

**QUORUM COURT MINUTES**

**05/13/2019**

**FILED**

**MAY 17 2019**

**KADE HOLLIDAY  
COUNTY & PROBATE COURT CLERK**

## May 13, 2019 Quorum Court Minutes

11 Justices of the Peace Present. Justice Cline and Justice Rogers were absent.

Judge Day called the meeting to order at 5:30 p.m.

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The first order of business was the approval of the minutes from April 22, 2019 Quorum Court meeting held at Bono Lake. Justice Weinstock made motion to approve the minutes and was seconded by Justice Tennison. The motion unanimously passed. A copy of same is attached as **Addendum A**.

Judge Day informed the Quorum Court that Justice Cline was absent due to a back injury that had been keeping him home bound for roughly 10 days. He further informed the Court that Justice Cline was going to Memphis the next day for possible surgery. Judge Day also informed the Court that Justice Rogers had an engagement with his son.

**Old Business:** Judge Day announced that the Bono Lake Ordinance was up for its second reading and asked the Deputy Clerk to read the Ordinance aloud. The Deputy Clerk read the Ordinance and Judge Day informed the Court that the third and final reading would be done in 2 weeks at the next Quorum Court meeting and that is when a final vote would be taken. A copy of same is attached as **Addendum B**.

**New Business:** No new business.

**Announcements:** Judge Day announced that every meeting starting with this meeting would be recorded and the recordings would be held for a year per a new state law that will take effect sometime in the month of July.

Judge Day then went on to inform the Court that the lawsuit between the Craighead County Nursing Facility, APERS and some of their former employees had been dismissed. The Court of Appeals ruled in favor of the Nursing Facility and APERS stating that no benefits are owed to the former employees.

Judge Day opened the meeting for a discussion regarding the new open space on the second floor of the Annex building. He asked for opinions regarding the best use of the space. He went on to state that eventually he wants the Court to explore different options and make a decision after speaking with the Circuit Judges, Prosecuting Attorney's office, and others that have interest in the space. The new Division 12 Circuit Judge, if stationed in the Western District of Craighead County, would also need office space so this was also asked to be taken into consideration. The Judicial committee and other un-named committees have looked at the space and felt that a combination of an additional courtroom containing space for a jury trial; as well as, additional office space, would be an effective remodel. Judge Day also touched on an opportunity to save money with energy efficient supplies per state law that allows for a loan that

can be paid back by the revenue saved from using energy efficient lighting, etc. Judge Day asked for comment from the Court and then stated he would take public comment. Justice Cook asked if the new Division 12 Circuit Court Judge was to be stationed in Craighead County, would the county be able to station he/she in the Lake City office? Grant Deprow, Deputy Prosecuting Attorney, informed the Court that there are 2 districts to Craighead County, the Eastern and Western, and that if he/she is in the Western District he/she would not be able to be stationed in Lake City which is the Eastern District. Justice Weinstock inquired about how much space is actually available on the second floor. Judge Day informed Justice Weinstock that he does not have exact measurements at this time but can get that information for the Court. Justice Price made comment that with the population growth in Craighead County something needs to be done to accommodate our quickly growing county. Justice Longmire stated he believed that they should hear from the Judges and Prosecuting Attorney's office to get a better idea of the needs. Judge Thyer stood and introduced herself as the Circuit Judge for Division 4 of Craighead County and went on to state the population growth of the County from 2010 to 2017 was 11% and from 2000 to 2017 there was a total 23% growth. Judge Thyer also informed the Court that from 2008 to 2017 there was a 25% increase on criminal cases which has caused plea and arraignment days to be a little bit trickier with getting everyone to fit into the courtroom without breaking the fire code. On Chambers days the fire code is broken with around 420-440 people in the courtroom. Judge Thyer also stated that when there are jury trials they are having to move the jurors around and it would be a great benefit to have a larger courtroom with space for a jury so that there is not as much shuffling around during the court days. Justice Longmire asked where the funding for the remodeling would come from? Judge Day stated that the homework regarding this issue has not been done as of yet because again, this is only a discussion regarding what will be done in the future. Judge Day also stated that the loan for using energy efficient lighting will help and that there are pockets of money available that just have to be found. Justice Price made comment that while discussing the remodeling, he believes they need to look at options for the jail as well. Further, the jail is having to release inmates before their release date due to over-crowding caused by the huge population growth in our county. Justice Longmire asked where the funding for the new Division 12 Circuit Judge will come from and Judge Day stated that he is unaware of any funding at this moment. Judge Thyer stated that if the new Division 12 Circuit Judge was to be placed in Craighead County the office space would not be needed until 2021. Justice Williams stated the issues needs to be discussed right away because the second floor was opened as of today, Monday May the 13<sup>th</sup>. Multiple Justices and Judge Day all decided to tour the second floor when the meeting adjourned so they would know what kind of space was available and have more knowledge when speaking with the members of the county that are interested in space on the second floor.

With no further discussion, Justice Couch made motion to adjourn the meeting. Justice Cook seconded and the motion passed unanimously. Judge Day adjourned the meeting at 5:55 p.m.

Addendum A

**Quorum Court Minutes**

**04/22/2019**

## April 22, 2019 Quorum Court Minutes

13 Justices Present. All Justices' present.

Judge Day called the meeting to order at 5:30 p.m.

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This meeting was held at Bono Lake. The first order of business was the approval of the meeting minutes from April 8, 2019. Justice Weinstock made motion to approve the minutes and Justice Longmire seconded the motion which was then unanimously passed. A copy of same is attached as **Addendum A**.

**COMMITTEE REPORTS:** Justice Richard Rogers read the Public Service Committee Report from April 8, 2019. Same is attached **Addendum B**.

Justice Josh Longmire read the Finance Committee Meeting minutes from April 8, 2019. Please see attached **Addendum C**.

Justice Steve Cline read the Road Committee Minutes from April 8, 2019. A copy of same is attached hereto as **Addendum x D**.

**OLD BUSINESS:** None to discuss.

**NEW BUSINESS:** Deputy Clerk read a Resolution recommending the appointment of board members to the Board of Directors of Brookland Fire Protection District. County Judge, Marvin Day, recommended the appointment of Rob Ingram of Brookland, Arkansas, John Burns of Brookland, Arkansas and Robert Cooper of Jonesboro, Arkansas to be appointed to a five (5) year term to begin April 22, 2019 and end April 22, 2024. Justice Steve Cline made motion to approve the Resolution which was seconded by Justice Dan Pasmore. The Resolution was put to a vote and unanimously passed. A copy of same is attached as **Addendum E**.

An Appropriation Ordinance regarding final revisions to the 2018 County Budget was read. Justice Rogers made motion to approve the Ordinance which was seconded by Justice Pasmore. The Ordinance was unanimously passed. Same is attached as **Addendum F**.

Finally, an Ordinance establishing security and prohibiting loitering, firearms and ATV use on the Bono Lake Property was read for the first time. Judge Day asked for any questions from visitors present. Mr. Scott Webb stated that he felt if ATVs were not allowed at Bono Lake, motorcycles should be banned as well. He further opined that there should be rules made and kept rather than ban the usage of ATVs at Bono Lake. Mr. Jerry Price stated that ATVs are different regarding their travel. Four (4) wheels do not cause as much erosion. He further stated that if you get rid of ATVs, motorcycles should be banned as well. Mr. Tommy Stacey noted that he agreed with the aforementioned public opinion. Mr. Dan Shaw, Mayor of Bono suggested that if ATV riders maintained the trails as the motorcycle groups currently do for the motorcycle trails, it might not be necessary to ban them from Bono Lake. Mr. John Webb stated that even

with an Ordinance banning the use of an ATV, people will continue to use them regardless. Mr. Greg Newsom stated that there would not be the need to ban ATV usage if an organized trail system were implemented at Bono Lake. He further stated that currently the motorcycle trails are maintained by individuals who use the trails and the same could be implemented for ATV trails. Justice Darrel Cook noted that the motorcycles have been racing on the county roads surrounding the park which annoy residents in the area. Judge Day agreed to have the Craighead County Sherriff's Department patrol the surrounding county roads to deter the motorcycles. Justice Pasmore explained to all present that he was not in agreement with banning the ATV usage at Bono Lake until he saw firsthand the damage and erosion at Craighead Forrest Park. After witnessing Craighead Forest, he changed his mind. Justice Cline stated that if ATVs are allowed on Bono Lake properties, people will come from all over the area with their ATVs to ride at Bono Lake. Cline felt this would cause even more damage than originally expected. Once discussions were concluded, Justice Couch made motion to approve the Ordinance which was seconded by Justice Price. The Ordinance was put to a vote and the first reading passed. Same is attached hereto as **Addendum G**.

**Announcements:** Judge Day made note that another Circuit Judge position would be added and decided in the November 2020 election. He advised that his office would be in the process of preparing a new office space for our newly elected judge.

Judge Day advised that as a result of retirement, this would be the last Quorum Court meeting attended by Linda Denny of the Craighead County Tax Collectors office. All present congratulated her on her years of service to Craighead County, as well as her upcoming retirement.

Lastly, Judge Day noted that the National Day of Prayer was scheduled for May 2<sup>nd</sup> and corporate prayer would be held at Walnut Street Baptist Church.

With no further business, Justice Price made motion to adjourn and was seconded by Justice Williams. Judge Day adjourned the meeting at 6:18 p.m.

ORDINANCE NO. \_\_\_\_\_

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

An Ordinance establishing security and prohibiting Loitering, Firearm, and ATV use on property within the Bono Lake property in Craighead County, Arkansas, and for other purposes

WHEREAS, on the 19th day of August, 2016, the Bono Lake property was officially deeded to and accepted by Craighead County from Arkansas Game and Fish, and

WHEREAS, Bono Lake was constructed by an overwhelming voter approval of a 1 cent sales tax for flood control and a recreational facility. The lake property is currently being utilized for fishing, bicycle trails, limited hunting, camping and other purposes. Craighead County is charged with operating a facility that appeals to families and sporting activities in a safe environment; and

WHEREAS, local law enforcement has encountered various issues regarding individuals disturbing the use of property at the Bono Lake Facility and grounds, and

WHEREAS, Craighead County is charged with maintaining the property and setting forth rules and regulations; signage and safety for the general public; and

WHEREAS, the Craighead County Quorum Court is charged with establishing allowable activities that will be conducive and safe for all citizens to enjoy with respect to various segments of the public, without infringement of others rights, safety for all persons, and with local law enforcement and Arkansas Game & Fish codes and regulations being enforced.

NOW therefore, be it ORDAINED AND ENACTED:

SECTION 1.

It shall be unlawful for a person to commit loitering. A person commits loitering if he or she purposely remains unlawfully in or upon the premises of the Bono Lake facility. Prohibited activity includes remaining unlawfully by virtue of lingering, remaining loitering, or prowling on the premises.

SECTION 2.

It shall be unlawful for a person to ride horses on areas other than established trails.

SECTION 3.

It shall be unlawful for a person to engage in hunting or discharging of firearms.

SECTION 4.

It shall be unlawful for a person to use an ATV/UTV/Side by Sides.

SECTION 5.

Penalty: Any person failing to comply with this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined no less than \$150.00 nor more than \$500.00.

SECTION 6.

All Ordinances and parts of Ordinances that are in conflict herewith are hereby repealed.

ADOPTED AND APPROVED ON:

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019

Approved: \_\_\_\_\_

Marvin Day  
Craighead County Judge

Attest: \_\_\_\_\_

Kade Holliday  
Craighead County Clerk