

**JOURNAL OF PROCEEDINGS**  
**CARROLL COUNTY QUORUM COURT**  
**JUNE 17, 2019 Amended**

The Carroll County Quorum Court held their regular meeting on Monday, June 17, 2019, in the Eastern District Courthouse in Berryville. All Quorum Court members were present. Members of 4H were present to lead the Pledge of Allegiance and the Invocation. Members were Larken and Lorali Rice, daughters of Dr. & Mrs. Wes Rice of Berryville. The meeting was called to order by County Judge Sam Barr at 5:00pm and roll call was taken.

The Journal of Proceedings from the May 20, 2019 meeting was approved with no corrections needed after a motion was made by JP Chuck Olson and seconded by JP Marty Johnson.

JP Chuck Olson made a motion that items A and B under New Business be stricken to hopefully be brought before the Court next month. Items were both resolutions confirming commissioners to WD Ambulance and the Lake Forest Subordinate Service District. JP Don McNeely seconded the motion and a voice vote to affirm the change to the agenda was taken.

Under Public Comments County Judge Richard Williams voiced concern for property owners' rights in relationship to the encroachment of county road department on fence lines on county roadways. He also would like to see public comment participation with each item on the agenda.

Public Comments also brought many citizens in the area of Rock House Road/Keels Creek/Kings River/CR 3027 to voice concern and opposition to the Legacy Mines drilling near their homes. Among those citizens were Lisa Price-Backs, Christie Braswell, Mike Shaw, Pat Kosner, Jessie Smith, John Turner, Stephanie Rains, David Reuter, and a host of others. The common thread among those participating was noise pollution, road damage, protection of the land and water, damage to private drives, lives that can be changed because of the county's natural beauty and quiet surroundings, damage to the local springs and caves formed from the karst topography, greater likelihood of accidents with large trucks on the county road, and the sound of what might be dynamiting even if Legacy Mining does not have a permit to do so. The Carroll County Comprehensive Land Use and Management Code (Ordinance 2011-37) was brought up by resident Lisa Price-Backs as well as the question of who the Carroll County Land Plan Coordinator was. Judge Barr thanked everyone for their concerns.

Christopher Fischer, a resident of the Rock House Road area presented the Quorum Court a timeline of activities and land transfers of the proposed quarry. He said that the main address to all of the transfers is the same; that of Ozark Southern Stone located near Beaver, AR and Elk Ranch where there is a long-standing quarry that has been in operation for many, many years. In documents Mr. Fischer also related that operations of the 5 quarries were to begin in July 2019 and all permits have been issued with no applications pending and no known easements were granted. Legacy Mining does have one violation against it concerning sediment run-off and a response from them as to the violation has not been made. Mr. Fischer's concerns are: Communication between residents, the county, and Legacy Mining, is the work being done exploratory in nature, and is a large-scale quarry appropriate to the area of Rock House Road.

JP Harrie Farrow thought that **reason that** the Quorum Court's hands were tied to a degree ~~and~~ **was** that **the court had chosen to pass** ~~there were likely~~ no ordinances concerning property rights. JP Larry Swofford said that the ADEQ could shut the operation down. JP Don McNeely said that Arkansas has some of the best property rights laws and wondered whether an injunction could be filed? JP Marty Johnson thought that there could be a public meeting at Carroll Electric's meeting space and that the corporation should be invited to attend. Slowing down the process is an option.

Nancy Kahanak is the Coordinator of the Judicial Equality for Mental Illness Coalition Task Force and a part of the NWA Crisis Stabilization Unit. An ordinance stating approval for the County Judge to enter into an Interlocal Agreement with Washington County brought this speaker to the Court. She spoke of mental illness and that the Crisis Stabilization Unit could be a viable alternative to jail. The person would be assessed and could stay voluntarily for up to 72 hours. Several concerns were brought up by JP's including safety of staff and personnel as law enforcement would not be onsite, at what time does the fee begin, and if it is voluntary what would stop someone from leaving after law enforcement left. Other concerns were the additional cost other than the \$40 housing fee IE: travel, payroll, and travel time which would all be in addition to the initial fee. It was reiterated that the person involved in any transfer to the facility would likely not have broken a law, but maybe just disturbing the peace and they needed a calm situation in order to regain their mental state. JP Don McNeely brought up how to determine if drug use was the cause of a mental situation and could the facility handle those citizens. Sheriff Jim Ross said that his office can recognize mental breakdowns, but can't treat them. His office is currently in the process of taking a

40-hour course on the topic. Transportation would be a potential problem. He left it with it is needed when it's needed if the County can afford to do it.

Under Old Business, the ordinance to adjust the tax to Highland Park Subordinate Service District patrons was approved on its second reading with a motion from JP Chuck Olson and seconded by JP Larry Swofford. JP Olson made a motion to suspend the rules and allow a third reading. It was seconded by JP Jack Deaton with a voice vote to approve a third reading. JP Chuck Olson then made a motion and seconded by JP Kelli Matt to approve the measure and it was approved on its third reading.

Under New Business, an ordinance to appropriate grant funds received for Court Security was approved with JP Matt Phillips making the motion and JP Deaton seconding it. Judge Dale Ramsey spoke briefly on the particulars of the project with four projects that would be covered by the grant. The county would administer the funds with all invoices coming to the County to be paid at which time the grant report would be compiled. JP Kelli Matt reminded Judge Ramsey that the year was half over and it would need to be completed by year end.

An ordinance to transfer/move funds from 911 to its correct fund of 4800 was next on the agenda. Due to a clerical error in understanding what type of funds were received, the treasurer's office requested the correction. JP Jack Deaton made a motion to approve with JP Matt Phillips seconding. The motion carried with all JP's affirming the ordinance.

At last month's meeting a verbal agreement of understanding allowed for an ordinance for additional funds to be appropriated to the Courthouse Fund to finish repair work to the exterior of the Courthouse as well as renovations to the County Clerk's office. JPs Jack Deaton and Chuck Olson made a motion and seconded, respectively, and the motion was voted on and approved.

Lastly, the Interlocal Agreement with Washington County was addressed and an ordinance presented. JP Harrie Farrow said this was an alternative to go for treatment for the non-criminal. JP Craig Hicks thought that this type of facility would eventually be needed; but that there were too many unknowns. JP Jack Deaton thought that the \$40 fee was fine since the county currently expends about \$51 a day on those jailed. He also thought it needed further research. JP Larry Swofford was concerned with any liability issues that may arise for the county should someone get hurt at the facility. Is it a shared liability or if the person sent was the County's would the County alone be liable? JP Kelli Matt suggested that once the contract was signed, the County could not be released from it. JP Chuck Olson wondered where the funds would come from and if existing money could be used in cases such as these. A motion was made by JP Deaton to table the ordinance until more research could be done. JP Matt seconded the motion with all in favor done by a verbal vote.

JP Don McNeely brought up an older ordinance in reference to a homeowner in his district that has a rental home next to theirs that has a dog sanctuary with many dogs. He asked that the ordinance be enforced to relieve the situation as the landlord can't be held responsible for the damage done by renters. He also brought up a trash issue ordinance that would be applicable to the same renter. He requested a letter be drafted for him to deliver with a Sheriff's Deputy to the property in question. No action was taken.

JP Marty Johnson reiterated the need to secure a meeting room and send a letter to the Legacy Mining to get the ball rolling on being able to voice concerns and receive communication and information from the corporation.

JP Jack Deaton asked about privately owned hangers at the Carroll County Airport and how does the County property insurance work with that type of situation. JP Chuck Olson said that privately owned hangers had been done for years.

County Judge Sam Barr relayed to the Quorum Court there had been an accident on Hwy 21 South a couple of weeks ago. The employee is recovering but the newer dump truck sustained considerable damage. The County Road Department also conducted an auction to dispose of several vehicles with about a \$38,000 return. The auctioneer is still putting together the numbers and Judge Barr will have an update next month.

JP Marty Johnson made a motion to adjourn and JP Jack Deaton seconded it. All were in favor. The meeting ended at approximately 7:00 pm.