. He stated that this is not a required public hearing, but a discretionary public hearing.
- 42.5 S. Madison further asked about the official sanctioning procedure for a discretionary public hearing; to which S. Zega responded that there is not a specific regulation. He stated that what he is addressing to her is an ordinance that deals with permissive public hearing and one that this Quorum Court has used in the past. S. Zega further stated that any JP can request a public hearing in consultation with the County Judge who sets the Quorum Court agenda by ordinance.
- 42.6 S. Madison stated that they will have a "Citizen Comments" period as well on this same ordinance and questioned whether the same people can make the same comments at that time; to which S. Zega responded that by the rules the public could be allowed to do that, but would be encouraged not to.
- 42.7 S. Madison questioned what purpose was being serviced by giving the public two opportunities to comment.
- 42.8 A. Harbison stated that R. Cochran requested this public hearing and she certainly agrees with it, because this is an issue that affects all of rural Washington County. It is very appropriate on something of this magnitude that the Court has a public hearing.

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- 43.1 **E. Madison made a motion that they read the ordinance prior to Public Hearing. S. Lloyd seconded. The motion passed unanimously by those present by voice vote.**
- 43.2 In response to a question from A. Harbison, S. Zega stated that any motions to amend the ordinance would not be made until after the motion to adopt the ordinance was made.
- 43.3 County Attorney Steve Zega read Ordinance #7.1 in its entirety.
- 43.4 Comments From Sponsors of Ordinance: E. Madison stated that it has been one month since Richard Holt was attacked and severely injured by a dog. With the nice weather, there will be more people outside. She has heard from an overwhelming number of outdoor enthusiasts who support this ordinance. She stated that she does not know how this night will go, but she does not feel that the Court is moving too fast on this. She feels that the Court does need to move with some speed to address this issue, because of the risk to the public. She stated that she believes the County's existing law has been inadequate and it is a shame that it took Mr. Holt being seriously injured to get to this point. She noted if the Court waits for the process to run its course, then it might not be until summer before this would take effect.
- 43.5 E. Madison stated that the Court has not started from scratch or tried to forge new ground with this ordinance, but rather used several existing ordinances in crafting it. Further, she stated that Fayetteville has had a similar structure with its potentially dangerous and dangerous animal ordinance for over ten years; the cities of Prairie Grove and Springdale have had similar restrictions in place for a number of years; and the most helpful law the Court used has been on the books in Washington State. She stated that this is tried and true legislation that has worked elsewhere.
- 43.6 E. Madison stated that Mr. Holt's story was unique to all of the members of the Court, but she has learned through this process that Mr. Holt's experience is not unique in Washington County. She referred to Diana Dunn who reported a not being bitten, but being attacked and thrown off her bike by a dog, where she suffered numerous serious injuries. She further stated that she was contacted by a constituent in her district who had a very similar experience to Ms. Dunn's. E. Madison stated that this ordinance is not the solution for all of the issues, but she has worked with the Animal Shelter Director and Sheriff's Department who are pleased with the way this ordinance was amended. She noted for the animal lovers that the humane aspects of this ordinance do comply with the American Society for the Prevention of Cruelty to Animals (ASPCA) standards.

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- 44.1 Citizen Comments: Carol Hunter, resident of the County, introduced her service dog "Joey" and addressed the Quorum Court reporting being chased by other "service dogs" that were not leashed. She asked whether "service animals" would be treated as vicious or potentially vicious animals. She believes that they should be treated the same. She stated that she is in agreement with this ordinance, although she does not agree with tying an animal out. She prefers that it is secure in a cage unless it does something else wrong.
- 44.2 Barry Vassar, resident of east Fayetteville off of Mission Blvd, addressed the Quorum Court explaining that he lives on 1.3 acres which is a rural setting in the middle of town. His property has brush around it and a bike path on the other side of Mission. He stated it is time that the County had rules about all of this, but stated his issue is with the regulation for tying dogs outdoors. He explained that before he lived in the house, it had been broken into several times. Also, his dog likes to be outside in the daytime when the weather is nice. He stated if provoked, he does not know what his dog would do and questioned what constitutes as "being provoked". He urged the court to take into consideration an average situation like he has to make sure it is fair regarding tie outs, because anything else would be quite a burden. He stated that he has been living like this for some time with no issues and he sees this as taking his rights away as a dog owner.
- 44.3 E. Madison stated that if he lives within the city limits, this ordinance would not apply to him. She explained that the tie out ordinance that Mr. Vassar is speaking about is the City of Fayetteville's ordinance that deals with no chaining of animals. She suggested that he may look into the trolley method to which Mr. Vassar responded for the amount of time he is at work, that option would not be legitimate.
- 44.4 H. Bowman asked Mr. Vassar what kind of a modification to this ordinance he would suggest; to which he responded that he just got the paper on it today and has not thought about it. In further response to H. Bowman's question on whether he believes the County has a problem with animals attacking people in the county, he stated that he has done some bicycling, walking, and motorcycling and has not witnessed such. Mr. Vassar noted that 30 years ago his nephew was attacked by a dog, but lived through it and now has his own dogs.
- 44.5 Calvin Burcham, resident west of Farmington, addressed the Quorum Court stating that he has a neighbor with a Pit Bull and a Chow that have dug under the privacy fence to attack another neighbor's dogs three times. He stated

that he has two six-month-old puppies in a privacy fence that he fears for as not only as his children's pets, but as an investment and his property. He stated that the Sheriff's Department was called, but it continues to happen.

- 45.1 Susan Parlier, resident of West Fork, addressed the Quorum Court stating that she is grateful for this ordinance and thinks the Court has done a good job on it. She reported that she walks in her neighborhood for pleasure and exercise on Sugar Mountain Road and has had numerous incidents with three Pit Bulls, two German Shepherds, two Boxers, and a Great Pyrenees. She stated that she was raised with dogs, is not afraid of them, and knows how to read their body language. She reported getting a concealed carry permit for protection against dogs and has used pepper spray before that did not work on a Pit Bull. She stated Pit Bulls are bred to bite, not let go, tear and shake. She referred to a website, www.dogsbite.org where people have kept statistics and data on dog bites across the United States.
- 45.2 Sara Coker, resident of Fayetteville, addressed the Quorum Court stating that she is a former state employee having worked as a child abuse investigator for Benton and Washington County Division of Child & Family Services. She often worked in rural areas and has come across a number of different breeds of animals and was only bitten once by a small breed dog whereas the larger breeds, including Pit Bulls, were not ever aggressive towards her when she was required to go onto people's property amongst their dogs. She believes it is important for everyone to remember when entering property, it is that animal's home, and it deserves some protection as well as the State employees. Ms. Coker stated that this is not a breed issue and there have been many studies that show breed banning does nothing good, does not show any reduction in dog bites, and is not cost effective.
- 45.3 Richard Holt, the recent victim of a dog attack, addressed the Quorum Court and asked County Attorney Zega for clarity whether a dog chasing him on his bike was considered "menacing" and if not whether this should be further clarified in the ordinance.
- 45.4 S. Zega responded to Mr. Holt stating he believes this situation is adequately covered under "potentially dangerous animal," where the definition is an animal that when unprovoked chases or approaches a person upon the street, sidewalks, public grounds or otherwise off the owner's property in a menacing fashion or apparent attitude of attack.
- 45.5 Mr. Holt stated that there is currently no way to report these attacks and believes this is something that needs to be addressed quickly. Further, he

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noted that municipalities within the county are not required to abide by this law unless adopted. He stated that he does not believe that this is being made into a "breed issue" as stated. He does believe that the County has problem in the county with aggressive, attacking dogs.

- 46.1 E. Madison responded to Mr. Holt stating that if this ordinance passes, then she plans to work with the Sheriff's Office on a good way to implement this so that it is user-friendly and not burdensome for the Sheriff's Department. She reported that the Sheriff's Department receives an overwhelming number of animal calls and it is challenging for it to address. She noted discussing that while it does not have the power to impose these laws on municipalities, the County does business with some of the smaller cities by virtue of them having contracts for use of the shelter. The County may be able to incorporate this into the contracts with the cities by virtue of them working with the county on animal control issues. E. Madison concurred that it is not about breeds because Chihuahuas can be mean and it is very difficult to implement a ban on breeds. She stated that her intent with this ordinance was to deal with behavior and not with breeds. She noted that Mr. Holt has really affected change to this process and thanked him.
- 46.2 H. Bowman addressed "chasing" and asked Mr. Holt what his recommendation would be relative to chasing incidents that seem threatening; to which he responded that it is important for a responsible dog owner to have effective control of his or her animal at all times. H. Bowman reported speaking to the leader of the Bicycle Coalition of the Ozarks and noted that there are people working on some applications currently to help identify where a chasing event took place. He noted the importance of reporting any repeated chasing events from a particular address to report to the Sheriff's Department.
- 46.3 Deanna DuPlanti, resident east of Springdale, addressed the Quorum Court stating that she is grateful that this is changing to a dangerous animal situation as she reported being bitten by a dog twice and has been forced off of her bike. She stated that when she called into the Sheriff's Department, the officer was familiar with this particular dog who had had repeated offenses and three days after she was bitten, the dog was again running loose. She stated that she is hopeful with this ordinance the officers will be encouraged to retain the dogs and supported through his or her facilities to do so.
- 46.4 Brian Hirshy, resident of the county and a cyclist, addressed the Quorum Court and concurred with the previous comments made regarding chasing dogs. He reported being thrown from his bike six months ago by a German shepherd that attacked him south of town and still has injuries from that attack. He noted that

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it is such an issue that even when the County has organized rights that the city and county know about, there are still chasing dogs. He reported last weekend that he had a ride with over 100 bikers, and they encountered multiple chasing dog incidents. He noted that the public outcry for this tends to be divided with many people believing that the bikers being on the road is a provocation and there is a public misunderstanding of the law issue. He noted that Fayetteville is the least bike-friendly community that he has ever lived in. He noted that there is a large education issue at hand where cyclists, motorists, and dog owners are seen at odds with each other; this is not what he wants.

- 47.1 Jason Vickery, resident of the county and cyclist, addressed the Quorum Court stating that he was the cyclist riding with Richard Holt the day he was attacked. He reported that he has been launched over his handlebars and crashed on occasions when his injuries were not severe and he did not report them. He therefore feels partly responsible for not reporting the minor incidents because it took something so severe to get an ordinance going. Mr. Vickery stated that he is a physician and has seen five seriously injured people in his clinic within the last year from dog attacks in the community. He stated that this is a serious problem and the cyclists do need protection out in the county.
- 47.2 R. Dennis read a statement from a resident south of Prairie Grove, Mr. Cooke, who was unable to attend the meeting. Mr. Cooke stated that he lives several miles south and a full mile off of the highway on a dirt road. His dog does not leave his yard and is not aggressive, questioning why he should be forced to alter his way of life with great expense when he is not part of the problem.
- 47.3 Judge Edwards closed Public Comments and thanked the citizens for attending.
- 47.4 AN EMERGENCY ORDINANCE AMENDING WASHINGTON COUNTY CODE CHAPTER 2.7 IN REGARD TO DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS: E. Madison introduced **An Emergency Ordinance Amending Washington County Code Chapter 2.7 In Regard To Dangerous And Potentially Dangerous Animals.**
- 47.5 S. Lloyd asked for an explanation for the difference in leash lengths required from 4 feet to 3 feet in different sections of the ordinance; to which E. Madison responded that as an animal gets more dangerous, there is a greater restriction. She stated that an animal that has not actually harmed anyone gets a little more leeway, but once it has bitten it is on a shorter leash. She further stated that this also is to address the retractable leashes that do not

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control an animal very much so the idea was to restrict the length of leash so the animal stays in control and close to its owner.

- 48.1 County Attorney Steve Zega stated that since he had previously read the ordinance in its entirety during the public hearing, he suggested that the Court suspend the rules to place the ordinance on first reading by title only. He further noted that as pointed out by E. Madison there is a typo on page 3 of the ordinance which needs to be struck as a scrivener's error.
- 48.2 E. Madison pointed out a couple minor corrections needed with a spelling error on page 5 and on page 7 with paragraph lettering. She asked since the ordinance has an emergency clause on it, would there be a different procedure to adopt; to which S. Zega responded that it will be read once and will take 2/3^{ds} to adopt unless somebody moved to essentially sever the emergency clause by amendment. In this case, the Court would throw it on the first reading and then go through the regular ordinance process.
- 48.3 S. Zega further verified for E. Madison that by virtue of having the emergency clause, if it passed on first reading with a super majority, it would pass.
- 48.4 **E. Madison made a motion to suspend the rules and place the ordinance on first reading by title only. S. Lloyd seconded. The motion passed unanimously by those present by voice vote.**
- 48.5 County Attorney Steve Zega read **An Emergency Ordinance Amending Washington County Code Chapter 2.7 In Regard To Dangerous And Potentially Dangerous Animals** by title only.
- 48.6 **E. Madison made a motion to adopt the ordinance. S. Madison seconded.**
- 48.7 T. Lundstrum stated that he sees this as a far more difficult ordinance than it seems to appear. The County has two different groups of people with two different sets of rights to begin with. He stated that State law gives bikers the right to ride public roads and there is no law against a farmer owning an animal, especially when some of those animals have been out there long before the bikers started biking through these rural roads. He stated that when a lot of dogs see a strange vehicle going down the road, they will chase it in order to protect their own property. He further pointed out that the way this ordinance is written, someone is going to have to get bitten or knocked down before anything starts. The sheriff's deputies will be hard pressed to investigate all of

the calls they receive about chasing incidents as far as determining who the animal belongs to and whose word he will take, the biker or animal owner.

- 49.1 T. Lundstrum reiterated one of his problems with this ordinance is with paragraph 2.7-21 - definition of an animal owner. He pointed out that there are packs of feral dogs running around the county that can cross anyone's property whenever they want to. If they are seen on a certain property by the biker, it would be up to the owner of that property to prove that it is not his or her animal. While the property owner could be exonerated by the court if he proves that he is not the owner of the animal, he would have to pay a lawyer to go to court to do that when it was not his animal to start with. He noted the County's old ordinance had a period of time for the property owner to prove whether or not he or she was the owner of the animal.
- 49.2 T. Lundstrum referred to paragraph 2.7-35 of the ordinance and the definition of stray dogs and cats as all dogs and cats in the rural area of the county that do not have identifying information affixed to them shall be deemed stray. He questioned if an animal comes off of somebody's property with no identifying information on it, would it be a stray or the property of the property owner. He stated he gets frustrated when people make the police officers both the judge and the jury. He stated that he believes law writers should be law responsible people, but that is not always the way it happens. He believes a lot of this same thing can and will happen in this issue. He stated that if the Sheriff and his Deputies can actually identify, prove and confine some of these dangerous animals it would obviously be a benefit to the county. He believes this will be difficult to accomplish. T. Lundstrum stated if "animal owner" cannot be changed, he will probably not be able to support this ordinance, because the Court would arbitrarily be making the homeowner the owner of an animal that runs off of his property, especially in light of the way it describes a stray.
- 49.3 **A. Harbison made a motion to amend the ordinance by inserting "WHEREAS, animal owners shall be responsible for their animals and the Quorum Court finds that animal owners should be held accountable for the actions of their animals." B. Ussery seconded.**
- 49.4 A. Harbison reported speaking with a Veterinarian who said the County will never have a leash law, but it needs something in its ordinance that holds owners responsible for their animals. She stated that this is implied in the ordinance, but it does not explicitly say it.
- 49.5 E. Madison stated that "whereas" clauses are not codified, so wherever the Court puts in a "whereas" clause it will not be part of county ordinance and is

therefore meaningless and unenforceable. Additionally, she stated if the Court goes to the trouble of amending for something that is not even part of the ordinance, it will have to start over with first reading. She believes that it would suffice that the Court announces this as its opinion on things.

- 50.1 S. Madison stated that there was a reference in there to the County having some obligation to make sure animal owners are responsible and she does not see how that could happen in this ordinance since there are no teeth to that statement.
- 50.2 A. Harbison stated that responsibility has to be put somewhere and the owners need to be responsible for their animals. She stated if a farmer does not want to put their dogs up in some fashion, then they need to be responsible for the actions of their dogs. She stated if this is not enforceable as a "whereas" clause, she questioned County Attorney Zega about where it can be put to be part of the ordinance.
- 50.3 S. Zega responded to A. Harbison stating that he would need to draft a separate findings clause, which could be codified, and if the suggestion is that this needs to be put in the code as it is currently drafted, then it would be the finding of the Quorum Court. He stated he believes what A. Harbison is saying about putting responsibility on the animal owner is a policy statement. If she is talking about enforceability, he believes that this ordinance as drafted does that as well as accomplishes that end in a way that the County currently does not have.
- 50.4 **A. Harbison withdrew her motion to amend.**
- 50.5 A. Harbison referred to Page 3 of the ordinance, under potentially dangerous animals, paragraph (b), that says, "chases or approaches a person upon the street, sidewalks, any public grounds . . ." She stated as a county ordinance, she believes it should say instead, "chases or approaches a person upon the county roads or county right-of-way . . ." because there are no streets in the county.
- 50.6 S. Zega responded to A. Harbison stating that if he understands the court's intent, if it says county roads and right-of-way, it narrows the ordinance. He noted that for instance Mr. Holt was chased on State Hwy. 265. He stated that the way it reads, ". . . otherwise off the owner's property . . ." is broad enough to encompass his situation and county roads. He stated that county roads would probably be a better term than streets, but he is satisfied that county roads are covered under "otherwise off the owner's property."

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- 51.1 A. Harbison referred to Page 6 of the ordinance, suggesting that they add a paragraph (j) stating - "The County Judge or County Sheriff will keep a list of all potentially dangerous animals and their owners."
- 51.2 **A. Harbison made a motion to amend the ordinance adding under Section 2.7-22, a paragraph (j) stating that "The County Judge or County Sheriff will keep a list of all potentially dangerous animals and their owners."**
- 51.3 **A. Harbison's motion to amend failed for lack of a second.**
- 51.4 A. Harbison referred to Page 9, Section 2.7-29, Paragraph (c), states, "The Washington County Animal Shelter is authorized to accept offending cats, dogs, and other domestic animals for confinement". She stated that since the Washington County Shelter only accepts dogs and cats, this should be struck from the ordinance.
- 51.5 **A. Harbison made a motion to amend the ordinance, Page 9, Section 2.7-29, Paragraph (c), by striking the language, ". . . and other domestic animals for confinement. . ."**
- 51.6 **A. Harbison's motion to amend failed for lack of a second.**
- 51.7 A. Harbison stated that she believes the Court should table the ordinance until it can work out the kinks so that it covers what it wants to cover. She noted that there were only three JPs on this court, J. Maxwell, B. Pond, and herself, whose entire area is rural, and they have not had the opportunity to address this ordinance until tonight.
- 51.8 **A. Harbison made a motion to table the ordinance.**
- 51.9 **The motion failed for lack of a second.**
- 51.10 County Attorney Zega stated that this calls for a Class A Misdemeanor. Since the County has a general misdemeanor provision in its code and therefore, cannot really call it a Class A Misdemeanor under Section 2.21 of the code. He stated that the continuing violation section for daily violations currently stands at \$250 a day. He therefore suggested that the sponsors of the ordinance simply add the language in Section 2.21 of the Washington County Code. He explained that the Court could then keep the continuous language as there is a continuing violation provision in that section.

- 52.1 **E. Madison made a motion to amend the ordinance as stated by County Attorney Zega. The motion was seconded. The motion passed unanimously by those present by voice vote.**
- 52.2 R. Dennis commended and thanked E. Madison for the excellent work she has done on this ordinance and he will support the ordinance, but does not want to do three readings that night, just one. He stated that the Court has just read it and have not had time to read it through more than once yet itself; so its constituents cannot be expected to have had time to tell the JPs what they think on the issue. He states he represents those constituents and loves to talk to them so they can tell him what they want. He noted that of the 50-60 people and 55 of them have all been for what he described, which was not in detail like this ordinance. He believes the Court should put the ordinance on its website and the public should have the opportunity to read it and communicate its feelings.
- 52.3 H. Bowman stated he believes that the Court realizes that something must be done and that this ordinance is close to where it needs to be. He stated that T. Lundstrum's statements deserve some attention that the provision whereby when an animal has been identified as chasing 10 times for example and reported to the Sheriff that said animal be deemed a dangerous animal. He has heard a lot of issues and concerns expressed; and though he would prefer to vote on it tonight, he can see that some of the ideas expressed if included in the ordinance, could be very meaningful and make the ordinance more acceptable. H. Bowman suggested that the Court consider tabling the ordinance until it comes back next month to give the Court an opportunity to address the issues introduced.
- 52.4 **H. Bowman made a motion to table the ordinance. A. Harbison seconded.**
- 52.5 **As a motion to table is not debatable, Judge Edwards called for a vote on the motion to table.**
- 52.6 **VOTING FOR: S. Lloyd, T. Lundstrum, J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, H. Bowman, L. Ecke, and A. Harbison. VOTING AGAINST: E. Madison, S. Madison, D. Balls, and R. Dennis. **The motion passed with ten members voting in favor and four members voting against the motion. The ordinance was tabled.****
- 52.7 E. Madison stated that this ordinance was presented and discussed at the February 29th Committee meeting and it was proposed in much the form as it

currently is. She noted that if the Court did not read it before tonight, then it has not been paying attention. She stated the cyclists in the audience read it this week, e-mailed and called, and were here for a public hearing that was called and put in the newspaper. She is disappointed that this court is not ready to vote. She stated that it will now be at least May before these cyclists and others in the county can be assured of this provision.

- 53.1 **B. Pond called a point of order, questioning whether the Court can continue discussion on an issue that had been tabled.**
- 53.2 E. Madison responded to B. Pond, stating that Judge Edwards recognized her.
- 53.3 County Attorney Steve Zega responded that he believes the point of order was well taken.
- 53.4 **Judge Edwards ruled that she would only recognize B. Pond as the Court needed to move along on its lengthy agenda.**
- 53.5 E. Madison made some inaudible comments; to which A. Harbison attempted to call a point of order, which was stopped by Judge Edwards.
- 53.6 **A short recess was taken at this time.**
- 53.7 **TREASURER'S REPORT:** County Treasurer Bobby Hill reported from the Treasurer's Financial Summary for February that the County had a pretty good month. He noted that County General had \$4.7 million in revenues compared to \$2.2 million in expenditures and most of that was from the Assessor, Collector and Treasurer reimbursements to County General for their 2015 expenses. He stated the Jail Fund also had a pretty good month with revenues of \$1.8 million over expenditures of \$1.1 million which was helped not only with good sales tax, but \$450,000 in state reimbursements for prisoners. He stated that sub-total revenues were \$8.2 million and expenditures \$5.3 million and the County ended the month with \$25 million in the bank.
- 53.8 In response to a question from S. Lloyd, B. Hill stated that the Jail receives a state reimbursement for prisoners every month and the amount varies with the month of February receiving a quite large amount.
- 53.9 B. Hill reported that the county 1% sales tax did very well collecting \$634,000 which is the best showing for a single month since February 2009, noting that these collections were for the month of December 2015. He stated that the County set a record with the best month in the history of the ¼ cent jail sales tax

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dating back to 2002, collecting \$60,000 more than this same time last year and it is already \$100,000 over the first month of 2015. He reported that the Road ½ cent sales tax came in at \$120,000, which is \$2,800 over the same time last year or 2.34% better. He reported that the beginning and ending balance in the Employee Insurance Fund was pretty much equal at \$1.4 million.

- 54.1 In response to a question from H. Bowman, B. Hill stated that he had not spoken to any of the surrounding counties about what their receipts looked like over the past couple months. B. Hill stated that he is aware that Benton County's sales tax has increased in line with Washington County. He further stated that the low gas prices have allowed people to dine out and shop more, but if gas goes back up to \$3 to \$4 a gallon, he believes the sales tax will go right back down.
- 54.2 COMPTROLLER'S REPORT: Comptroller Cheryl Bolinger reported the ending balance in General Fund Unappropriated Reserves was \$7,836,342. She stated that a large number of ordinances affected this which was mostly carryover for County General and Jail as well as the ordinance for the Sheriff's insurance, the Sheriff's position and two Jail position adjustments.
- 54.3 In response to a question from A. Harbison, C. Bolinger stated that the Jail had more carryover than projected which reduced the amount that the County needs to hold for it, which was \$636,000 in reserve for Jail. When the extra revenue showed, it would reduce what the County was holding for the Jail and actually increase the General Fund's unappropriated reserves. She addressed the February 2016 Summary of Revenues and Expenditures, noting the percentage expended/realized and unappropriated balance for each fund. She addressed the Summary Statement of Operations-Expenses by Fund and Department that shows encumbrances and percent used for each department with the total percent used for the General Fund of 27% which includes encumbrances
- 54.4 A RESOLUTION ENDORSING PARTICIPAION OF TYSON SHARED SERVICES, INC., IN THE SALES AND USE TAX REFUND PROGRAM AUTHORIZED BY THE CONSOLIDATED INCENTIVE ACT OF 2003 AND ARK. CODE ANN. 15-4-2706(d): S. Lloyd introduced **A Resolution Endorsing Participation Of Tyson Shared Services, Inc., In The Sales And Use Tax Refund Program Authorized By The Consolidated Incentive Act Of 2003 And Ark. Code Ann. 15-4-2706(d)**, and County Attorney Steve Zega read the resolution.

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- 55.1 S. Lloyd recognized Scott Edmondson, Director of Business Development for the Springdale Chamber of Commerce, who would be answering any of the Court's questions. She announced that Scott Edmondson, Director of Business Development for the Springdale Chamber of Commerce was there to answer any questions. She stated that the complex would consolidate over 200 Tyson employees into a single facility and would guarantee that these 200 employees would stay in Springdale. She further reported that this will further create four new jobs with an average wage of \$19.23 per hour and the capital investment could reach approximately \$25 million. S. Lloyd stated that she represents District 2 and is really interested in revitalizing downtown Springdale by making it friendlier with restaurants. Getting the 200 Tyson employees down there will facilitate that.
- 55.2 Scott Edmondson, Director of Business Development for the Springdale Chamber of Commerce, addressed the Quorum Court stating that this Resolution grants Tyson Shared Services the opportunity to claim refunds on building materials and such in association with building the project. He stated that last October Tyson Foods announced the construction of an office complex in downtown Springdale along Emma where the original headquarters was and to the south, a 45,000 sq. ft. two-story office complex. He added that there is also a building a couple blocks down that is being renovated for offices. He is anticipating 200 to 250 employees to go to the downtown facility. Mr. Edmondson stated that he believes this will be a huge boost for the revitalization efforts going on in downtown Springdale and other investors coming in the future.
- 55.3 A. Harbison pointed out that in sales and use tax refunds, Washington County refunds about \$1 million a year to businesses in this county. She stated that the County is business-friendly and the jobs created are very vital to the economy of this county.
- 55.4 In response to a question from H. Bowman, S. Edmondson stated that the new office complex will be at 317 and 319 Emma, which is just East of the railroad tracks all the way back to Meadow Street to the south. H. Bowman noted that he started working for Tyson Foods in 1973 out of the original headquarters at this location. He thanked Mr. Edmondson for this major commitment to the City of Springdale.
- 55.5 B. Ussery stated his appreciation, noting that he is a native of Springdale, living about eight blocks from this office complex location and he is very excited about what it is doing.

- 56.1 **S. Lloyd made a motion to adopt the resolution. B. Pond seconded.**
- 56.2 Citizen Comments: There were no citizen comments made.
- 56.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 56.4 VOTING FOR: S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, L. Ecke, and A. Harbison. ABSTENTION: R. Dennis. **The motion passed with thirteen members voting in favor and one member abstaining. The resolution was adopted.**
- RESOLUTION NO. 2016-03, BOOK NO. 3, PAGE NO. 137**
- 56.5 AN ORDINANCE SUSPENDING JESAP POLICIES TO CHANGE THE TITLE OF A HEAVY EQUIPMENT OPERATOR POSITION TO A TRAINING OFFICER/ONE CALL OFFICER IN THE ROAD DEPARTMENT BUDGET, AND APPROPRIATING THE AMOUNT OF \$6,730 FROM THE ROAD FUND TO THE ROAD BUDGET FOR 2016: B. Ussery introduced **An Ordinance Changing JESAP Policies To Change The Title Of A Heavy Equipment Operator Position To A Training Officer/One Call Officer In The Road Department Budget And Appropriating The Amount Of \$6,730 From The Road Fund To The Road Budget For 2016**, and County Attorney Steve Zega read the ordinance.
- 56.6 B. Ussery stated that this ordinance did not pass last month when it was brought before Quorum Court, but was tabled; the committee discussed it and he believes that Human Resources Director Lindsi Huffaker did a very good job of detailing out things that went into this to get it where it is at.
- 56.7 **B. Ussery made a motion to adopt the ordinance. A. Harbison seconded.**
- 56.8 **E. Madison made a motion to amend the ordinance to strike Article 2. S. Madison seconded.**
- 56.9 E. Madison explained her reasoning is that while she agrees that this position should be changed, she believes this issue of hand-picking people to be promoted was a problem with the Road Department in the investigation last spring. She stated that she has no doubt that L. Huffaker is aware of this process happening throughout the county, but she thinks continuing this

practice at the Road Department perpetuates problems previously identified. She stated that the Court should not be in the habit of giving promotions after the fact. She noted specifically the position at the Sheriff's Department, there is something about that person; or it needs to allow people to apply for the position and have full awareness of what the job is going to be. She believes the Court needs to be particularly sensitive to this issue because of the perception that people are being passed over for promotions. She stated she is in favor of changing it, but the financial aspect should not come with it and this is not a good precedent for the Court to start.

- 57.1 Human Resources Director Lindsy Huffaker addressed the Quorum Court stating that it will not be setting a precedent with this policy, because this is exactly what the JESAP Salary Administration Program says the Court should do with rewriting positions. If the Court says that it is not going to allow this precedent, then it is in turn telling Sheriff Helder that he cannot assign additional duties to the staff that he currently has while rewarding them with salary increases. She further noted that this is still the job that it was; however, another responsibility is being added. She stated that if the Court strikes the monetary portion of this ordinance, it does not change county policy. This is a precedent that was set when the Salary Administrative Program was adopted by this court and if it really wants to make that change, then it will have to revise that program. Otherwise, the Court is singling out one position within Washington County and allowing every other elected official and department head that has adopted this policy.
- 57.2 S. Madison questioned why is the JESAP policy is being suspended if what the Road Department is doing is fully compliant with JESAP policy; to which L. Huffaker responded that actually the only part that is being suspended is typically this would automatically happen during budget process.
- 57.3 L. Huffaker continued stating that the salary component is important enough that the Court is going to recognize it mid-year and is only suspending the policy to allow the budget component to come in mid-year. If this had not come about, it would have automatically happened at the end of year.
- 57.4 In response to a question from S. Madison, L. Huffaker stated that since the position change was first approved by the court, this person was functioning in the job and this continues to be the case. S. Madison stated therefore this was not really an open position where anyone had an opportunity.
- 57.5 L. Huffaker stated that this is part of the confusion as this is not an altogether new position, but rather the county trying to be conservative with tax dollars.

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Since safety is a big issue and currently the Road Department does not have anyone truly managing the safety aspect, the department needs this. It has been determined which position could best handle this so the Road Department is not spending \$35,000 on a new salary plus benefits. She stated that this position came open and Mr. Phillips held that position. They added the safety component, advertised the job internally, and clearly communicated that this would be a new component added into the process. Additionally, every candidate who applied was interviewed and the candidate who most suited the needs of the position and had the most experience was selected.

- 58.1 L. Huffaker continued stating that the Road Department went through the process and then re-rated the position as set out by JESAP because it is trying not to ask for a new position.
- 58.2 L. Ecke stated that she fully supports this and believes that the Court should pass this ordinance in its entirety. She stated that she has spoken to three other businesses that follow the same practice as Washington County and when she raised the question, was told that this happens all the time.
- 58.3 S. Madison stated from what L. Huffaker reported, she thinks it would be wise for the County Personnel Committee to look at this policy because it bothered the Quorum Court members all enough that they changed what the committee had recommended when it came to the court. She noted the motion to remove it from the Road budget was because the bridge investigation pinpointed some problems with the way the Road Department handled this type of internal selection. She stated as a public employer, the County wants to give everyone a fair chance and she is not sure this happened in this case. For that reason, she will support the motion to amend.
- 58.4 Chief of Staff George Butler responded to S. Madison stating that five applicants were interviewed for the position and she is making a mischaracterization of the matter.
- 58.5 L. Ecke stated her belief that the Personnel Committee did unanimously approve that this ordinance be sent to the Full Quorum Court for approval; and Personnel Committee Chair B. Pond concurred. He stated that the Road Department added some duties to a position that was already there and was opposed to hiring another employee, which would have cost the County several times as much.
- 58.6 **A point of order was made and Judge Edwards ruled that they move on.**

- 59.1 **With no further discussion, Judge Edwards called for a vote on E. Madison's motion to amend the ordinance to strike Article 2.**
- 59.2 VOTING FOR: E. Madison and S. Madison. VOTING AGAINST: S. Lloyd, T. Lundstrum, J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Dennis, L. Ecke, and A. Harbison. **The motion failed with two members voting in favor and twelve members voting against the motion to amend.**
- 59.3 **J. Maxwell called for the question.**
- 59.4 Citizen Comments: There were no citizen comments made.
- 59.5 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 59.6 VOTING FOR: S. Lloyd, T. Lundstrum, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Dennis, L. Ecke, and A. Harbison. VOTING AGAINST: E. Madison. **The motion passed with 13 members voting in favor and 1 member voting against the motion. The ordinance was adopted.**
- ORDINANCE NO. 2016-13, BOOK NO. 10, PAGE NO. 408**
- 59.7 AN ORDINANCE SUSPENDING JESAP POLICIES FOR A PERSONNEL POSITION IN THE CIRCUIT COURT IV; AND APPROPRIATING \$2,389 FROM THE GENERAL FUND TO THE CIRCUIT COURT IV FOR 2016: B. Ussery introduced **An Ordinance Suspending JESAP Policies For A Personnel Position In The Circuit Court III; And Appropriating \$2,389 From The General Fund To The Circuit Court III For 2016**, and County Attorney Steve Zega read the ordinance.
- 59.8 Judge Stacey Zimmerman addressed the Quorum Court stating that she is asking for a variation so that she can hire an applicant who has an Associate and Bachelor's Degree in Criminal Justice. This person also has 5½ years' experience working with youth and families, is certified in law enforcement, is bilingual in English and Spanish, and has experience working in Juvenile Court. She stated that she is asking to start this applicant at \$16.75/hr. which is still within the range of acceptable salaries, but not in the mid-range.
- 59.9 **B. Ussery made a motion to adopt the ordinance. B. Pond seconded.**

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- 60.1 Citizen Comments: There were no citizen comments made.
- 60.2 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 60.3 VOTING FOR: S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Dennis, L. Ecke, and A. Harbison. **The motion passed unanimously by those present. The ordinance was adopted.**
- ORDINANCE NO. 2016-14, BOOK NO. 10, PAGE NO. 409**
- 60.4 AN ORDINANCE APPROPRIATING THE TOTAL AMOUNT OF \$5,595 FROM VARIOUS FUNDS TO VARIOUS LINE ITEMS IN 2015: B. Ussery introduced **An Ordinance Appropriating The Total Amount Of \$5,595 From Various Funds To Various Line Items In 2015**, and County Attorney Steve Zega read the ordinance.
- 60.5 County Comptroller Cheryl Bolinger explained that these were three missed items that were not included in the previous 2015 cleanup ordinance, and does not affect the 2016 unappropriated reserves.
- 60.6 **J. Maxwell made a motion to adopt the ordinance. The motion was seconded.**
- 60.7 B. Pond pointed out a discrepancy in the amounts shown on the ordinance and it was determined that \$5,696 is the correct amount. It was pointed out that the scrivener's error in the title would be corrected.
- 60.8 Citizen Comments: There were no citizen comments made.
- 60.9 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 60.10 VOTING FOR: S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Dennis, L. Ecke, and A. Harbison. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2016-15, BOOK NO. 10, PAGE NO. 410

- 61.1 AN ORDINANCE CORRECTING THE OMMISION OF THE PERSONNEL POSITION OF DRUG COURT CASE WORKER/CASE MANGER IN THE 2016 BUDGET: B. Ussery introduced **An Ordinance Correcting The Omission Of Drug Court Case Worker/Case Manager In The 2016 Budget**, and County Attorney Steve Zega read the ordinance.
- 61.2 B. Ussery noted that as this is grant money, it would not affect the budget.
- 61.3 **B. Ussery made a motion to adopt the ordinance. B. Pond seconded.**
- 61.4 Citizen Comments: There were no citizen comments made.
- 61.5 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 61.6 VOTING FOR: S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Dennis, L. Ecke, and A. Harbison. **The motion passed unanimously by those present. The ordinance was adopted.**
- ORDINANCE NO. 2016-16, BOOK NO. 10, PAGE NO. 412**
- 61.7 AN ORDINANCE ANTICIPATING REVENUES OF \$20,000 IN THE HIDTA GRANT FUND; AND APPROPRIATING \$20,000 FROM THE HIDTA GRANT FUND TO THE HDTA 2015 GRANT BUDGET FOR 2016: B. Ussery introduced **An Ordinance Anticipating Revenues Of \$20,000 In The HIDTA Grant Fund; And Appropriating \$20,000 From The HIDTA Grant Fund To The HIDTA 2015 Grant Budget For 2016**, and County Attorney Steve Zega read the ordinance.
- 61.8 Grant Administrator Renee Biby addressed the Quorum Court and explained each year the County is the fiduciary for the State of HIDTA which stands for "High Intensity Drug Trafficking Area." These are additional funds from the 2015 grant that they have appropriated for another operation.
- 61.9 In response to a question from B. Ussery, R. Biby stated that this money will be used for Little Rock Police Department for an operation. Since Washington County is the administrator of this money, it will take care of appropriating it.
- 61.10 **B. Ussery made a motion to adopt the ordinance. G. McHenry seconded.**

- 62.1 Citizen Comments: There were no citizen comments made.
- 62.2 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 62.3 VOTING FOR: S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Dennis, L. Ecke, and A. Harbison. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2016-17, BOOK NO. 10, PAGE NO. 413

- 62.4 AN ORDINANCE ANTICIPATING ADDITIONAL REVENUES OF \$299,648 IN THE HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) GRANT FUND; AND APPROPRIATING \$299,648 FROM THE HIDTA GRANT FUND TO THE HIDTA 2016 GRANT G16GC0004A BUDGET FOR 2016: B. Ussery introduced **An Ordinance Anticipating Additional Revenues Of \$299,648 In The High Intensity Drug Trafficking Area (HIDTA) Grant Fund; And Appropriating \$299,648 From The HIDTA Grant Fund To The HIDTA 2016 Grant G16GC0004A Budget For 2016**, and County Attorney Steve Zega read the ordinance.
- 62.5 Grant Administrator Renee Biby addressed the Quorum Court stating that she does not want anyone to think that since these grants are going to other agencies that Washington County does not benefit from them. She asked Sheriff Helder to speak to the issue.
- 62.6 Sheriff Tim Helder addressed the Quorum Court and explained that the Sheriff's Department fought for years to try to get Arkansas designated as part of the Gulf Coast HIDTA Program, which is a multi-state drug task force. This program is partnered with Alabama, Louisiana, part of Tennessee, and Mississippi. He stated that after about four years, they were able to convince the people at OMBCP that they were worthy. In order for Arkansas to be recognized, the Sheriff's Department basically had to volunteer its services to conduct the fiduciary portion. He stated that it is time Washington County has taken on that responsibility. It started out with Jefferson, Pulaski, Washington and Benton Counties with some add-ons. He explained that Washington County has a 4th Judicial District Drug Task Force and DEA Drug Task Force that work in conjunction with each other, but now the HIDTA designation covers both task forces. Sheriff Helder stated that HIDTA reimburses the Sheriff's Department's overtime rates, offsets vehicle costs for its investigators assigned to those programs by Washington County and cities. He further noted that

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HIDTA also has a lot of other resources, both physical and informational with intelligence.

- 63.1 In response to a question from S. Lloyd, Sheriff Helder stated that there are four counties within the state that this money is designated for. When Washington County first came on, the Sheriff's Department volunteered to be the fiduciary or the entity the money routes through. Grant Administrator Renee Biby makes sure the money is routed to the right places.
- 63.2 R. Biby further responded to S. Lloyd stating the previous ordinance appropriating \$20,000 additional HIDTA funds to Washington County and last year it received a total of \$320,000 in HIDTA funds. She stated this appropriation is for a state operation happening in Little Rock that Little Rock Police Department is assisting on.
- 63.3 Sheriff Helder stated that Sheriff's Department may have a drug operation that does not have enough money to fund and make a request, after which HIDTA funds the money back through Washington County to support that operation.
- 63.4 **B. Ussery made a motion to adopt the ordinance. The motion was seconded.**
- 63.5 Citizen Comments: There were no citizen comments made.
- 63.6 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 63.7 VOTING FOR: S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Dennis, L. Ecke, and A. Harbison. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2016-18, BOOK NO. 10, PAGE NO. 414

- 63.8 COUNTY JUDGE REPORT: Judge Edwards stated the only thing she has to report tonight is that the County's new Environmental Officer has advised that the Washington County Spring Cleanup will be May 19th through 21st. Information regarding the cleanup can be found on the County website or by calling the Environmental Office at 444-1725.
- 63.9 Judge Edwards stated that she knew the agenda was long tonight, so she had no other reports to make.

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- 64.1 COMMITTEE REPORTS: E. Madison reported that the County Services Committee met on February 29th and received the 2015 end of the year report from the Director of the Animal Shelter, Angela Ledgerwood. She noted that neither Planning Director Juliet Richey nor the new Environmental Services Officer Michele Viney could attend the meeting because of the Extension Office. Further, she stated that John Adams, IT Director, was unable to give a report this month. She reported that the committee spent the remainder of the meeting discussing the County's Vicious Animal Ordinance to present at this meeting, which did not pass.
- 64.2 H. Bowman reported that the Public Works Committee did not meet this month due to lack of an agenda.
- 64.3 B. Ussery reported that the Ordinance Review Committee met for an organizational meeting and made good progress in reviewing Chapters 1 and 2 of the Ordinance.
- 64.4 B. Pond reported that the Personnel Committee met on March 7th with its only order of business being a request from Circuit Court, Division III Judge Stacey Zimmerman for an exception to the JESAP policy to increase the salary for a Juvenile Court position. He stated that the Committee recommended this to the full Quorum Court.
- 64.5 T. Lundstrum reported that the Jail/Law Enforcement/Courts Committee did not meet this month due to lack of an agenda.
- 64.6 AN ORDINANCE AUTHORIZING THE COUNTY TO DO BUSINESS WITH ALLEN REED AND PAUL REED: A. Harbison introduced **An Ordinance Authorizing The County To Do Business With Allen Reed and Paul Reed**, and County Attorney Steve Zega read the ordinance that is on first reading.
- 64.7 A. Harbison stated that Travis Reed is employed by the Road Department and since red dirt has been identified on his property and he is willing to let the Road Department use this red dirt for \$3.50 a truck load or 16 yards, which is a good price. This will cut down on fuel costs, because the Lindsey Red Dirt Pit is about 1½ hours away. She stated that this would benefit the roads in southern Washington County, especially Sugar Mountain, Parker Branch and others that do not get as much care due to the distance of hauling materials. She further pointed out that the Quorum Court has approved this type of arrangement in the past. She commended Brad Phillips and Charles Ward at the Road Department who are working hard to do a good job for the County.

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- 65.1 **A. Harbison made a motion to suspend the rules and place the ordinance on second reading by title only. B. Pond seconded.**
- 65.2 T. Lundstrum stated one of the things that he has always been opposed to that is a part of this ordinance is buying from or selling to County employees by the family members as it does not look right from the public viewpoint. However, he does want to support the work that is being done at the Road Department until he sees what type of improvements is going to be made. He noted that this red dirt is for a limited time and he does not want this ordinance to create a new red dirt pit. He asked the Road Superintendent to explain what is intended by "limited time".
- 65.3 Road Superintendent Charles Ward addressed T. Lundstrum's questions stating that this is planned to be a limited arrangement. The Road Department is not intending for this to be for a long-use red dirt pit such as Lindsey or 97 Pit; this dirt is just for Washington County.
- 65.4 T. Lundstrum pointed out if the County was going to create a red dirt pit, then it would need to get a Conditional Use Pit or some type of rezoning to create a new business down there. He stated that whatever the intent, the Reeds are still selling dirt, which is a business.
- 65.5 In response to a question from T. Lundstrum, County Attorney Zega explained that the County can do this without any type of action from the Planning and Zoning Board for a variety of reasons.
- 65.6 T. Lundstrum stated that he will support this ordinance, though he does have some regrets about it. He would like to see less of these family dealings in the future.
- 65.7 S. Madison stated that she is concerned with the vagueness in this ordinance because it is unusual. She believes that extra care should be taken when the County is doing business with an employee's family member. She pointed out that the ordinance says that unusual circumstances exist, but it does not say what those unusual circumstances are; it says it provides a tremendous cost savings, but she does not see dollar figures on that; it says a limited time, but the Court does not know what that limited time is. She stated that she is still very leery about the dirt deal made out on Smokey Bear, because county equipment was used to work on that man's pond and levy for several days from where the dirt was removed. She stated that she would also like to know if Allen or Paul Reed has ever sold red dirt to other people.

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- 66.1 Charles Ward responded to S. Madison, stating that the Reeds have not sold any red dirt from this location as it is a brand new pit.
- 66.2 S. Madison stated without more information, she will not be able to support this ordinance.
- 66.3 J. Maxwell asked what the market value was that the department would normally have to pay for a 16 yard truck load of red dirt; to which C. Ward responded that the County is currently paying Lindsey \$3.50 per 16 yard truck load.
- 66.4 Chief of Staff George Butler added that the cost savings comes in with not having to haul the red dirt so far.
- 66.5 J. Maxwell further asked what the round trip mileage was for getting red dirt from this temporary pit versus where the department would normally be getting the red dirt otherwise; to which C. Ward responded that there is a 1½ to 2 hour turnaround from the location on Hwy. 16 to south Washington County. He further stated that from the temporary red dirt pit, there is a 15 to 20 minute turnaround, which saves about 1½ hours per trip considering fuel back and forth.
- 66.6 J. Maxwell asked C. Ward if he had a rough estimate as to how much a 15 minute trip saves the County versus a 1½ hour trip while taking into consideration personnel, equipment and fuel; to which C. Ward stated that his guess would be a savings somewhere between \$40 and \$80 per trip. J. Maxwell further asked if he knew how many truckloads or quantity of red dirt the Road Department is planning to use this red dirt pit for; to which C. Ward responded that in the next two years it would be great if the department could get somewhere around 150 miles of improved roads with a new surface that this material would be used for. However, that is hard to estimate. J. Maxwell asked if being this close will limit the number of trucks that would have to be used versus if it was a long haul of 1½ hour trips. If so, how many differences would he anticipate; to which C. Ward responded that it depended on where the haul is. He stated if it were closer, then at least 40% fewer trucks would be used and could do more than one job at a time. He further stated that the department would probably use the trucks at full capacity, but just use them on multiple projects instead of one project at a time.
- 66.7 A. Harbison stated that the Court has to know the geologic makeup of this area to understand when the Road Department talks about red dirt as there is not much red dirt down in that area and these people have agreed to sell it to the

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county. She encouraged everyone to support this ordinance as it would make the Road Department very efficient.

- 67.1 E. Madison stated that she did receive some calls about this and asked what exactly was currently going on at the Reed property as she has been told that there has been a lot of dirt work being done by the County for the last two months; to which Chief of Staff G. Butler responded that the Road Superintendents had gone ahead and started improving a private logging road across the Reed property to get to the red dirt. However, they have been told to stop all work at this location.
- 67.2 E. Madison asked how many hours had been invested already in this venture; to which Charles Ward responded that it was anywhere from 7 to 9 people for two weeks. She asked where the Lindsey Red Dirt Pit was located; to which C. Ward responded that it is off of Hwy. 16W in the Wedington area. She stated that those folks were required to obtain a permit to have a red dirt pit, as well as anybody who wanted to start selling dirt in the County. She noted that the Court has dealt with red dirt pits before and it is not an easy process. She does not believe the County should be in the business of improving a logging road to get to an area to pull out dirt. She understands that there would be a savings, but it is engaging in unfair competition with for-profit businesses in the county.
- 67.3 Chief of Staff George Butler stated that the County is required to get ADEQ permits just like Lindsey.
- 67.4 In response to a question from E. Madison, Brad Phillips stated that the logging road that would be used comes out on the old Hwy. 71 Business. He further stated that was truly his and Charles Ward's fault because they did not realize that they could not buy the dirt. They initially did not see a problem, which is why they started on the road improvements.
- 67.5 E. Madison stated that some of the concerns voiced over a red dirt pit that came before this body on a CUP was over the truck traffic, dirt tracking onto the road, and safety. Also, the people living in the surrounding area were able to voice their concerns in that process. In response to a question from E. Madison, Chief of Staff George Butler stated that there are people living in this area; however, the County would be the only one accessing this red dirt so there would not be the amount of traffic normally associated with a red dirt pit. E. Madison stated that she would like to table this ordinance until the Court can get an opinion from its County Attorney as to how it can get around asking anybody else wanting to start a dirt pit in the County to come play by its

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planning rules, but yet the county can operate a dirt pit for two years without going through the same process.

- 68.1 Chief of Staff George Butler stated that when the County passed the zoning ordinance, it did not apply to it; to which E. Madison responded that she just does not think that is fair.
- 68.2 In response to a question from E. Madison, Brad Phillips stated that the road department has installed three road crossings on this logging road just over 4/10th of a mile.
- 68.3 **E. Madison made a motion to table the ordinance. S. Lloyd seconded the motion.**
- 68.4 **Judge Edwards called for a vote on the motion to table.**
- 68.5 **VOTING FOR: S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Ussery, H. Bowman, R. Dennis, and L. Ecke. VOTING AGAINST: B. Pond, D. Balls, and A. Harbison. **The motion passed with eleven members voting in favor and three members voting against the motion to table. The ordinance was tabled.****
- 68.6 S. Madison stated that before this ordinance comes back to the Court, she would like to ask that the Road Department put a calculator and pencil to its expenses so far and know what the bottom line would be on this.
- 68.7 J. Patterson stated that a few years ago, the County had a similar contract on Fochtman but there was an approximate time limit on it; and he believes it should have the same on this, while setting forth an amount of loads.
- 68.8 Judge Edwards stated that there was a lease purchase by Judge Hunton at the Fochtman Quarry and he did not realize that he was only purchasing the rock. Every time the County loaded a load of red dirt out of there, it was charged extra for it; so this was not that good of a contract.
- 68.9 T. Lundstrum stated he was on the Court when Judge Hunton did the lease purchase at the Fochtman Quarry. One of the issues that he complained about then was that Judge Hunton talked about selling gravel to different people for the same reasons, voiced by E. Madison, that the County should not be competing with these other quarries.

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- 69.1 Chief of Staff George Butler noted that the County does not do this anymore.
- 69.2 T. Lundstrum stated he is glad that the Court tabled this ordinance for now to give County Attorney Steve Zega time to take a closer look at the legal ramifications.
- 69.3 **R. Dennis made a motion to call a Special Quorum Court meeting on March 28, 2016 at 5:30 p.m. to deal with the dangerous animal ordinance. E. Madison seconded.**
- 69.4 E. Madison stated that her reading of County Code is that if this Court wants to have a public hearing, then it has to refer it to a committee and does not allow for what R. Dennis is requesting.
- 69.5 Executive Assistant Karen Beeks stated that her understanding was that R. Dennis was wanting a Special Quorum Court meeting on March 28th and that would be okay with the County's calendar.
- 69.6 County Attorney Zega stated that he is not asking for a Public Hearing, but rather a Special Quorum Court meeting which he can do. He stated that if his motion has a second, then it would take either a majority vote by the Quorum Court or Judge Edwards to call a special meeting.
- 69.7 E. Madison stated that she has already put the item on the agenda for April, so she is confused; to which R. Dennis responded that this would hopefully get to a vote quicker on the ordinance.
- 69.8 J. Maxwell noted that there is a Republican County Convention on the evening of the 28th which may limit a quorum for the Court. He suggested that the Court meet instead on Tuesday, March 29 and offered a friendly amendment to R. Dennis' motion. Due to further conflicts, Thursday, March 31st, was also considered.
- 69.9 R. Dennis stated he would accept J. Maxwell's friendly amendment and go with Tuesday, March 29, at 5:30 p.m. for the special meeting to discuss the dangerous animal ordinance. E. Madison also accepted the friendly amendment.
- 69.10 **With no further discussion, Judge Edwards called for a vote on the motion to call a special meeting on Tuesday, March 29, at 5:30 p.m. to discuss the dangerous animal ordinance.**

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- 70.1 VOTING FOR: S. Lloyd, E. Madison, S. Madison, J. Maxwell, G. McHenry, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Dennis, L. Ecke, and A. Harbison. VOTING AGAINST: T. Lundstrum and J. Patterson. **The motion passed with twelve members voting in favor and two members voting against the motion. The special meeting was set for Tuesday, March 29th.**
- 70.2 OTHER BUSINESS: There was no other business to discuss.
- 70.3 CITIZEN COMMENTS: George Braswell, resident of Washington County, addressed the Quorum Court with respect to the red dirt pit, questioning whether there had been a soil sample taken with a proctor ran on it to see if the soil is suitable to build a road on. Further, Mr. Braswell stated that there has been considerable upgrading of the logging road on this property and he offered pictures of the same to anyone interested in viewing them. Mr. Braswell referred to the training officer position and stated that he would be happy to tell the two employees that were told by the new Road Superintendent Charles Ward about 90 days ago that there would be no raise or betterment to anyone.
- 70.4 L. Ecke thanked Mr. Braswell for bringing his point of view to the attention of this Quorum Court and his letters. However, she stated that when he starts name calling, specifically towards Ms. Huffaker, she believes he owes everyone an apology. She stated that Mr. Braswell refers to himself as a victim in many of these incidents, but she believes the victim has now become the bully. She stated that she does not appreciate him writing letters and calling people names; and until he apologizes to his superiors and Ms. Huffaker, he has lost credibility with her and she will no longer support him.
- 70.5 E. Madison stated that she wished to follow-up on something that was in the editorial recently about the settlement in the Mandy Przysczkowski case. She stated that there was a significant delay between the date the settlement was reached in February 16th and the date that it was made public; to her knowledge, it still has not been communicated to this court in any fashion. She noted that when cases did not settle, the Court was told immediately, but for some reason there was a 2½ week delay between the date the case settled and the date that the Court ultimately found out. E. Madison stated that she believes the people involved in that lawsuit owe this court and the citizens of the county an explanation as to why they were not informed of that settlement when it happened. She further asked that this matter be discussed at the Special Meeting on March 29th.

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- 71.1 Jay Cantrell with the Washington County Sheriff's Office addressed the Quorum Court stating that the Court talked about many things tonight from dogs to red dirt. He wished to report on Deputy Augustine who was shot with a shotgun last Tuesday afternoon while responding to a suicidal subject. He sustained several injuries and will need future surgeries. He reported that Deputy Augustine remains in the hospital and it is hoped that he will make a full recovery.
- 71.2 ADJOURNMENT: The meeting adjourned at 9:27 p.m.

Respectfully submitted,


Cary Sandidge
Quorum Court Coordinator/Reporter