

**BAXTER COUNTY QUORUM COURT  
JOURNAL OF PROCEEDINGS**

**July 11, 2017**

The Baxter County Quorum Court met in a regular session at 6:00 PM in the Baxter County Courtroom with County Judge Mickey Pendergrass presiding. Members present were: Rhonda “Tink” Albright, Ty Chapman, Edna Fusco, James Kerr, Kevin Litty, Neal Pendergrass, Gary Smith, Lucille Soltysik, and Marilyn Williamson. Justice Lucas was absent. The meeting began with a moment of silence and the Pledge of Allegiance.

Judge Pendergrass asked if there were any additions or corrections to the minutes of the June meeting. Justice Pendergrass moved that the minutes be approved as submitted. Justice Williamson seconded that motion. All voted in favor.

Justice Smith reported on the June 22 meeting of the Budget Committee. Minutes of that meeting will be attached. It was also announced that the Budget Committee will meet again at 4:30 p.m. on Monday, July 17 for mid-year budget assessments.

New Business:

Third Reading-Proposed Ordinance #2017-26, **AN ORDINANCE TO ADOPT CHANGES TO THE BAXTER COUNTY PERSONNEL POLICY MANUAL, DATED JULY 2015, FOR THE PURPOSE OF REVISING AND UPDATING CERTAIN SECTIONS**, was sponsored by the Baxter County Personnel Committee and read by title only by County Clerk Canda Reese. Justice Smith moved to adopt, seconded by Justice Fusco. After brief discussion, the roll was called. Voting YEA: Justices Albright, Chapman, Fusco, Kerr, Litty, Pendergrass, Smith, Soltysik, and Williamson. The motion carried and Ordinance #2017-26 was adopted with a vote of 9 YEA, 0 NAY, 1 absent.

First Reading-Proposed Ordinance #2017- , **AN ORDINANCE PROVIDING FOR THE LEVY OF A ONE PERCENT (1.0%) SALES AND USE TAX WITHIN BAXTER COUNTY, ARKANSAS, FOR A PERIOD OF EIGHT (8) MONTHS, BEGINNING MARCH 1, 2018 THROUGH OCTOBER 31, 2018; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO**, was sponsored by the Baxter County Budget Committee, and read by title only by County Clerk Canda Reese. A motion was made by Justice Smith to suspend the rules and place the ordinance on second reading. Justice Fusco seconded that motion. The roll was called and all voted in favor.

The proposed ordinance was read the second time by title only by County Clerk Canda Reese. Justice Fusco moved to suspend the rules and place the ordinance on third reading. Justice Chapman seconded that motion. The roll was called and all voted in favor.

Third Reading-Proposed Ordinance #2017-27, **AN ORDINANCE PROVIDING FOR THE LEVY OF A ONE PERCENT (1.0%) SALES AND USE TAX WITHIN BAXTER COUNTY, ARKANSAS, FOR A PERIOD OF EIGHT (8) MONTHS, BEGINNING MARCH 1, 2018 THROUGH OCTOBER 31, 2018; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO**, sponsored by the Baxter County Budget Committee, was read the third time by title only by County Clerk Canda Reese. Justice Smith moved to adopt the proposed ordinance. Justice Soltysik seconded that motion. After brief discussion the roll was called. Voting YEA: Justices Kerr, Litty, Pendergrass, Smith, Soltysik, Williamson, Albright, Chapman, and Fusco. The motion carried, and Ordinance #2017-27 was adopted with a vote of 9 YEA, 0 NAY, 1 absent.

First Reading-Proposed Ordinance #2017- , **AN ORDINANCE PROVIDING FOR THE LEVY OF A ONE-QUARTER OF ONE PERCENT (0.25%) SALES AND USE TAX WITHIN BAXTER COUNTY, ARKANSAS, BEGINNING NOVEMBER 1, 2018 AND CONTINUING THEREAFTER; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO**, was sponsored by the Baxter County Budget Committee, and read by title only by County Clerk Canda Reese. A motion was made by Justice Smith to suspend the rules and place the ordinance on second reading. Justice Albright seconded that motion. The roll was called and all voted in favor.

The proposed ordinance was read the second time by title only by County Clerk Canda Reese. Justice Albright moved to suspend the rules and place the ordinance on third reading. Justice Fusco seconded that motion. The roll was called and all voted in favor.

Third Reading-Proposed Ordinance #2017-28, **AN ORDINANCE PROVIDING FOR THE LEVY OF A ONE-QUARTER OF ONE PERCENT (0.25%) SALES AND USE TAX WITHIN BAXTER COUNTY, ARKANSAS, BEGINNING NOVEMBER 1, 2018 AND CONTINUING THEREAFTER; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO**, sponsored by the Baxter County Budget Committee, was read the third time by title only by County Clerk Canda Reese. Justice Pendergrass moved to adopt the proposed ordinance, seconded by Justice Williamson. Being no discussion the roll was called. Voting YEA: Justices Smith, Soltysik, Williamson, Albright, Chapman, Fusco, Kerr, Litty, and Pendergrass. The motion carried, and Ordinance #2017-28 was adopted with a vote of 9 YEA, 0 NAY, 1 absent.

First Reading-Proposed Ordinance #2017- , **AN ORDINANCE CALLING A SPECIAL ELECTION IN BAXTER COUNTY, ARKANSAS ON THE QUESTION OF LEVYING A COUNTYWIDE ONE PERCENT (1.0%) SALES AND USE TAX, FOR A PERIOD OF EIGHT (8) MONTHS BEGINNING MARCH 1, 2018 THROUGH OCTOBER 31, 2018; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY**, was sponsored by the Baxter County Budget Committee and read by title only by County Clerk Canda Reese. Justice Soltysik moved to suspend the rules and place the proposed ordinance on second reading. Justice Albright seconded that motion. The roll was called and all voted in favor.

The proposed ordinance was read the second time by title only by County Clerk Canda Reese. Justice Pendergrass moved to suspend the rules and place the ordinance on third reading. Justice Albright seconded that motion. The roll was called and all voted in favor.

Third Reading-Proposed Ordinance #2017-29, **AN ORDINANCE CALLING A SPECIAL ELECTION IN BAXTER COUNTY, ARKANSAS ON THE QUESTION OF LEVYING A COUNTYWIDE ONE PERCENT (1.0%) SALES AND USE TAX, FOR A PERIOD OF EIGHT (8) MONTHS BEGINNING MARCH 1, 2018 THROUGH OCTOBER 31, 2018; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY**, sponsored by the Baxter County Budget Committee, was read the third time by title only by County Clerk Canda Reese. Justice Soltysik moved to adopt, seconded by Justice Smith. Being no discussion, the roll was called. Voting YEA: Justices Albright, Chapman, Fusco, Kerr, Litty, Pendergrass, Smith, Soltysik, and Williamson. The motion carried and Ordinance #2017-29 was adopted with a vote of 9 YEA, 0 NAY, 1 absent.

First Reading-Proposed Ordinance #2017- , **AN ORDINANCE CALLING A SPECIAL ELECTION IN BAXTER COUNTY, ARKANSAS ON THE QUESTION OF LEVYING A COUNTYWIDE ONE-QUARTER OF ONE PERCENT (0.25%) SALES AND USE TAX, BEGINNING NOVEMBER 1, 2018, AND CONTINUING THEREAFTER; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY**, was sponsored by the Baxter County Budget Committee and read by title only by County Clerk Canda Reese. Justice Smith moved to suspend the rules and place the proposed ordinance on second reading. Justice Soltysik seconded that motion. The roll was called and all voted in favor.

The proposed ordinance was read the second time by title only by County Clerk Canda Reese. Justice Fusco moved to suspend the rules and place the ordinance on third reading. Justice Albright seconded that motion. The roll was called and all voted in favor.

Third Reading-Proposed Ordinance #2017-30, **AN ORDINANCE CALLING A SPECIAL ELECTION IN BAXTER COUNTY, ARKANSAS ON THE QUESTION OF LEVYING A COUNTYWIDE ONE-QUARTER OF ONE PERCENT (0.25%) SALES AND USE TAX, BEGINNING NOVEMBER 1, 2018, AND CONTINUING THEREAFTER; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY**, sponsored by the Baxter County Budget Committee, was read the third time by title only by County Clerk Canda Reese. Justice Albright moved to adopt, seconded by Justice Williamson. Being no discussion, the roll was called. Voting YEA: Justices Kerr, Litty, Pendergrass, Smith, Soltysik, Williamson, Albright, Chapman, and Fusco. The motion carried and Ordinance #2017-30 was adopted with a vote of 9 YEA, 0 NAY, 1 absent.

Proposed Ordinance #2017-31, **AN ORDINANCE APPROPRIATING FEES AND REIMBURSEMENTS RECEIVED IN THE MONTH OF MAY TO THE SHERIFF'S DEPARTMENT 2017 BUDGET**, was sponsored by Justice Williamson and read by title only by County Clerk Canda Reese. A motion was made by Justice Soltysik for the adoption of the proposed ordinance, seconded by Justice Albright. Being no discussion, the roll was called. Voting YEA: Justices Litty, Pendergrass, Smith, Soltysik, Williamson, Albright, Chapman,

Fusco, and Kerr. The motion carried and Appropriation Ordinance #2017-31 was adopted with a vote of 9 YEA, 0 NAY, 1 absent.

Proposed Ordinance #2017-32, **AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$22,000.00 FROM THE SPECIAL JAIL FEES FUND INTO THE SPECIAL JAIL FEES BUDGET**, was sponsored by Justice Fusco and read by title only by County Clerk Canda Reese. Justice Fusco then moved to adopt, seconded by Justice Williamson. After a brief discussion, the roll was called. Voting YEA: Justices Pendergrass, Smith, Soltysik, Williamson, Albright Chapman, Fusco, Kerr, and Litty. The motion carried and Appropriation Ordinance #2017-32 was adopted with a vote of 9 YEA, 0 NAY, 1 absent.

Proposed Ordinance #2017-33, **AN ORDINANCE APPROPRIATING GRANT FUNDS RECEIVED FROM THE STATE IN THE AMOUNT OF \$10,348.00 FOR THE CLARKRIDGE VOLUNTEER FIRE DEPARTMENT TO THE COUNTY JUDGE'S BUDGET**, was sponsored by Justice Soltysik and read by title only by County Clerk Canda Reese. Justice Kerr moved to adopt, seconded by Justice Albright. After brief discussion and explanation by the County Judge, the roll was called. Voting YEA: Justices Smith, Soltysik, Williamson, Albright, Chapman, Fusco, Kerr, Litty and Pendergrass. The motion carried and Appropriation Ordinance #2017-33 was adopted with a vote of 9 YEA, 0 NAY, 1 absent.

Proposed Ordinance #2017-34, **AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$146,250.00 FROM THE 911 REVENUE FUND INTO THE 911 DEPARTMENT BUDGET**, was sponsored by the Baxter County Budget Committee and read by title only by County Clerk Canda Reese. Justice Albright moved to adopt, seconded by Justice Williamson. Being no discussion the roll was called. Voting YEA: Justices Soltysik, Williamson, Albright, Chapman, Fusco, Kerr, Litty, Pendergrass, and Smith. The motion carried and Appropriation Ordinance #2017-34 was adopted with a vote of 9 YEA, 0 NAY, 1 absent.

Proposed Resolution #2017-16, **A RESOLUTION DECLARING A VACANCY IN THE OFFICE OF JUSTICE OF THE PEACE, DISTRICT 3, ON THE BAXTER COUNTY QUORUM COURT**, was sponsored by Justice Fusco and read by title only by County Clerk Canda Reese. Justice Fusco moved to adopt, seconded by Justice Kerr. After brief discussion, the roll was called. Voting YEA: Justices Williamson, Albright, Chapman, Fusco, Kerr, Litty, Pendergrass, Smith, and Soltysik. The motion carried and Resolution #2017-16 was adopted with a vote of 9 YEA, 0 NAY, 1 absent.

Proposed Resolution #2017- , **A RESOLUTION SUPPORTING FEDERAL AND STATE LEGISLATION TO ENSURE THE PROPER ASSESSMENT AND COLLECTION OF SALES TAX FROM ALL INTERNET/ONLINE SALES THEREBY CREATING A FAIR AND FREE MARKET FOR ALL BUSINESSES AND CONSUMERS, REGARDLESS OF THE LOCATION OF THE BUSINESS FROM WHICH THE PURCHASE WAS MADE**, was sponsored by the Baxter County Budget Committee and read by title only by County Clerk Canda Reese. Justice Soltysik moved to adopt, seconded by Justice Williamson. After much discussion the roll was called. Voting YEA: Justices Kerr, Pendergrass, and Soltysik. Voting NAY: Justices Albright, Chapman, Fusco, Litty, Smith, and Williamson. The motion failed.

Proposed Resolution #2017-17, **A RESOLUTION CONFIRMING THE APPOINTMENTS OF MIKE HUNTER AND DAVID MCQUEEN BY THE BAXTER COUNTY JUDGE TO THE HAND COVE FIRE PROTECTION DISTRICT BOARD OF COMMISSIONERS**, was sponsored by Justice Pendergrass and read in its entirety by County Clerk Canda Reese. Justice Smith moved to adopt, seconded by Justice Kerr. Being no discussion, the roll was called. Voting YEA: Justices Chapman, Fusco, Kerr, Litty, Pendergrass, Smith, Soltysik, Williamson, and Albright. The motion carried and Resolution #2017-17 was adopted with a vote of 9 YEA, 0 NAY, 1 absent.

Proposed Resolution #2017-18, **A RESOLUTION CONFIRMING THE APPOINTMENT OF TERRY BUCHMAN BY THE COUNTY JUDGE TO THE NORTHEAST LAKESIDE FIRE PROTECTION DISTRICT BOARD OF COMMISSIONERS**, was sponsored by Justice Pendergrass and read in its entirety by County Clerk Canda Reese. Justice Kerr moved to adopt, seconded by Justice Chapman. After a brief discussion, the roll was called. Voting YEA: Justices Fusco, Kerr, Litty, Pendergrass, Smith, Soltysik, Williamson, Albright, and Chapman. The motion carried and Resolution #2017-18 was adopted with a vote of 9 YEA, 0 NAY, 1 absent.

Proposed Resolution #2017-19, **A RESOLUTION CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF A BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003)**, was sponsored by the Baxter County Budget Committee and read in its entirety by County Clerk Canda Reese. Justice Fusco moved to adopt. Justice Williamson seconded. After brief discussion, the roll was called. Voting YEA: Justices Kerr, Litty, Pendergrass, Smith, Soltysik, Williamson, Albright, Chapman, and Fusco. The motion carried and Resolution #2017-19 was adopted with a vote of 9 YEA, 0 NAY, 1 absent.

Proposed Resolution #2017-20, **A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR ARKANSAS COMMUNITY AND ECONOMIC DEVELOPMENT PROGRAM FUNDS TO THE STATE OF ARKANSAS**, was sponsored by Justice Fusco and read in its entirety by County Clerk Canda Reese. Justice Pendergrass moved to adopt, seconded by Justice Kerr. Being no discussion the roll was called. Voting YEA: Justices Litty, Pendergrass, Smith, Soltysik, Williamson, Albright, Chapman, Fusco, and Kerr. The motion carried and Resolution #2017-20 was adopted with a vote of 9 YEA, 0 NAY, 1 absent.

Proposed Resolution #2017-21, **A RESOLUTION ESTABLISHING A FAIR HOUSING AND EQUAL OPPORTUNITY POLICY**, was sponsored by Justice Soltysik and read in its entirety by County Clerk Canda Reese. Justice Fusco moved to adopt, seconded by Justice Albright. After a brief discussion regarding the definition of “fair housing,” the roll was called. Voting YEA: Justices Pendergrass, Smith, Soltysik, Williamson, Albright, Chapman, Fusco, Kerr, and Litty. The motion carried and Resolution #2017-21 was adopted with a vote of 9 YEA, 0 NAY, 1 absent.

Proposed Resolution #2017-22, **A RESOLUTION AFFIRMING BAXTER COUNTY’S POLICY PROHIBITING THE USE OF EXCESSIVE FORCE BY LAW**

**ENFORCEMENT AGENCIES WITHIN THE APPLICANT’S JURISDICTION AGAINST INDIVIDUALS ENGAGED IN NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS,**

was sponsored by Justice Soltysik and read in its entirety by County Clerk Canda Reese. A motion to adopt was made by Justice Albright and seconded by Justice Smith. After brief discussion the roll was called. Voting YEA: Justices Smith, Soltysik, Williamson, Albright, Chapman, Fusco, Kerr, Litty and Pendergrass. The motion carried and Resolution #2017-22 was adopted with a vote of 9 YEA, 0 NAY, 1 absent.

Proposed Resolution #2017-23, **A RESOLUTION AFFIRMING BAXTER COUNTY’S RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION PLAN,** was sponsored by Justice Fusco. Justice Kerr moved to have the remaining Resolutions read by title only. Justice Pendergrass seconded that motion and all voted in favor. The Proposed Resolution was read by title only by County Clerk Canda Reese. Justice Smith moved to adopt, seconded by Justice Williamson. Being no discussion the roll was called. Voting YEA: Justices Williamson, Albright, Chapman, Fusco, Kerr, Litty, Pendergrass, Smith, and Soltysik. The motion carried and Resolution #2017-23 was adopted with a vote of 9 YEA, 0 NAY, 1 absent.

Proposed Resolution #2017-24, **A RESOLUTION DESIGNATING THE NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT AS A CONSULTANT TO ASSIST BAXTER COUNTY IN THE ADMINISTRATION OF A GRANT UNDER THE ARKANSAS COMMUNITY AND ECONOMIC DEVELOPMENT PROGRAM IF SUCH GRANT IS AWARDED,** was sponsored by Justice Soltysik and read by title only by County Clerk Canda Reese. Justice Albright moved to adopt, seconded by Justice Fusco. Being no discussion the roll was called. Voting YEA: Justices Albright, Chapman, Fusco, Kerr, Litty, Pendergrass, Smith, Soltysik, and Williamson. The motion carried and Resolution #2017-24 was adopted with a vote of 9 YEA, 0 NAY, 1 absent.

Being no further business before the Court, the meeting was adjourned.

Respectfully submitted,

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Canda J. Reese, Baxter County & Circuit Clerk  
Secretary to the Quorum Court