

**AGENDA**  
**Cleburne County Quorum Court**  
**Thursday, July 10, 2025**

**6:00 p.m.**

Cleburne County Court Building  
922 South 9<sup>th</sup> Street  
Heber Springs, AR 72543

1. **Call to Order, Roll Call:**
2. **Reading, Correction, and Disposition of Minutes:**
3. **Report of Treasurer:**
4. **Report of Committees:**
  - a. Emergency Services Oversight Committee-JP Foust
  - b. Budget Committee-JP Evans
  - c. Jail Committee-JP Evans
5. **Comments from the Public:**
6. **Unfinished Business:**
  - a. Mr. Neil Cate flood issue- JP Tamburo
  - b. Variance Discussion Cate property- JP Evans
7. **New Business:**
  - a. Reappraisal Year- Kelly Beatty, Arkansas CAMA Technology (ACT) Judge Crosby
  - b. Proposed Resolution No.2025-Update LOC -JP Foust
8. **Comments from the Public:**
9. **Announcements:**
  - a. Next Regular Quorum Court Meeting is Thursday, August 14, 2025.
10. **Adjournment:**

# CLEBURNE COUNTY QUORUM COURT JOURNAL OF PROCEEDINGS

June 12, 2025

The Cleburne County Quorum Court met in regular session in the Cleburne Court Building, 922 South 9<sup>th</sup> Street, Heber Springs, Arkansas. The meeting was called to order at 6:05 p.m. County Judge Eric Crosby presided.

PRESENT: Henegar, Beavers, Fletcher, Malone, Evans, Martin, Foust, Tamburo, Baugh, McClung.

ABSENT: Moorehead.

## READING, CORRECTION, AND DISPOSITION OF MINUTES:

Motion was made by JP Martin to approve the minutes of May 8, 2025, regular meeting, seconded by JP Fletcher. Voice vote, motion carried.

## REPORT OF TREASURER:

Motion was made by JP Fletcher to accept the Treasurer's report, seconded by JP Martin. Voice vote, motion carried.

## REPORT OF COMMITTEES:

**Emergency Services Oversight Committee:** JP Foust said a grand opening for the Highway 92 property was being looked at for either June 21 or 28, and June 21 was selected. There was discussion about keeping monthly meetings or moving to a different time frame and the mayors and fire chiefs expressed their desire to continue monthly. It was noted that the Greers Ferry siren is moving to Shiloh.

**Budget Committee:** JP Evans stated that there was an ordinance that went through the committee that is on agenda. Jail funding was discussed.

**Jail Committee:** JP Evans said they were still working through the contract, measuring risk vs. reward. The next meeting will be Monday, June 16 at 8:00 a.m.

## COMMENTS FROM THE PUBLIC:

None.

## UNFINISHED BUSINESS:

JP Tamburo stated he would like to add. Neil Cate to agenda to discuss further the flood permit issue he is having with his new build. JP Martin made a motion to add, seconded by JP Fletcher. Voice vote, motion carried.

## NEW BUSINESS:

### Proposed Resolution No. 2025- Prim Fire Department Grant

JP Henegar introduced a Resolution. "A RESOLUTION AUTHORIZING THE COUNTY JUDGE OF CLEBURNE COUNTY TO APPLY FOR A GRANT ON THE BEHALF OF THE PRIM FIRE DEPARTMENT FOR THE PURCHASE OF FIRE EQUIPMENT." JP Henegar made a motion to adopt the Resolution, seconded by JP Evans, Roll Call was taken. Ayes: Baugh, Beavers, Evans, Fletcher, Foust, Henegar, Malone, Martin, McClung, Tamburo. Nays: None. Absent: Moorehead. Passed and adopted as Resolution 2025-04

### Proposed Resolution No. 2025-Renaming the Edgemont Bridge

JP Beavers introduced a Resolution. "A RESOLUTION FOR THE PURPOSE OF RENAMING THE EDMONT BRIDGE IN CLEBURNE COUNTY AS THE MARK CLARK MEMORIAL BRIDGE." JP Beavers made a motion to adopt the Resolution, seconded by JP Malone. Blake Galeazzi and Steve Carpenter spoke in favor of renaming the bridge. Discussion followed. JP Martin made a motion to table, seconded by JP Tamburo. Voice vote, motion carried. Resolution tabled.

**Proposed Resolution No. 2025-AR250**

JP Foust introduced a Resolution. "A RESOLUTION TO RECOGNIZE THE ARKANSAS 250 COMMISSION AS IT BEGINS ITS WORK TO CELEBRATE ARKANSAS'S RICH TWO-HUNDRED-FIFTY YEAR HISTORY FROM THE SIGNING OF THE DECLARATION OF INDEPENDENCE ON JULY 4, 1776, THROUGH JULY 4, 2026." JP Foust made a motion to adopt the Resolution, seconded by JP Malone. Roll call was taken. Ayes: Baugh, Beavers, Evans, Fletcher, Foust, Henegar, Malone, Martin, McClung, Tamburo. Nays: None, Absent: Moorehead.

**Passed and adopted as Resolution 2025-05.**

**Proposed Ordinance No 2025-Amend 2025 Budget**

JP Evans introduced an Ordinance. "BE IT ENACTED BY THE QUORUM COURT OF CLEBURNE COUNTY, ARKANSAS, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED: " AN APPROPRIATION ORDINANCE AMENDING ORDINANCE NO. 2024-42 WHICH ADOPTED THE BUDGET FOR CALENDAR YEAR 2025 AND /OR OTHER PURPOSES TO AMEND CERTAIN DEPARTMENTS' BUDGETS." JP Evans made a motion to adopt the Ordinance, with a correction showing the change to the County Road budget to be zero instead of being blank, seconded by JP Malone. Roll Call was taken. Ayes: Baugh, Beavers, Evans, Fletcher, Foust, Henegar, Malone, Martin, McClung, Tamburo. Nays: None. Absent: Moorehead.

**Passed and adopted as Ordinance 2025-14.**

Neil Cate spoke of the great expense a No Rise Certificate signed by an engineer would be. Lengthy discussion followed, including the possibility of revising the flood ordinance.

**COMMENTS FROM THE PUBLIC:**

None.

**ANNOUNCEMENTS:**

- The next regular Quorum Court meeting will be held Thursday, July 10, 2025.
- JP Martin handed out the new FOIA act for review.

**ADJOURNMENT:**

JP Martin made the motion to adjourn, seconded by JP Foust . The meeting was adjourned at 8:18 p.m.

**ATTESTED:**

\_\_\_\_\_  
Sherry Logan, Cleburne County Clerk by Kim Wallace

Book \_\_\_\_\_ Page (s) \_\_\_\_\_

Scott Cresswell  
Clebune County  
OEM Officer  
Floodplain Mg.  
2319 Hwy 110 W.  
Suite A  
Heber Springs, AR  
72543  
(501) 362-2911



Feb. 28, 2025

605 Rivercrest Dr.

Final inspection was completed on February 28 the 2025 at the bank's request for Mr. Neil Cates at 605 Rivercrest DR in Heber Springs Ar. At this time the Certificate of Compliance and occupancy cannot be completed due to the following violation incurred with the property.

February 14<sup>th</sup>, 2023, the office of Flood plain management received the Cleburne County Development permit request signed and dated by Mr. Cates attached was a set of building foundation plans, Flood elevation certificate and a site map of the property noting the location of the Floodway, Flood zone A, AE and layout of the project to be built.

1. In accordance with the Regulations in the Flood damage prevention code for Cleburne County Section E (3) were not met. There was not a "No Rise" certificate signed and sealed by a professional Engineer allowing a variance to be issued to construct in the regulatory Floodway.
2. The Cleburne County Floodplain development permit notes under the application for permit paragraph No deviation from the original application is allowed except the change of ownership. The Structure built in the Floodway was changed from building design 5 to design 8
3. (A). The Final inspection of the structure does not reflect the designers drawing submitted for permit allowing free flow in the Floodway.  
(B). The foundation was changed to a solid cinder block construction with no egress holes to prevent hydrostatic pressure damage per regulation in Title 44 of the code of Federal Regulations (CFR) Part 60. By regulation 1,008 Sq inches is required for crawl space built. However, by Local, state and Federal code building design 8 is not permitted in the Floodplain without a "NO RISE" certificate approved by FEMA.
4. The Final Flood Elevation Certificate produced by the Tyler group notes various violations by Local, State and Federal Regulations.  
(A). Elevation certificate line A8 (b) Zero permanent flood vents



(B). Elevation certificate section C2 (c) notes the lowest elevation measurement to be 257.58'.

The Base Flood elevation for this location is 273. (15.42' below flood elevation).

(C). The back deck being attached to the main structure makes the elevation of the main structure be 270.80 the Base Flood elevation for this property is 273. (2.2' below flood elevation).



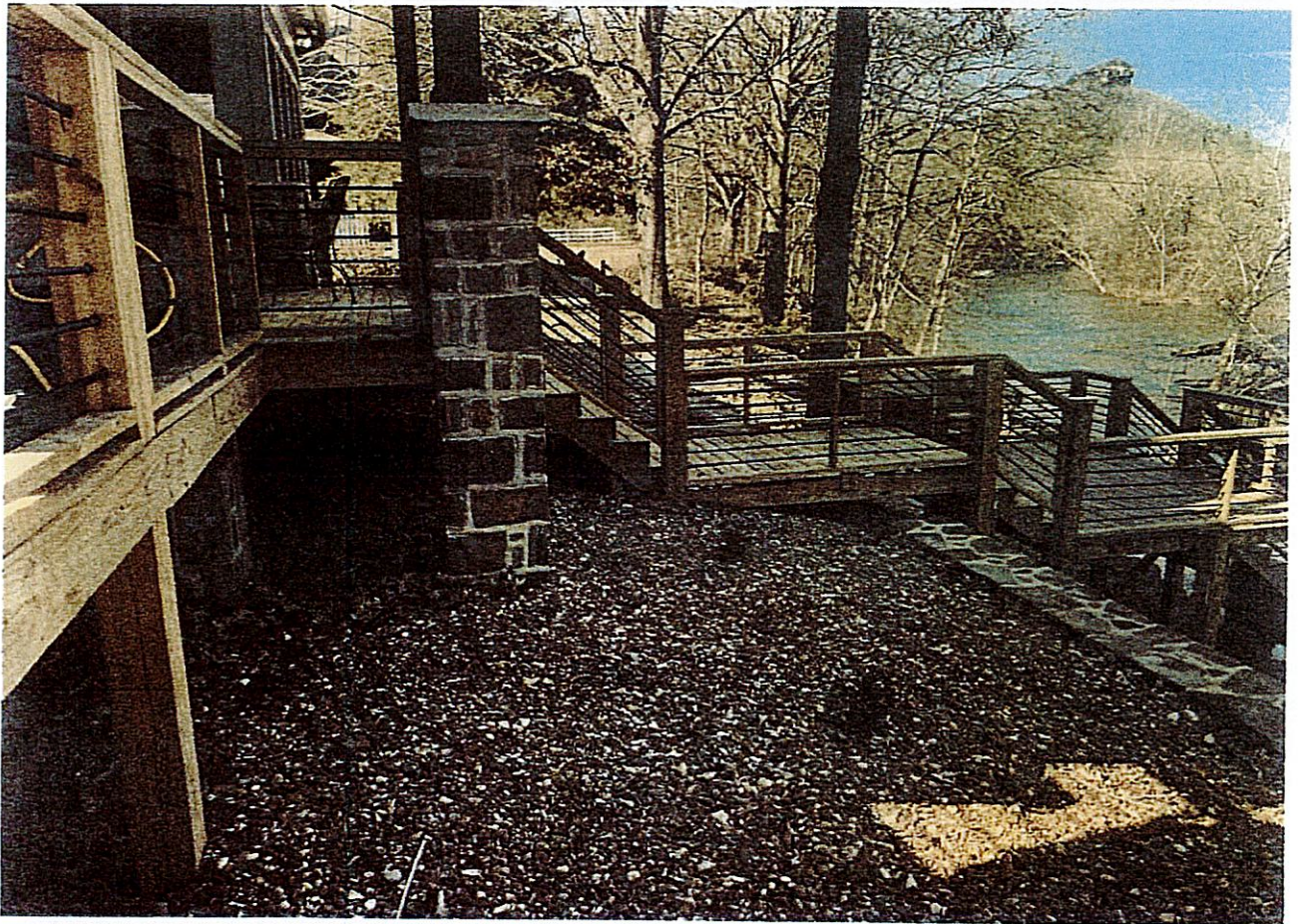
Scott Cresswell, 2-28-25

Cleburne County Office of Emergency Management  
501-362-2911 (office)  
2319 Hwy 110 west  
Suite A  
Heber Springs, AR





attached Deck





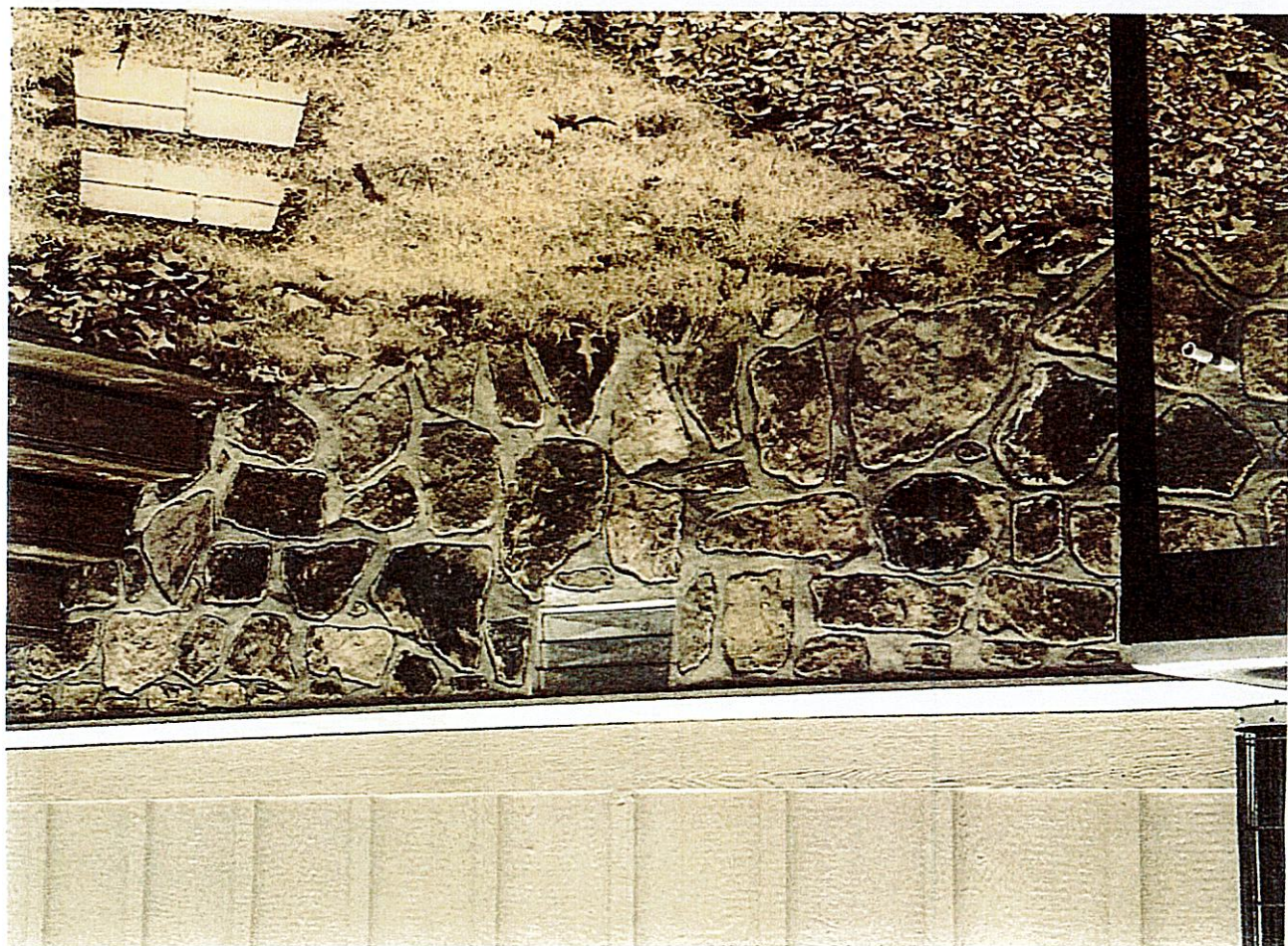




no temperature vents  
for air only!



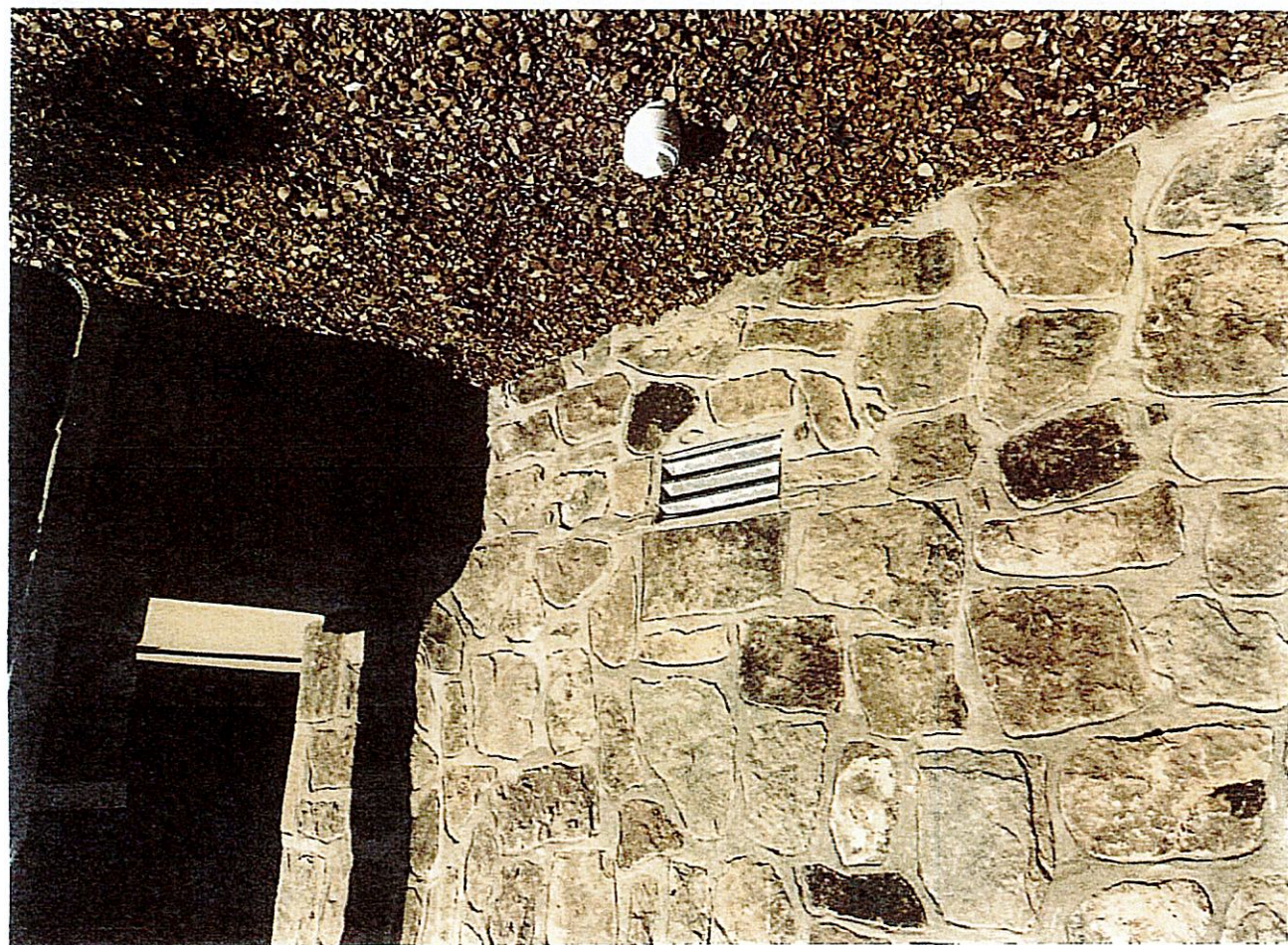
solid blocks! no water gross vents!  
1' above grade



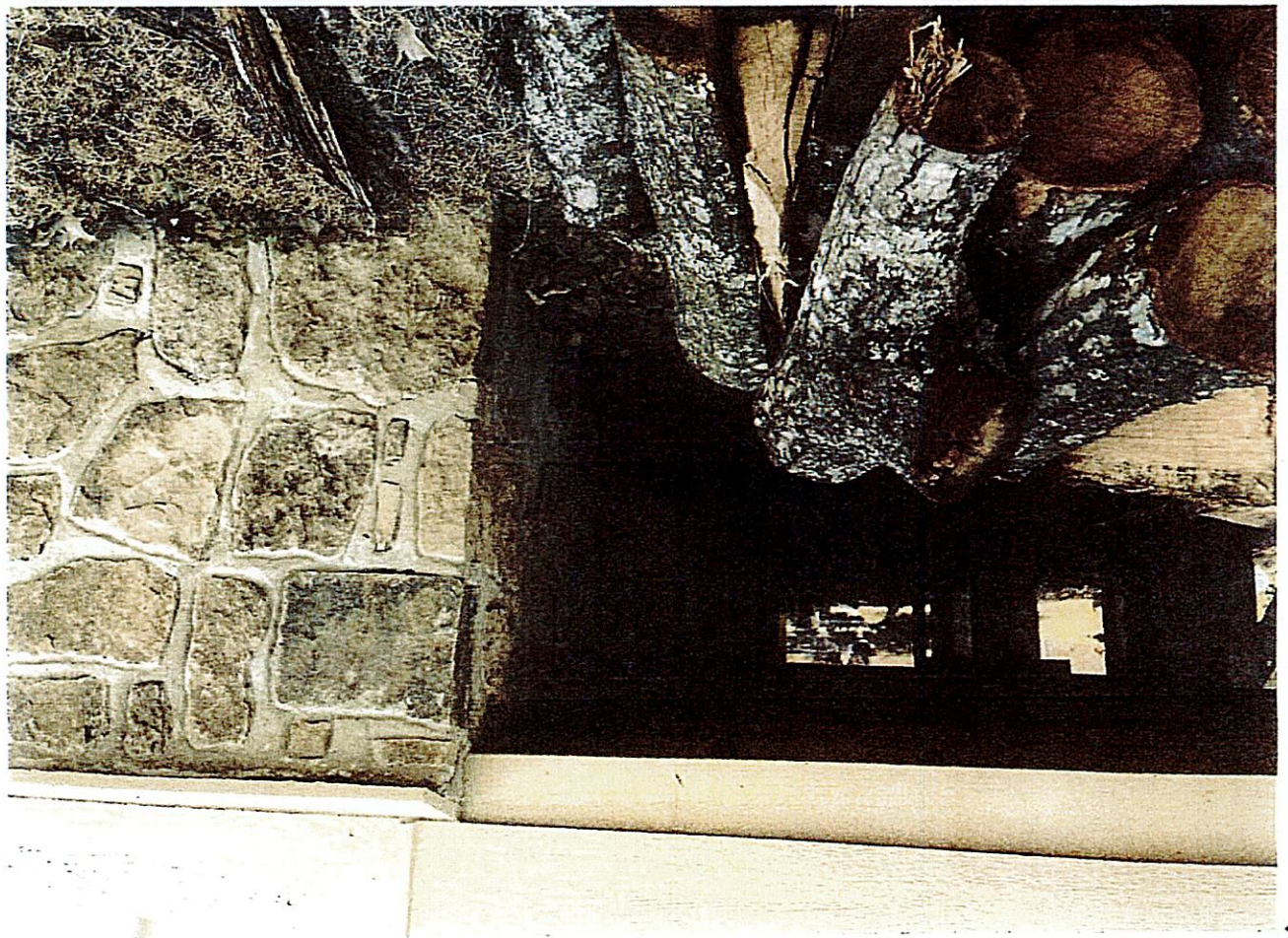
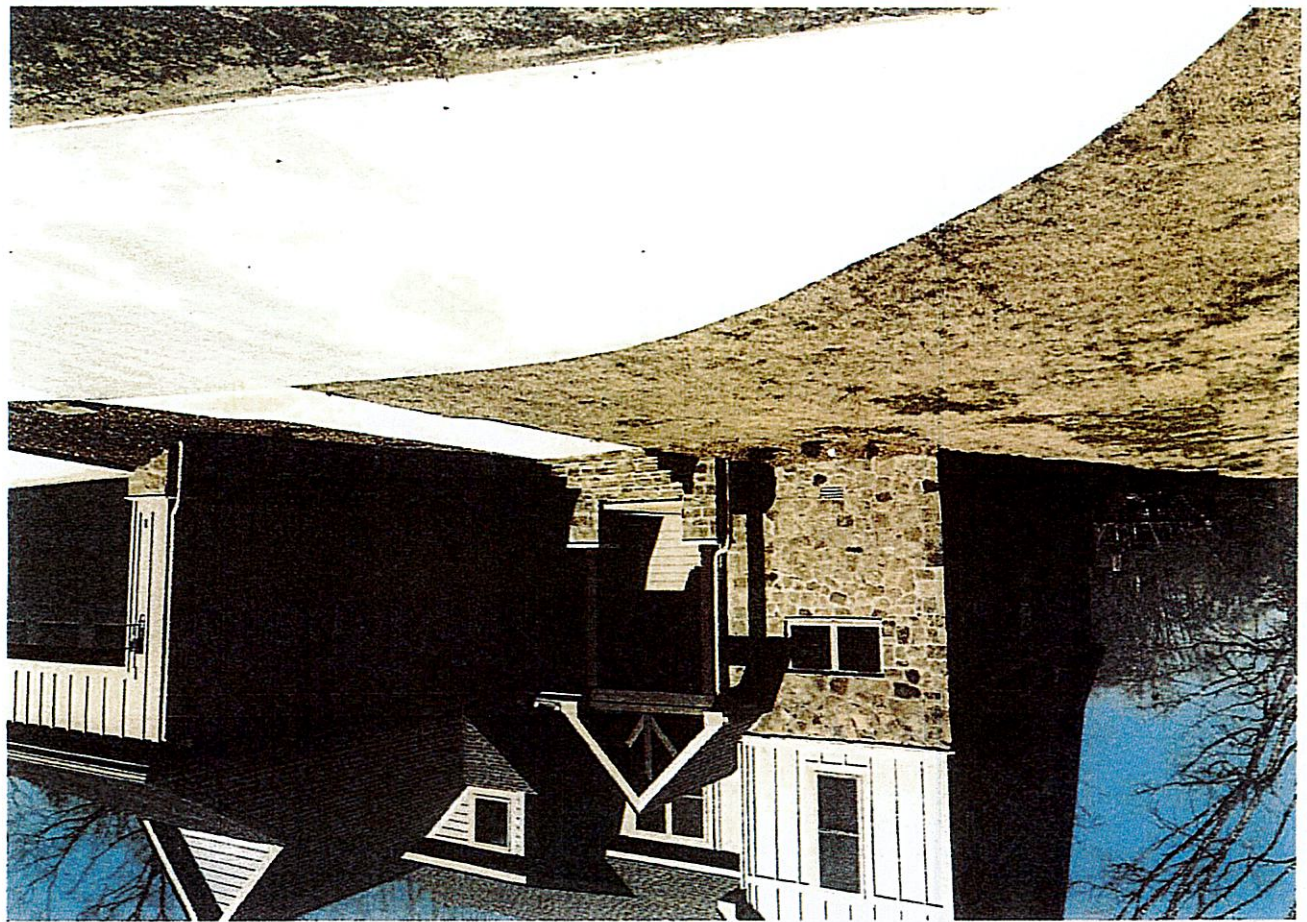
















Attached dock  
now BFE

Post const. Final insp.

Dan Ball



Original Permit Feb. 24

## CLEBURNE COUNTY FLOODPLAIN DEVELOPMENT PERMIT

### Terms and Conditions

**Permit Required:** As required by the Federal Emergency Management Agency (FEMA) Code of Federal Regulations, National Flood Insurance Program, (NFIP) 44 CFR Part 60.3(a)(1), no work of any kind may begin in the Special Flood Hazard Area (SFHA) until a Floodplain Development Permit is issued. The permit shall be for all structures and for all development, including fill and other activities, as set forth in the Floodplain Ordinance. Examples of such activities include but are not limited to new construction, reconstruction, rebuilding, placement of manufactured homes, placement of small outbuildings, fences, walls, clearing of trees and other vegetation, placement of driveway culverts or bridges, long term storage of equipment and materials or any man-made change to improved or unimproved real estate such as dredging, drilling, excavation, filling, grading, logging, mining, or paving. The floodplain development permit requirement is intended to allow the County to monitor activities located in the SFHA to ensure the following:

- Base flood elevations do not significantly change as a result of development
- Buildings in floodways and floodplains are constructed and maintained properly
- Substantially damaged/improved buildings are brought into compliance with current floodplain regulations.

**Application for Permit:** Application for a Floodplain Development Permit shall be made on forms furnished by the County. If a change of ownership of the affected property occurs following the issuance of a permit and prior to issuance of a Certificate of Compliance, the new owner(s) shall submit an application within 15 days of the date of ownership change. If a new application is not submitted within the 15 days, all work must cease immediately. No deviation from the original application is allowed except the change of ownership. By signing and submitting this application the Applicant certifies that all statements contained in the application, and in any additional attachments, are true and accurate. All applications shall include the following:

A. Plans in duplicate, drawn to scale, showing:

- The nature, location, dimensions and elevations of the area in question, including the location of the property with reference to river and stream channels, floodplain and floodway, and the location of permanent or temporary reference marks
- Existing and proposed structures and/or development
- Fill and excavation details
- Storage of materials
- Location of drainage facilities
- Elevation (in relation to mean sea level) of the bottom floor of all structures (including basements or crawl spaces)
- Engineering details and description of the extent to which any watercourse will be altered or relocated as a result of proposed development
- If applicable, elevation (in relation to mean sea level) to which any structure will be flood proofed and certification by a registered professional engineer that flood proofing methods for any structure meet the flood proofing criteria established in the Floodplain Ordinance
- Extent of foundation walls and footings below finished grade
- Size and location of all flood openings/vents
- Elevations of all mechanical, electrical, plumbing, and ducting

B. For structures, an Elevation Certificate based on construction drawings from a registered engineer or licensed surveyor. A finished construction Elevation Certificate will be required upon completion of the structure before the Certificate of Compliance is issued.

C. Copies of environmental permits from federal or state agencies, if applicable, and evidence of notification of the adjacent communities and FEMA of any alteration or relocation of watercourses.

D. Any additional information required by the Floodplain Administrator.

**Note:** Application for a Floodplain Development Permit (FDP) is a SEPARATE Process from the Building Permit application process. The FDP is a prerequisite for application to the Building Department for all development in the Special Flood Hazard Area.

**Field Information:** The applicant's engineer or surveyor shall establish two temporary Base Flood Elevation marks within 50 feet of the proposed development and the floodway boundary shall be marked every 50 feet across the property. The floodway boundary shall be established using the Flood Insurance Rate Map or Flood Boundary and Floodway Map.

**Review:** Upon receipt of a completed Floodplain Development Permit Application the Floodplain Administrator shall review the application and grant or deny the requested development permit, in accordance with the provisions of the Floodplain Ordinance and current FEMA NFIP rules and regulations.

**Notice To Applicant, Issuance Of Permit:** After a decision has been rendered, the Floodplain Administrator shall return one copy of the application and decision, including any special permit conditions that apply, after having marked such copy either as approved or denied and attested to the same by signing such copy. One copy of the completed application, decision and special conditions shall be retained by the Floodplain Administrator. The Floodplain Administrator shall issue a placard to be posted in a conspicuous place on the affected property, and the placard shall remain posted until a Certificate of Compliance is issued, attesting to the fact that the use or alteration is in compliance with the provisions of the Floodplain Ordinance.

**Certificate of Compliance:** The development may not be used or occupied until a Certificate of Compliance is issued. By signing and submitting this application the Applicant gives consent to the Floodplain Administrator or a designee to make reasonable inspections prior to the issuance of a Certificate of Compliance.

**Non-Conversion Declaration:** Residential structures with enclosed areas below the Base Flood Elevation will require a Non-Conversion Declaration to be signed and recorded before the Certificate of Compliance is issued.

**Expiration and Revocation of Floodplain Development Permit:** A Floodplain Development Permit shall be subject to expiration and/or revocation by the Floodplain Administrator under the following circumstances:

- Upon change of ownership, the new owner does not submit an application within 15 days of the change of ownership.
- The owner deviates from the original application in any way other than change of ownership.
- Work has not started within 180 days of permit approval or if work is suspended for 180 days. (Extensions may be granted by the Floodplain Administrator but must be obtained within one year of the date of issue.)

**Appeals:** Any person aggrieved by a decision of the Floodplain Administrator in the grant or denial of a Floodplain Development Permit may appeal such decision to the Quorum Court by filing a notice of appeal stating the nature of the appeal within thirty (30) days of the return of the Floodplain Administrator's decision to the Applicant. The Quorum Court shall schedule and hold a public hearing in accordance with the local ordinance to further consider the application. Following the public hearing, the Quorum Court shall, within fifteen (15) days of the hearing affirm or reverse the decision of the Floodplain Administrator. The decision of the Quorum Court shall be in writing with findings of fact and conclusions of law that explain the criteria and standards considered relevant, state the facts relied upon, and explain the justification for the decision.

**Document retention:** In accordance with NFIP regulations, State Building Code and the Floodplain Ordinance, documentation related to this application must be retained. Specifically, all records including but not limited to Floodplain Development Permits, elevation certificates, engineering certificates, Non-Conversion Declarations, Certificates of Compliance and plot maps must be permanently retained by the County for public inspection at the Emergency Management office.



Date Received:

Permit Number:

Date of Decision:

By:

**Cleburne County  
Floodplain Development Permit Application**

## OFFICE USE ONLY

☐ PCEC ☐ FWA ☐ FCEC ☐ NCD ☐ Attachments

☐ Approved ☐ Denied ☐ Special Conditions

## Property Information

Address: 605 Rivercrest Drive, Heber Springs, AR 72543

Map and Taxlot #:

FIRM Panel:

Last name: Cate

First name: Neil

Street address: 655 Ferguson Road

Mailing address: Heber Springs, AR 72543-8507

Phone: (501) 426-2100

Mobile phone: (501) 426-2100

Project description (please be specific, attach pages if necessary):

**Section A: Structural development (check all that apply)**Type of structure

- ☒ Residential (1 to 4 families)
- ☐ Residential (more than 4 families)
- ☐ Combined use (Residential and Non-residential)
- ☐ Non-residential
- ☐ Elevated
- ☐ Floodproofed (attach certification)
- ☐ Manufactured Home
- ☐ Located on individual lot
- ☐ Located in manufactured home park

Type of structural activity

- ☒ New structure
- ☐ Demolition of existing structure
- ☐ Replacement of existing structure
- ☐ Relocation of existing structure<sup>1</sup>
- ☐ Addition to existing structure<sup>1</sup>
- ☐ Alteration to existing structure<sup>1</sup>

Other:

**Section B: Other development activities (Check all that apply)**

- ☒ Clearing of trees, vegetation or debris
- ☐ Connection to public utilities or services
- ☐ Drainage improvement (including culvert work)
- ☐ Dredging
- ☐ Drilling
- ☐ Fence or wall construction
- ☐ Excavation (not related to a structured development listed in Section A)
- ☐ Grading
- ☐ Mining
- ☒ Paving - Driveway
- ☐ Placement of fill material
- ☐ Roadway or bridge construction
- ☐ Watercourse alteration (attach description)

By signing below I agree to the terms and conditions of this permit and certify to the best of my knowledge the information contained in this application is true and accurate<sup>2</sup>.

(PRINTED name)

Neil Cate

(SIGNED name)

(Date)

02/14/2023

(PRINTED name)

(SIGNED name)

(Date)

<sup>1</sup>If the value of an addition or alteration to a structure equals or exceeds 50% of the value of the structure before the addition or alteration, the entire structure must be treated as a substantially improved structure. A relocated structure must be treated as new construction.

<sup>2</sup>Attach forms if there are additional property owners. This permit application will not be accepted without the signature of all property owners on the current deed of record.

Floodplain Development Permit Application

Pre Const

OMB No. 1660-0008  
Expiration Date: November 30, 2022

# ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

## SECTION A - PROPERTY INFORMATION

A1. Building Owner's Name Neil Cate		FOR INSURANCE COMPANY USE	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 605 Rivercrest Drive		Policy Number:	
City Heber Springs		Company NAIC Number:	
State Arkansas		ZIP Code 72543	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Lot 4 Sugarload Mountain Estates; Parcel # 002-09090-004			
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Residential</u>			
A5. Latitude/Longitude: Lat. <u>35.482645</u> Long. <u>-91.988100</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983			
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.			
A7. Building Diagram Number <u>6</u>			
A8. For a building with a crawlspace or enclosure(s):			
a) Square footage of crawlspace or enclosure(s) <u>711.00</u> sq ft			
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>10</u>			
c) Total net area of flood openings in A8.b <u>1280.00</u> sq in			
d) Engineered flood openings? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
A9. For a building with an attached garage:			
a) Square footage of attached garage <u>562.00</u> sq ft			
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>4</u>			
c) Total net area of flood openings in A9.b <u>576.00</u> sq in			
d) Engineered flood openings? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			

## SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number Cleburne County 050424		B2. County Name Cleburne		B3. State Arkansas	
B4. Map/Panel Number 0280	B5. Suffix D	B6. FIRM Index Date 02-16-2016	B7. FIRM Panel Effective/Revised Date 02-16-2016	B8. Flood Zone(s) A, AE	B9. Base Flood Elevation(s) (Zone A0, use Base Flood Depth) 273.0
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input checked="" type="checkbox"/> FIS Profile <input type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					



# ELEVATION CERTIFICATE

OMB No. 1660-0008  
Expiration Date: November 30, 2022

**IMPORTANT:** In these spaces, copy the corresponding information from Section A.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.  
605 Rivercrest Drive

**FOR INSURANCE COMPANY USE**

Policy Number:

City  
Heber Springs

State  
Arkansas

ZIP Code  
72543

Company NAIC Number

## SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☒ Construction Drawings\* ☐ Building Under Construction\* ☐ Finished Construction  
\*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO.  
Complete Items C2.a-h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.  
Benchmark Utilized: Tyler Base (msl 427.28) Vertical Datum: NAVD 88

Indicate elevation datum used for the elevations in items a) through h) below.  
☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: \_\_\_\_\_

Datum used for building elevations must be the same as that used for the BFE.

		Check the measurement used
a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	<u>275.0</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
b) Top of the next higher floor	<u>N/A</u>	<input type="checkbox"/> feet <input type="checkbox"/> meters
c) Bottom of the lowest horizontal structural member (V Zones only)	<u>N/A</u>	<input type="checkbox"/> feet <input type="checkbox"/> meters
d) Attached garage (top of slab)	<u>271.0</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	<u>275.0</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
f) Lowest adjacent (finished) grade next to building (LAG)	<u>270.5</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
g) Highest adjacent (finished) grade next to building (HAG)	<u>271.0</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	<u>270.0</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters

## SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No ☒ Check here if attachments.

Certifier's Name

David White

License Number

10892

Title

Project Engineer

Company Name

Tyler Group

Address

240 Skyline Drive

City

Conway

State  
Arkansas

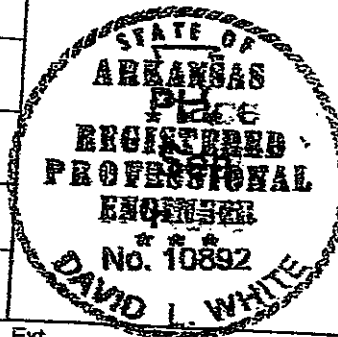
ZIP Code  
72032

Signature

Date  
02-14-2023

Telephone  
(501) 329-1400

Ext.



Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.  
Comments (including type of equipment and location, per C2(e), if applicable)

All machinery and equipment servicing the building will be above 275.0 ft in elevation.

[illegible]

		DATE:	04-11
		FIELD WORKER	
●	Fused Iron Pin	Communications Line	
△	Calculated Point	Force Main	
○	Transformer	Electrical Line	
⊗	Telephone Pedestal		
W	Water Valve		
	SANITARY SEWER		
	SS		
	T		
	FM		
	E		

[illegible]

CURVE	RADIUS	ARC LENGTH	CURVE BEARING	CHORD LENGTH
C1	250.00'	28.42'	N 09°10.52' W	28.41'





Received 3-13-25

U.S. DEPARTMENT OF HOMELAND SECURITY  
Federal Emergency Management Agency  
National Flood Insurance Program

OMB Control No. 1660-0008  
Expiration Date: 08/30/2026

**ELEVATION CERTIFICATE**

**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19**

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

**SECTION A - PROPERTY INFORMATION**

**FOR INSURANCE COMPANY USE**

A1. Building Owner's Name: Neil Cate

Policy Number: \_\_\_\_\_

A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:  
605 Rivercrest Dr

Company NAIC Number: \_\_\_\_\_

City: Heber Springs

State: AR

ZIP Code: 72543

A3. Property Description (e.g., Lot and Block Numbers or Legal Description) and/or Tax Parcel Number:  
Lot 4, Sugarloaf Mountain Estates. Parcel #002-09090-004

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): Residential

A5. Latitude/Longitude: Lat. 35.482645 Long. -91.488109 Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983 ☐ WGS 84

A6. Attach at least two and when possible four clear photographs (one for each side) of the building (see Form pages 7 and 8).

A7. Building Diagram Number: 8

A8. For a building with a crawlspace or enclosure(s):

a) Square footage of crawlspace or enclosure(s): 1921 sq. ft.

b) Is there at least one permanent flood opening on two different sides of each enclosed area? ☐ Yes ☒ No ☐ N/A

c) Enter number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade:  
Non-engineered flood openings: N/A Engineered flood openings: N/A

d) Total net open area of non-engineered flood openings in A8.c: N/A sq. in.

e) Total rated area of engineered flood openings in A8.c (attach documentation - see Instructions): N/A sq. ft.

f) Sum of A8.d and A8.e rated area (if applicable - see Instructions): N/A sq. ft.

A9. For a building with an attached garage:

a) Square footage of attached garage: 484 sq. ft.

b) Is there at least one permanent flood opening on two different sides of the attached garage? ☐ Yes ☒ No ☐ N/A

c) Enter number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade:  
Non-engineered flood openings: N/A Engineered flood openings: N/A

d) Total net open area of non-engineered flood openings in A9.c: N/A sq. in.

e) Total rated area of engineered flood openings in A9.c (attach documentation - see Instructions): N/A sq. ft.

f) Sum of A9.d and A9.e rated area (if applicable - see Instructions): N/A sq. ft.

**SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION**

B1.a. NFIP Community Name: Cleburne County

B1.b. NFIP Community Identification Number: 050424

B2. County Name: Cleburne

B3. State: AR

B4. Map/Panel No.: 0280

B5. Suffix: D

B6. FIRM Index Date: 02/16/2016

B7. FIRM Panel Effective/Revised Date: 02/16/2016

B8. Flood Zone(s): AE, A, Floodway

B9. Base Flood Elevation(s) (BFE) (Zone AO, use Base Flood Depth): 273

B10. Indicate the source of the BFE data or Base Flood Depth entered in Item B9:

☒ FIS ☐ FIRM ☐ Community Determined ☐ Other: \_\_\_\_\_

B11. Indicate elevation datum used for BFE in Item B9: ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: \_\_\_\_\_

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No  
Designation Date: \_\_\_\_\_ ☐ CBRS ☐ OPA

B13. Is the building located seaward of the Limit of Moderate Wave Action (LiMWA)? ☐ Yes ☒ No



Building complete EC Feb. 25

## ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:  
605 Rivercrest Dr

City: Heber Springs State: AR ZIP Code: 72543

### FOR INSURANCE COMPANY USE

Policy Number: \_\_\_\_\_

Company NAIC Number: \_\_\_\_\_

### SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings\* ☐ Building Under Construction\* ☒ Finished Construction  
\*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, AO, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, A99. Complete items C2.a-h below according to the Building Diagram specified in Item A7. In Puerto Rico only, enter meters.  
Benchmark Utilized: ARDot RTN Vertical Datum: NAVD 1988

Indicate elevation datum used for the elevations in items a) through h) below.

☐ NGVD 1929 ☒ NAVD 1988 ☐ Other: \_\_\_\_\_

Datum used for building elevations must be the same as that used for the BFE. Conversion factor used? ☐ Yes ☒ No  
If Yes, describe the source of the conversion factor in the Section D Comments area.

a) Top of bottom floor (including basement, crawlspace, or enclosure floor):

275.67

Check the measurement used:

☒ feet ☐ meters

b) Top of the next higher floor (see Instructions):

287.27

☒ feet ☐ meters

c) Bottom of the lowest horizontal structural member (see Instructions):

257.58

☐ feet ☐ meters

d) Attached garage (top of slab):

273.59

☒ feet ☐ meters

e) Lowest elevation of Machinery and Equipment (M&E) servicing the building (describe type of M&E and location in Section D Comments area):

275.17

☒ feet ☐ meters

f) Lowest Adjacent Grade (LAG) next to building: ☒ Natural ☐ Finished

270.80

☒ feet ☐ meters

g) Highest Adjacent Grade (HAG) next to building: ☒ Natural ☐ Finished

272.20

☒ feet ☐ meters

h) Finished LAG at lowest elevation of attached deck or stairs, including structural support:

257.58

☒ feet ☐ meters

### SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by state law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No

☐ Check here if attachments and describe in the Comments area.

Certifier's Name: Tim P. Tyler License Number: 1243

Title: Licensed Land Surveyor

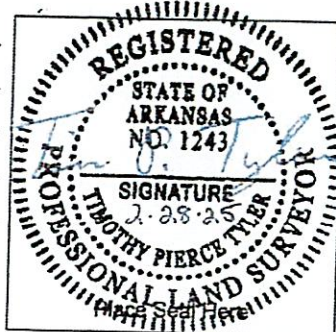
Company Name: Tyler Group

Address: 240 Skyline Drive

City: Conway State: AR ZIP Code: 72032

Signature: Tim P. Tyler Date: 2-28-2025

Telephone: 501-329-1400 Ext.: \_\_\_\_\_ Email: tim@tylergroup.net



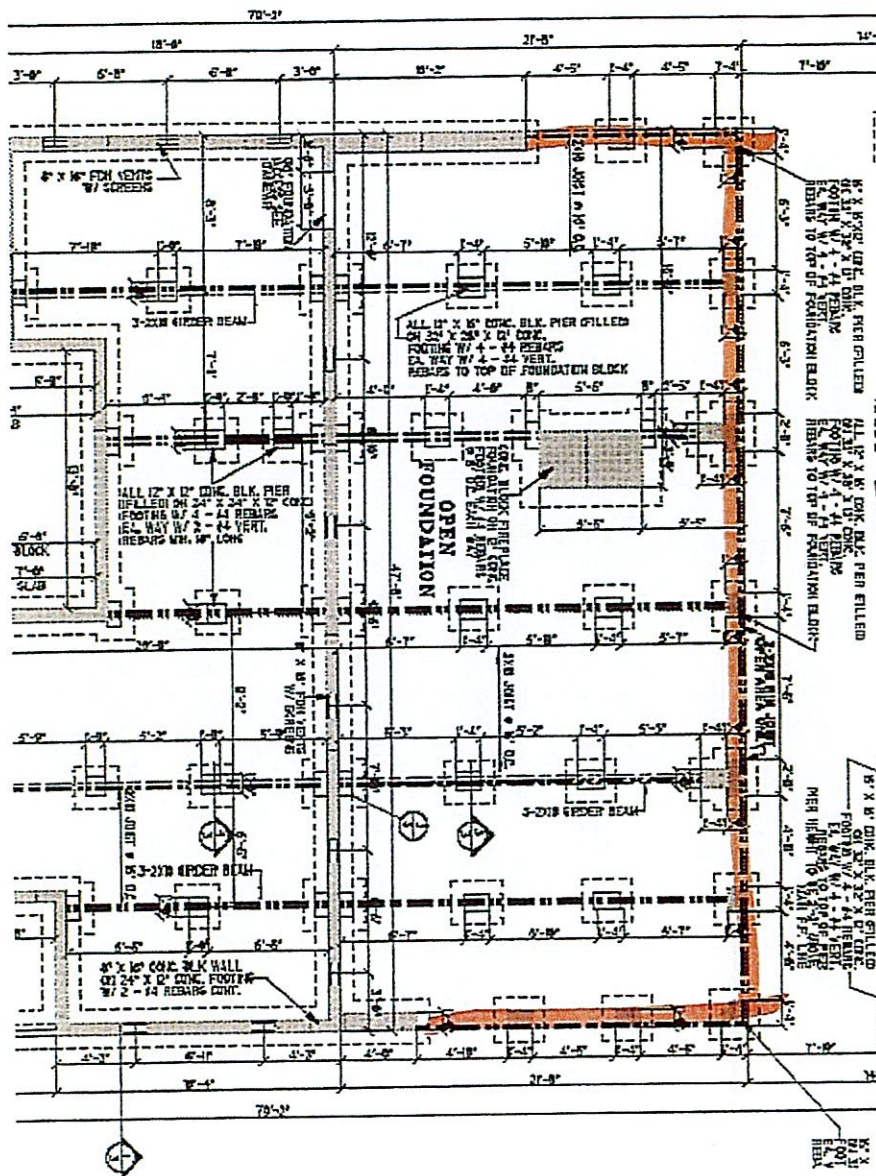
Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including source of conversion factor in C2; type of equipment and location per C2.e; and description of any attachments):









Changed to Solid End Blocks



Scott Cresswell &lt;swc.ccoem@gmail.com&gt;

---

**Re: 605 River Crest**

---

Erin Miller &lt;Erin.Miller@agriculture.arkansas.gov&gt;

Wed, Jul 2, 2025 at 2:36 PM

To: Chad Evans &lt;cevans@aromatique.com&gt;

Cc: "judge@cleburnecountyar.com" &lt;judge@cleburnecountyar.com&gt;, Scott Cresswell &lt;swc.ccoem@gmail.com&gt;, Whitney Montague &lt;Whitney.Montague@agriculture.arkansas.gov&gt;

Mr. Evens,

I am so sorry to have missed your calls. You would think the office would be less active on a short week before a holiday.

Thank you for being so patient as I researched this situation

Regrettably, this property was in violation from its inception, and the issues have only escalated. The AE floodplain and floodway are clearly delineated on the plat.

This layout would never have been compliant without an engineer's signed and certified no-rise due to the floodway infringement. The application for a floodplain development permit should never have been approved without a no-rise.

Furthermore, the house does not seem to have been constructed with an open foundation as per the engineer's drawings. This significant deviation from the plan violates both the permit conditions and the engineering design, a violation of the building contractor.

Moreover, the altered foundation was not constructed with engineered flood vents, another violation by the building contractor.

Therefore, no, according to 44 CFR 60.6, this property is not eligible for a variance. It can't fulfill the legal criteria for eligibility.

1. It is in the regulatory floodway. 44 CFR 60.6(a)(1)
2. Without a No-Rise, this clause can't be proven. 44 CFR 60.6(a)(3)(iii)

<https://www.ecfr.gov/current/title-44/chapter-I/subchapter-B/part-60/subpart-A/section-60.6>

At present, the County seems to be in the clear due to the breach of the original permit conditions with the unauthorized foundation change.

However, I strongly urge the county attorney to conduct a thorough review.

The County's assumption of the liability currently held by the building contractor by granting a variance could pose a significant risk on multiple fronts.

Moreover, considering the property's recent construction, the builder's warranty should still be valid.

I am curious to know the advice the property owner's lawyer provided after examining the building contract.

Kind Regards,

**Erin Miller, CFM**

NFIP Coordinator/Dam Safety

Arkansas Department of Agriculture's Natural Resources Division

Floodplain Management/ Dam Safety Unit

1 Natural Resources Drive, Little Rock, AR 72205

Office # 501-682-3958



[erin.miller@agriculture.arkansas.gov](mailto:erin.miller@agriculture.arkansas.gov)  
[agriculture.arkansas.gov](http://agriculture.arkansas.gov)



If your community FPA has changed, please remember to notify the NFIP Coordinator office within 30 days to remain compliant with state law.



[Book time to meet with me](#)

---

**From:** Chad Evans <[cevens@aromatique.com](mailto:cevens@aromatique.com)>  
**Sent:** Tuesday, July 1, 2025 3:02 PM  
**To:** Erin Miller <[erin.miller@agriculture.arkansas.gov](mailto:erin.miller@agriculture.arkansas.gov)>  
**Subject:** FW: 605 River Crest

You don't often get email from [cevens@aromatique.com](mailto:cevens@aromatique.com). [Learn why this is important](#)

**From:** Chad Evans  
**Sent:** Tuesday, July 1, 2025 1:09 PM  
**To:** [erin.miller@agriculture.arkansas.gov](mailto:erin.miller@agriculture.arkansas.gov)  
**Subject:** 605 River Crest

Erin,

I've attached a survey of the property we discussed yesterday. Is there anyway the QC could amend the current ordinance to allow a variance on this property? You can call me at anytime. I appreciate any help / Advise you can give me that would help get his permanent financing.

Thank you,

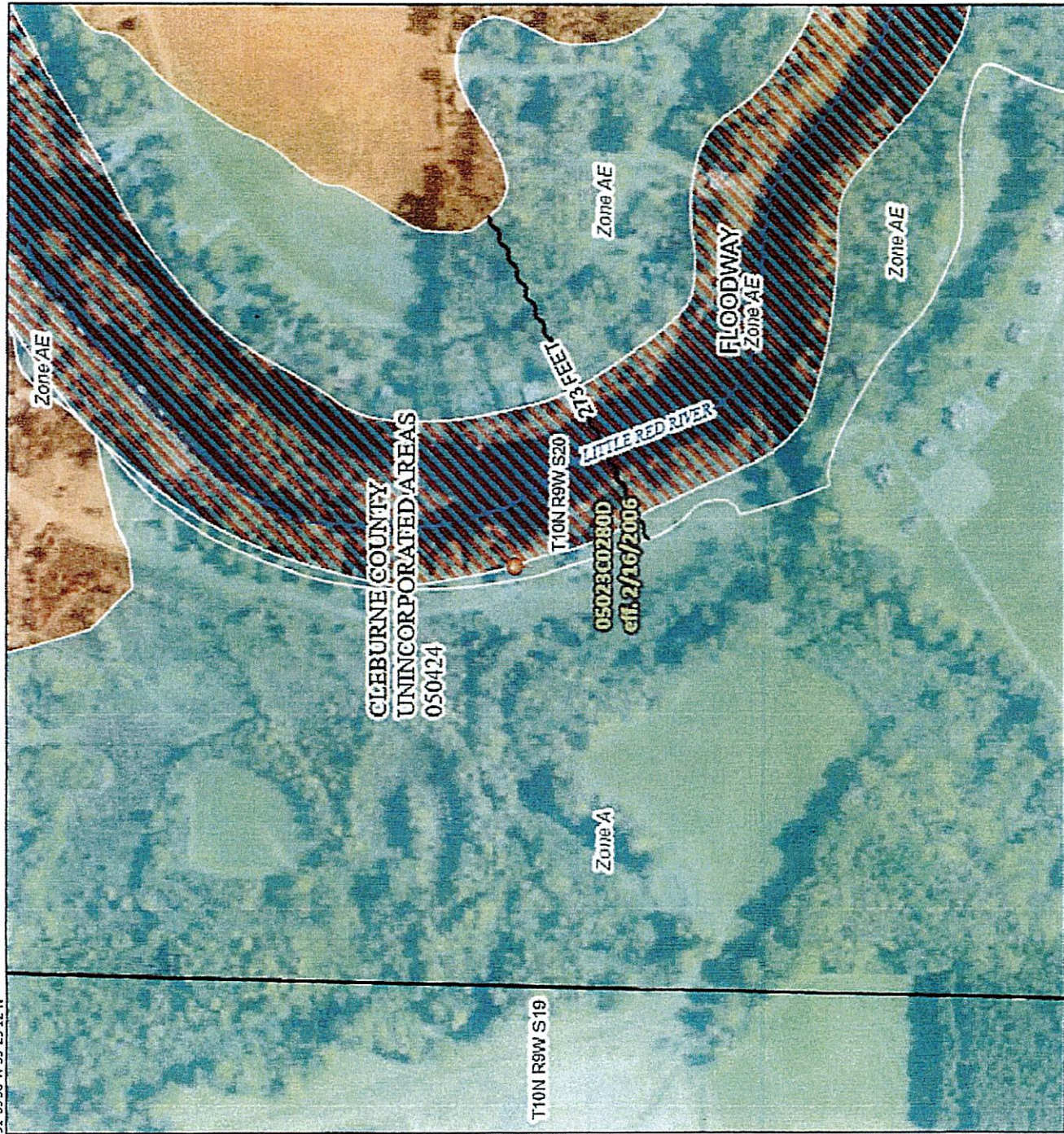
Chad



# National Flood Hazard Layer FIRMette



91°59'36"W 35°29'12"N



91°58'50"W 35°28'43"N

0 250 500 1,000 1,500 2,000 Feet 1:6,000

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

<b>SPECIAL FLOOD HAZARD AREAS</b>	Without Base Flood Elevation (BFE) Zone A, V, AE9 With BFE or Depth Zone AE, AO, AH, VE, AR Regulatory Floodway
<b>OTHER AREAS OF FLOOD HAZARD</b>	0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone 2 Future Conditions 1% Annual Chance Flood Hazard Zone X Area with Reduced Flood Risk due to Levee. See Notes. Zone X Area with FloodRisk due to Levee Zone D
<b>OTHER AREAS</b>	NO SCREEN Area of Minimal Flood Hazard Zone X Effective LOMR
<b>GENERAL STRUCTURES</b>	Area of Undetermined Flood Hazard Zone Channel, Culvert, or Storm Sewer Levee, Dike, or floodwall
<b>OTHER FEATURES</b>	Cross Sections with 1% Annual Chance Water Surface Elevation Coastal Transsect Base Flood Elevation Line (BFE) Limit of Study Jurisdiction Boundary Coastal Transsect Baseline Profile Baseline Hydrographic Feature
<b>MAP PANELS</b>	Digital Data Available No Digital Data Available Unmapped

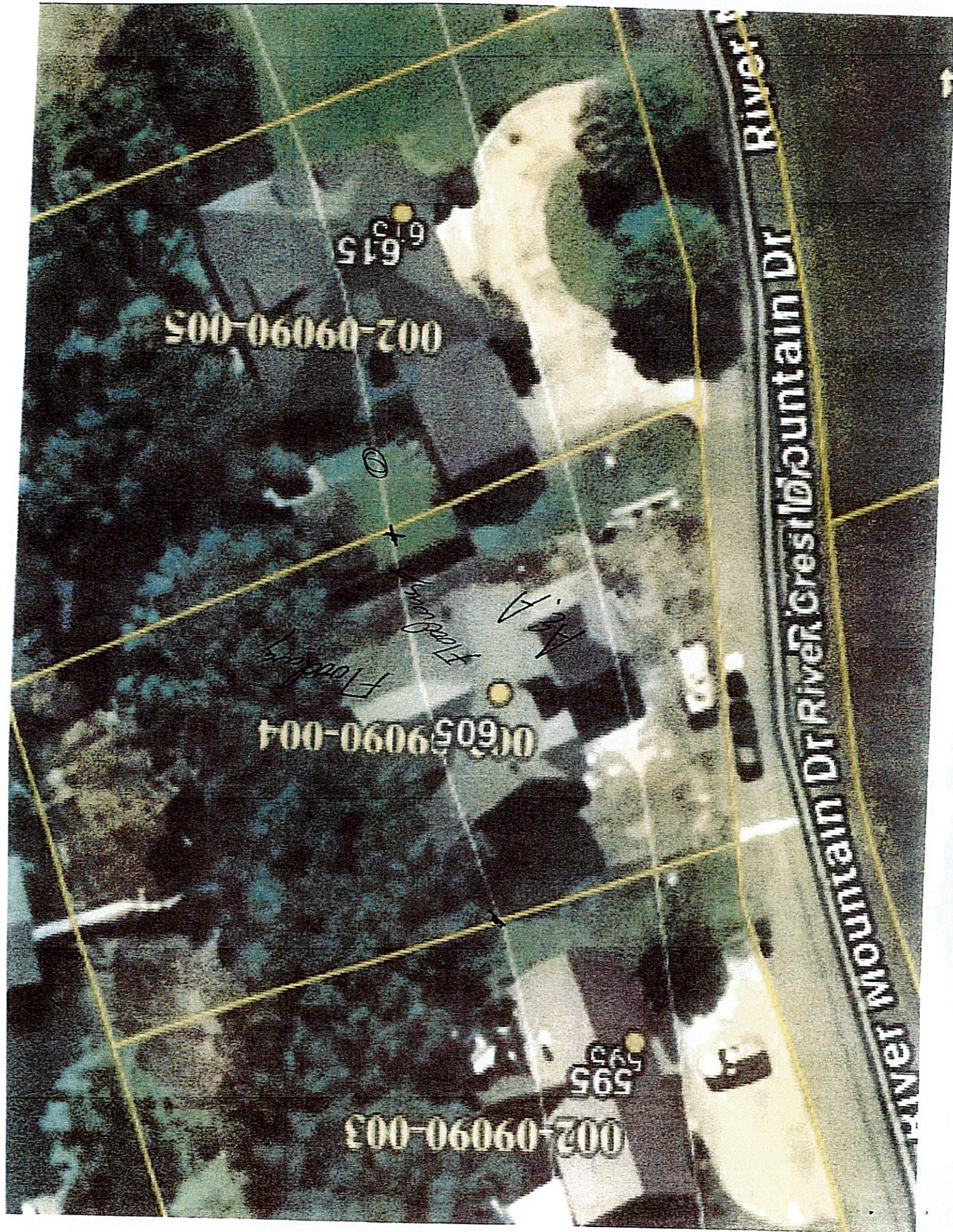
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/10/2025 at 10:36 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.





002-09090-003

595

002-09090-004

Flooded

Flooded

H. A.

002-09090-005

615

River

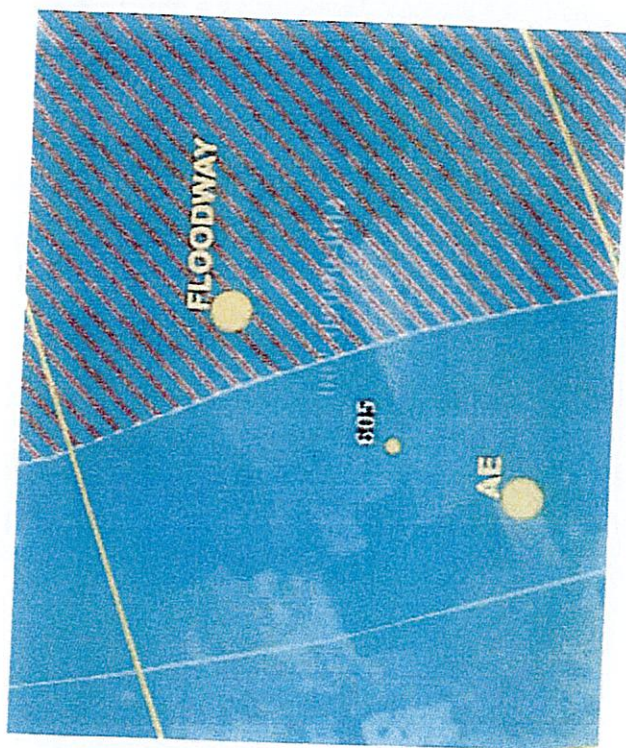
Mountain Dr River

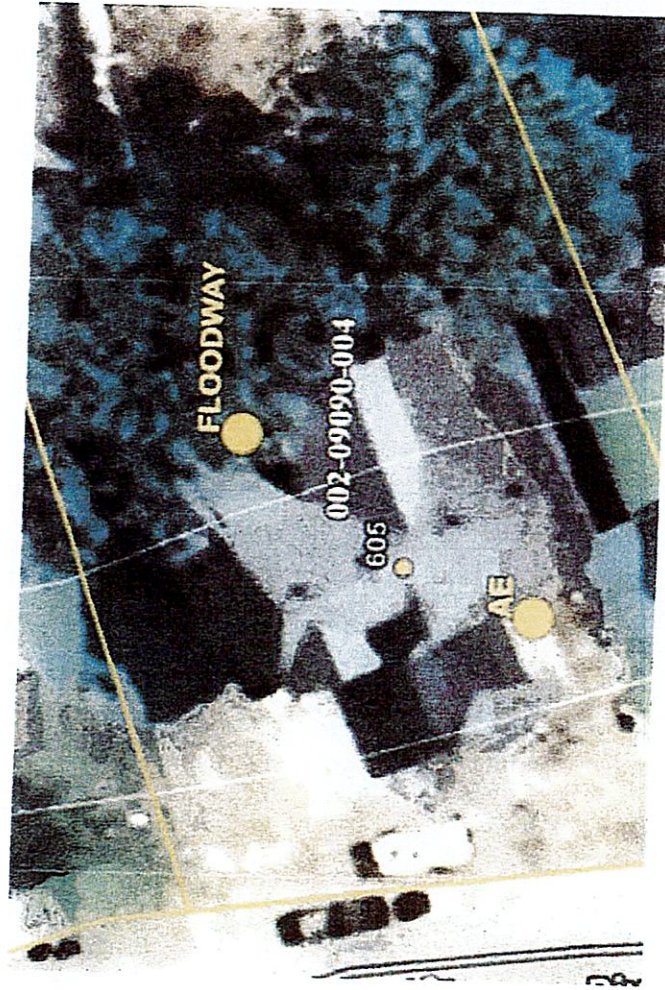




Floodway  
line











Scott Cresswell &lt;swc.ccoem@gmail.com&gt;

---

**Cleburne County Floodplain info.**

---

Casey L. Landis <Casey.Landis@fsbank.com>  
To: Scott Cresswell <swc.ccoem@gmail.com>

Thu, Feb 6, 2025 at 3:06 PM

**Casey Landis****First Security Bank**

Mortgage Originator NMLS#2462308

Phone: 501-278-2163

Mobile: 501-207-1729

Fax: 501-279-3498

310 N Spring St

Searcy, AR 72143

Click below to apply:

[www.fsbmortgageloan.com/mortgage-  
originator/casey-landis/](http://www.fsbmortgageloan.com/mortgage-originator/casey-landis/)**Bank Better.**

Member FDIC

"Would love to work with you and your family on a fixed rate mortgage!"

**From:** Scott Cresswell <swc.ccoem@gmail.com>**Sent:** Thursday, February 6, 2025 1:51 PM**To:** [ncate@crewsfs.com](mailto:ncate@crewsfs.com); Casey L. Landis <Casey.Landis@fsbank.com>**Subject:** Cleburne County Floodplain info.

7/3/25, 8:48 AM

Gmail - Cleburne County Floodplain info.

EXTERNAL EMAIL

**Be careful with links and attachments!**

[Quoted text hidden]

---

 **survey neil cate.pdf**  
556K





Scott Cresswell &lt;swc.ccoem@gmail.com&gt;

---

**Cleburne County Floodplain info.**

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**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>  
To: swc.ccoem@gmail.com

Thu, Feb 6, 2025 at 1:51 PM

**Message blocked**

Your message to **ncate@crewsfs.com** has been blocked. See technical details below for more information.

[LEARN MORE](#)

▲ This link will take you to a third-party site

The response from the remote server was:

550 Envelope blocked - User Domain Entry - <https://community.mimecast.com/docs/DOC-1369#550>  
[QrhWAXHmNbWCIFccpnMWvg.us237]

**Final-Recipient:** rfc822: **ncate@crewsfs.com**

**Action:** failed

**Status:** 5.7.0

**Remote-MTA:** dns; **us-smtp-inbound-1.mimecast.com.** (170.10.128.221, the server for the domain **crewsfs.com.**)

**Diagnostic-Code:** smtp; 550 Envelope blocked - User Domain Entry - <https://community.mimecast.com/docs/DOC-1369#550> [QrhWAXHmNbWCIFccpnMWvg.us237]

**Last-Attempt-Date:** Thu, 06 Feb 2025 11:51:11 -0800 (PST)

----- Forwarded message -----

**From:** Scott Cresswell <swc.ccoem@gmail.com>

**To:** **ncate@crewsfs.com**, **clandis@fsbank.com**

**Cc:**

**Bcc:**

**Date:** Thu, 6 Feb 2025 13:50:53 -0600

**Subject:** Cleburne County Floodplain info.

----- Message truncated -----





Scott Cresswell &lt;swc.ccoem@gmail.com&gt;

---

**Cleburne County Floodplain info.**

---

**Scott Cresswell** <swc.ccoem@gmail.com>

Thu, Feb 6, 2025 at 1:50 PM

To: [ncate@crewsfs.com](mailto:ncate@crewsfs.com), [clandis@fsbank.com](mailto:clandis@fsbank.com)

I have attached the County Floodplain permit, Fema permit and the County Ordinance dated 2006. An updated County Ordinance will be introduced at the next court meeting.

If you would fill out the County permit and email it back we can get the process started. Once the surveyor completes the Floodplain elevation certificate email it back to me and I'll come look to finalize the process. Should no corrective actions be needed we will be complete.

---

**3 attachments****2006-01.pdf**  
1002K**EC floodplain exp2026.pdf**  
3749K**Cleburne County Floodplain Development Permit-application-2.rtf**  
417K



**PROPOSED RESOLUTION NO. 2025- UPDATE LETTER OF CREDIT**

**A RESOLUTION TO EXECUTE AGREEMENT TO PROVIDE AN UPDATED LETTER OF CREDIT**

**WHEREAS** Cleburne County, Arkansas, as owner or operator of a solid waste management facility permitted by Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ), is required by Ark. Code Ann. § 8-6-1603 to provide financial assurance to ensure that sufficient funds are available to meet the costs of corrective action, closure and post-closure care of its permitted solid waste facility; and

**WHEREAS** the county's general revenue was below the allowable amount by DEQ so based on the 2024 AEIR an updated letter of credit must be obtained for \$37,400.53 to go with the current contract of obligation.

**NOW, THEREFORE, BE IT RESOLVED** that the Cleburne County Judge be authorized to sign and execute a Letter of Credit with First Security Bank so that the county can be in compliance with the requirements given by DEQ.

**PASSED, APPROVED, AND ADOPTED** this 10<sup>th</sup> day of July 2025.

\_\_\_\_\_  
Eric Crosby, Cleburne County Judge

ATTEST:

\_\_\_\_\_  
Sherry Logan, Cleburne County Clerk

Recorded: Book \_\_\_\_\_ Page(s) \_\_\_\_\_