



**SALINE COUNTY QUORUM COURT
AGENDA**

DATE-----May 16, 2022

PLACE-----Saline County Courthouse, Courtroom #3

6:30 P.M.-----Call Meeting to Order

INVOCATION

PLEDGE OF ALLEGIANCE

CLERK: Call the Roll

APPROVAL OF MINUTES

REPORTS/PROCLAMATIONS:

OLD BUSINESS:

NEW BUSINESS:

Exhibit "A" Ordinance Amending Ordinance No. 2016-3 to Revise the Saline County Planning Board Subdivision Rules and Regulations by Reference

Exhibit "B" Re-Appointment to the Saline County Equalization Board

Exhibit "C" Resolution Expressing the Willingness of Saline County to Utilize Federal-Aid Surface Transportation Program Funds

ADD ON:

Exhibit "D": Ordinance Exchanging the County's Interest in Certain Real Property

DISCUSSION:

COMMENTS:

**SALINE COUNTY QUORUM COURT
MINUTES
APRIL 18, 2022**

The Saline County Quorum Court met on Monday, April 18, 2022 at 6:30 p.m. in Courtroom #3 in the Saline County Courthouse. County Judge Jeff Arey called the meeting to order. Justice of the Peace Jim Whitley gave the invocation and Judge Arey led the Pledge of Allegiance.

Roll call was taken with all members present.

Motion by J. R. Walters and seconded by Tammy Schmidt to approve the Minutes from the February 22, 2022 Quorum Court Meeting. Motion passed by voice vote.

REPORTS/PROCLAMATIONS:

1. Quarterly Budget Report was presented by Angie Drummond, County Comptroller.

OLD BUSINESS:

NONE

NEW BUSINESS:

Exhibit "A": Motion made by J. R. Walters and seconded by Tammy Schmidt to approve Ordinance Amending 2022 Saline County Budget Ordinance 2021-31. Rollcall vote; motion passed. Ordinance 2022-10.

ACTION ITEM:

Judge Arey presented an item to approve previously appropriated funds from the Animal Control Fund, to be sent to the Saline County Humane Society and Hot Springs Village Welfare League. No comments made by members.

ADD ON:

Exhibit B: Motion by Pat Bisbee and seconded by Carlton Billingsley to approve Resolution Deferring Consideration of ARP Proposals. Motion passed by voice vote. Resolution 2022-3.

Exhibit C: Motion made by J. R. Walters and seconded by Mark Grimmett to approve Ordinance Creating New Airport Fund for Bryant Parkway Funds. Rollcall vote; motion passed. Ordinance 2022-11.

Jude Arey recognized the work County Attorney Will Gruber has put in to this project.

DISCUSSION:

Informational Item: Jail Costs Presentation by Angie Drummond and Will Gruber. Judge Arey concluded with information regarding the cities paying a portion of the expenses for the expense of housing inmates as allowed. There was much discussion by the members concerning this. Judge Arey will begin meetings with the cities immediately.

COMMENTS:

Tammy Schmidt announced that Crows Station is having a fish fry on April 30, 2022 at Owensville Baptist Church from 5:00 p.m. to 7:00 p.m. for the purpose of raising funds.

Motion made by J. R. Walters and seconded by Mark Grimmett to adjourn. Motion passed by voice vote.

Meeting adjourned at 7:26 p.m.

EMERGENCY ORDINANCE NO. 2022-

BE IT ENACTED BY THE QUORUM COURT OF SALINE COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE AMENDING ORDINANCE NO. 2016-3, TO REVISE THE SALINE COUNTY PLANNING BOARD SUBDIVISION RULES AND REGULATIONS."

WHEREAS, the Saline County Planning Board had ample discussion at regular Planning Board meetings regarding the need to amend the definitions of Subdivision and Private Road Subdivision, to address concerns and prevent ambiguity associated with the Saline County Planning Board Subdivision Rules and Regulations;

WHEREAS, the Saline County Planning Board advertised and held a public meeting on April 14, 2022, in accordance with Ark. Code. Ann. § 14-14-207, and did not receive any public comments; and,

WHEREAS, at the April 14, 2022 Saline County Planning Board meeting, the Planning Board endorsed the amendment of the definitions of Subdivision and Private Road Subdivision, within the Saline County Planning Board Subdivision Rules and Regulations, and have forwarded the attached amended Subdivision Rules and Regulations for Saline County Quorum Court consideration and approval.

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

Article 1. The Saline County Planning Board Subdivision Rules and Regulations, comprised of text and exhibits so titled, for Saline County, Arkansas, prepared by the Saline County Planning Board and originally adopted by the Saline County Quorum Court by Ordinance No. 2003-002, revised by Ordinance No. 2015-02, revised by Emergency Ordinance No. 2016-3, which was revised by Emergency Ordinance 2019-11 is hereby revised by this Ordinance. A copy of the attached revised Subdivision Rules and Regulations, which is hereby incorporated by reference, and this ordinance are on file in the Office of the County Clerk and are available for public inspection during normal business hours in the Office of the County Clerk and Planning Board Office.

Article 2. Penalties. Any violation of these rules and regulations or amendment hereto shall be a misdemeanor under the laws of the State of Arkansas and the offender upon conviction shall be punished as for a misdemeanor, and any court having jurisdiction of misdemeanor cases shall have jurisdiction to try such offenders and upon conviction to fine them not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense; and each day that any violations of these rules and regulations is in effect shall constitute a separate offense. The Planning Board also retains the right to pursue civil penalties for subdivisions out of compliance with the Planning Board Rules and Regulations and the Master Street Plan.

Article 3. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Article 4. EMERGENCY CLAUSE. This Ordinance being necessary to ensure the orderly development of property in Saline County, an emergency is hereby declared to exist and this Ordinance, shall be in full force and effect from and after its passage and publication.

DATE: May 16, 2022

APPROVED: _____
JEFF AREY
SALINE COUNTY JUDGE

ATTEST: _____
DOUG CURTIS
SALINE COUNTY CLERK

SPONSOR: J.R. WALTERS, JP DISTRICT #12

**SALINE COUNTY
SUBDIVISION RULES AND REGULATIONS
APPROVED APRIL 15,2019
ORDINANCE 2019-11**

approved plat of record to increase, decrease, or change the shape and size of lots or roads.

2.2.26 Staff- The employees of Saline County designated by the County Judge to assist in carrying out the intent of this regulation.

2.2.27 Road - A right-of-way for vehicular traffic which affords the principle means of access to abutting property.

2.2.28 Subdivider - Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination, acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, and includes any agent of the subdivider. The term "developer" as may be used in this regulation means "Subdivider" as defined.

2.2.29 Subdivision - Any division of a lot, tract, or parcel of land whether by platting or by metes and bounds, into three (3) or more lots or parcels, ~~which means the creation of three (3) new lot or parcel numbers, for the purpose of transfer of ownership or development~~ including the combination of three (3) or more previously platted lots. The term subdivision shall apply also to any division of land involving the dedication of a road to the public, including ingress and egress easements, provided however, that any division of land into lots or parcels of ten (10) acres or more shall not be deemed a subdivision unless road dedication, including ingress and egress easement, or the installation of utilities (defined as water, gas, electric, sewer, or telephone), is involved. The following transactions are exempt:

1. Property devised by will.
2. Property placed in trust.
3. Family division (Defined as transaction exempt under the Arkansas Real Property Transfer Act (as amended) involving transfers between a father and mother and their descendants and brother and sisters and their descendants.
4. Judicial action regarding division of land.

2.2.30 Subdivision, Minor - Any division of a lot, tract, or parcel of land whether by platting or by metes and bounds that shall neither include the establishment of any roads nor create the need to dedicate additional right-of-way or widen pavement on an existing county road as the need may be shown in the Saline County Master Road Plan.

2.2.31 Subdivision, Primary - Any division of a lot, tract, or parcel of land either by platting or by metes and bounds into three (3) or more lot or parcels for purpose of transfer of ownership or development including the combination of three (3) or more previously platted lots. The "Primary Subdivision" ordinarily applies to any division of land involving the dedication of a road to the public, the dedication of additional right-of-way and improvements to an existing county road as shown on the Master Road Plan and in general, any subdivision of land resulting in the need to produce engineering

**SALINE COUNTY
SUBDIVISION RULES AND REGULATIONS
APPROVED APRIL 15, 2019
ORDINANCE 2019-11**

drawings and data in order to meet the improvement requirements of this ordinance.

2.2.32 Surveyor - A registered land surveyor licensed to practice in Arkansas.

2.2.33 Territorial Jurisdiction - All land lying outside of incorporated areas in Saline County and which is not within the extraterritorial planning jurisdiction of an incorporated area as prescribed by Arkansas Statue Act 186 of 1957 as amended.

2.2.34 Private Road Subdivision –

~~(a)(1) Any division of a lot, tract or parcel of land by platting into two (2) three (3) or more lots as or parcels, as set forth in a recorded deed; for the purpose of transfer of ownership or development (2) where In addition, ingress and egress roads are must be owned by an incorporated Property Owners Association, or an Improvement District or there must be a maintenance agreement entered into by all interested parties, which includes provisions for levying of assessments or other means for maintenance of the roads. (Easements without incorporated associations do not qualify.)~~

(b) Private Road Subdivisions with any lot/parcel less than three (3) acres, not including road right-of-way, must meet all provisions of the Subdivision Rules and Regulations and the Master Road Plan.

(c) Private Road Subdivisions where all lots/parcels are three (3) acres or more, not including road right-of-way, must meet all provisions of the Subdivision Rules and Regulations and the Master Road Plan, except those provisions pertaining to paving.

SECTION 3. PROCEDURAL REQUIREMENTS

3.1 Pre-Application Consideration

Whenever any subdivision of a tract of land is proposed to be made, the subdivider or his agent may submit to the coordinator of the Planning Board office, sketch plans and data concerning existing conditions within the site and in its vicinity, which shall convey the intentions of the subdivider as to the proposed layout and type of development. The coordinator will submit the material to the Board for their review and inform the subdivider of the time and place of the meeting.

No fees shall be collected for pre-application consideration, the purpose being to acquaint the subdivider with plans and policies in effect that would be significant to the proposed subdivision. If after the pre-application review the subdivider or agenda intends to continue with the project, an application for Certification of Preliminary Plat approval shall be made. See 3.2 following.

3.2 Application for Certification of Preliminary Plat Approval

3.2.1 Whenever any subdivision of a tract of land is proposed to be made, the subdivider or agent of the subdivider shall submit to the County Judge's office, a minimum of twenty-one (21) calendar days prior to the regular Planning Board meeting an application for a Certification of Preliminary Plat Approval which shall consist of:

APPOINTMENT

IN THE MATTER OF AN APPOINTMENT
TO THE SALINE COUNTY
EQUALIZATION BOARD

WHEREAS, the term of James Patton as one of the Quorum Court appointments to the Saline County Equalization Board will expire on June 6, 2022, thus creating a vacancy. It is considered to be in the best interest of the citizens of Saline County and the Board of Equalization that **James Patton** be reappointed to said Board.

THEREFORE, in accordance with Arkansas Act 1326, of 1999 **James Patton** is hereby reappointed for a term to expire on June 6, 2025.

JEFF AREY
SALINE COUNTY JUDGE

DATE: MAY 16, 2022

SPONSOR: KEITH KECK

RESOLUTION NO. 2022-_____

A RESOLUTION EXPRESSING THE WILLINGNESS OF SALINE COUNTY TO UTILIZE FEDERAL-AID SURFACE TRANSPORTATION PROGRAM FUNDS.

WHEREAS, Metroplan has issued a call for transportation projects from member jurisdictions for federal fiscal year 2023 and Saline County will submit the Springlake Roundabout Project Cost Overages for consideration of grant funding; and

WHEREAS, Saline County understands the Federal-aid Surface Transportation Program Funds are available at 80% federal participation and 20% local match to fund the Springlake Roundabout Project Cost Overages, based on increased costs associated with the Project; and

WHEREAS, Saline County understands the Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual money reimbursement;

WHEREAS, the Saline County Quorum Court has vetted the project and supports its submittal to Metroplan; and

WHEREAS, this project, using federal funding, will be open and available for use by the general public and maintained by the applicant for the life of the project.

NOW, THEREFORE BE IT RESOLVED BY THE SALINE COUNTY QUORUM COURT THAT:

SECTION I: The Saline County Quorum Court agrees to include the local match requirements within its budget for FFY2023 and subsequent years as necessary.

SECTION II: Saline County will participate in accordance with its designated responsibility, including maintenance of this project.

SECTION III: Saline County Judge Jeff Arey is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

SECTION IV: The Saline County Quorum Court pledges its full support and hereby authorizes the Arkansas Department of Transportation and Metroplan to initiate action to implement this project.

SECTION V: That this Resolution shall be in full force and effect from and after its passage and approval.

THIS RESOLUTION adopted this 16th day of May 2022

APPROVED: _____

JEFF AREY
SALINE COUNTY JUDGE

ATTEST: _____

DOUG CURTIS
SALINE COUNTY CLERK

ORDINANCE NO. 2022 - _____

BE IT ENACTED BY THE QUORUM COURT OF SALINE COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE AUTHORIZING THE EXCHANGE OF REAL PROPERTY WITH AARON RASBURY AS SET FORTH IN ARK. CODE ANN. § 14-16-116"

WHEREAS, Aaron Rasbury is the developer of the Overlook Estates Subdivision, whose vesting deed is described in Special Warranty Deed document number 2021-009441;

WHEREAS, the Overlook Estates Subdivision Phase 1 and proposed Phase 2 is located on property currently owned by Raz Properties, LLC, with Aaron Rasbury as its sole member;

WHEREAS, on December 6, 1994, the Saline County Court, in Order 94-26, entered an Order regarding a scenic overlook on Highway 5 ("Scenic Overlook"), located on the Subject Property, authorizing the County Judge to execute all appropriate agreements regarding the project.

WHEREAS, on March 19, 1996 a County Court Order was entered, Order 96-3, which purports to acquire right of way for the Scenic Overlook via eminent domain.

WHEREAS, on May 20, 2008, Scott Bennett, then Assistant Chief Engineer Planning with the Arkansas State Highway Commission ("ARDOT"), sent a letter to then Saline County Judge Lanny Fite stating that the County obtained a perpetual easement by Court Order for the Scenic Overlook.

WHEREAS, Mr. Bennett detailed that ARDOT would release the Scenic Overlook as surplus and it would revert back to the County.

WHEREAS, on September 9, 2008, ARDOT entered a Minute Order where the Scenic Overlook was declared surplus and released to the County

WHEREAS, pursuant to Ark. Code Ann. § 14-16-116(a)(2), the County can exchange real property with individuals when it is in the best interest of the county;

WHEREAS, pursuant to Ark. Code Ann. § 14-16-116(c), the County can accept service, legal tender or other consideration in exchange for real property and comply with the statute;

WHEREAS, pursuant to Ark. Code Ann. § 14-16-116(a)(2) & (c), it is in the best interest of the County and sufficient consideration for the County to no longer have any potential liability or responsibility associated with the Scenic Overlook, including, but not limited to, removing the debris and materials located on the Subject Property related to the Scenic Overlook;

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

Article 1. Consistent with Ark. Code Ann. § 14-16-116(a)(2) & (c), the Quorum Court finds that Aaron Rasburry accepting the County's interest in the Scenic Overlook, and any liability associated with it, including any costs connected with removing any debris or materials remaining on the Subject Property, is in the best interest of the county and sufficient consideration to exchange for the County's purported permanent easement or right-of-way on the Subject Property.

Article 2. Aaron Rasburry will be solely responsible for removing all debris or materials or claims associated with the Scenic Overlook. Further, Aaron Rasburry will accept any and all liability, and release the County from any potential liability, associated with the purported permanent easement or right-of-way on the Subject Property as a result of the Scenic Overlook.

Article 3. The Quorum Court directs and authorizes the Saline County Judge and County Attorney to undertake all reasonable efforts to accomplish the intent of this ordinance.

Article 4. If any part of this Ordinance is held invalid, such invalidity shall not affect any other portion of this Ordinance.

DATE: May 16, 2022

APPROVED: _____

JEFF AREY
SALINE COUNTY JUDGE

ATTEST: _____

DOUG CURTIS
SALINE COUNTY CLERK

SPONSOR: J.R. WALTERS, JP DIST. 12