

Journal of Proceedings  
Quorum Court  
August 15, 2023

The courtroom and lobby were packed for the regular meeting of the Quorum Court on Tuesday, April 15, 2023. The meeting was audio recorded with several press outlets requesting a copy of the recording which was duly sent. There were also provisions made for the overflow of concerned citizen in the lobby to be able to hear the proceedings. A portable mic/speaker and the security camera closed circuit were used and the JPs used the mic during the public comments and portion of the meeting. Notice was sent to the press of the meeting as well as elected officials and department heads. Several of the same were present at the meeting. The meeting began with an Invocation and Pledge of Allegiance led by JP Craig Hicks. With the call to order, County Clerk Connie Doss took roll call. All eleven of the Justices were present with the exception of JP Francisco Pedraza who arrived ten minutes later and was counted as present. JP Jack Deaton made a motion to accept the Journal from the July meeting and JP Harrie Farrow seconded the motion. A voice vote approved the Journal of Proceedings. Please note that both Scout and those opposing the wind farm submitted petitions to be given/shown to the Justices and to be added to the file for the meeting.

Changes to the Agenda involved a motion to move item “g” the tower ordinance to item “a”. The motion was made by JP Jack Deaton and seconded by JP John Howerton. The voice vote approved the change.

In Committee Reports, JP John Howerton reported for the Eastern District Judicial Steering Committee about waiting on feedback from attorneys regarding building on the ten acres next to the detention center. He said another meeting will be planned and it was also noted that with so many in attendance that it needed to be reiterated that the County has been saving for some time and a short-term loan is likely necessary for County General to finish the project.

JP Craig Hicks said that the personnel committee would be meeting soon to continue the discussion of the county travel policy.

Public Comments brought several folks forward to voice their opposition or approval of Scout Energy, wind turbines, property rights, and zoning. However, Judge Writer first asked OEM Director Mike McKelvey to talk about the solar eclipse happening on April 8, 2024. He reports that ADEM is preparing for the influx of tourists that will be coming to the county. He advises all to purchase fuel and food beforehand as there will be shortages expected with an estimated three times the county’s population coming to view the eclipse in almost totality within Arkansas. Dave Iadorola, with Scout Clean Energy, was the first to make public comments pointing out binders that had been given to each JP containing signature on a form letter that had been acquired through a mail-out campaign. He said that the company was working on the final design and field work would be done in September. He said they’d be doing a winter acoustics study with the discovery of a new bat species in the area. Several JPs asked questions of Mr. Iadorola including JP Harrie Farrow who asked if zoning was on the agenda, JP Kellie Matt asking what country Brookfield, the parent company, was from, and JP Jerry King asking for Scout to pinpoint where each tower would be located. Mr. Iadorola declined to give locations saying that was information they don’t share until finalized. JP Jack Deaton also pointed out that property owners who had signed contracts had already given up their property rights. JP Hicks and Howerton said that any restriction to property rights is the beginning of zoning.

Bob Wilson, saying he lives within the County was opposed to industrial turbines. He described 260ft propellers and contrasted that size with the Christ of the Ozarks statue that was 67ft tall X 10ft wide at the base. He went on to give examples of other taller objects to compare what would be placed in Carroll County. He said that companies like Scout Clean Energy would “push boundaries; not safety”.

Mr. Cavillo, once again got up to speak of his approval of the project. He says the mentality of “the sky is falling” is what the “other side” talks about and thanked JP Howerton and Hicks for leading the way against zoning. JP Deaton asked if Mr. Cavillo knew where the towers would be placed on his property and he responded that he didn’t care and he bought the property from fenceline to fenceline to do as he pleased. JP Harrie Farrow asked if zoning was proposed on the agenda and JP Francisco Pedraza asked if he considered the placement. Mr. Cavillo stated that he didn’t care where the turbine(s) went or how close it was to another person’s property or house. JP Farrow asked who regulates things and that the company can change its mind at any time without anyone’s consent. Someone in the crowd wanted to ask Mr. Cavillo a question, but the Judge reiterated that this meeting was for the Justices.

Former JP Larry Swofford said that he has fought the issue of zoning about every 4-5 years. He states that it can be dressed however “Jack wants”, but if restrictions are put on property, then it was zoning.

Ann Canning had moved from New Mexico in 2019. She said the wider reaching issue was income with 27-45% coming from tourism. She was not “crazy about turbines” because of the deforestation, animals can’t tolerate the turbines, and said that this was not about the few, but about the whole.

Randy Williams of Polo community said that he had worked on the Land Use Commission and it had passed. He said then County Judge Sam Barr told him that the ordinance would end land planning. Mr. Williams asked what the hurry was and that he was against a permitting system. He said that there are currently 5G towers right in the highway and said that there were enough things to protect citizens naming the EPA, Game & Fish, and Natural Resources.

Debbie Turner had lived in the area since she was 12 years old and wondered how much money had exchanged hands through signed contracts already. She pointed out that the roads in the wind turbine area were not wide enough for cars, so certainly not the number of trucks that would be traveling on the road. She said that there has been land taken away from others who would not benefit from the project and there was discussion of a Phase II and III. She gave statistics about oil usage, lightening and fire. She said it was \$50,000 with little governance and expensive to recycle that would likely lead to burial of the hardware on the property. She said the project would be a fixture for generations and asked if the leases pass on to the next generation. JP Roger Hall commented that there was a 50 ft right of way easement for roads and that some property owners likely are using about 10 ft of that.

Mike McCullough who lives in Carr Lane, MO, said he has a vested interest in the county because this is where he went to church and spent his money. He is against zoning, expounding on some of the rules he’s heard.

Pat Harris is a third generation Arkansan and a real estate professional. He said that people buy things like a farm with a windmill, but a 650 ft wind turbine will scare buyers away. He said that these would be 20 ft. higher than the St. Louis Arch, it will be seen for miles, and will assuredly reduce values. JP Farrow asked if people buy to use industrial or peace, beauty, and nature. Mr. Harris said that in Carroll and Madison Counties, folks bought or built high to

see and looked at the area. JP Hicks asked if Mr. Harris was a resident and the reply was that he owned property in the county.

Former County Judge Richard Williams was the sponsored speaker of JP Howerton. Mr. Williams asked if attorney Matt Bishop could speak in his stead, and it was approved. Mr. Bishop, attorney who was working on behalf of the group opposing the wind farm, said that the quorum court does have a choice to act. The Association of AR Counties defends the quorum court and he pointed out that the Justices had passed an ordinance last month concerning data centers. He also said that they didn't need to act immediately, but the door had been opened last month. He pointed out, as well, that the wind farm company was not based in Arkansas, not the United States, but in other countries. The company does not understand the topography of our area. JP King responded that he appreciated the work that Mr. Bishop was doing on the \$18 fee and agreed that the AAC works with counties on legal issues. JP Hunter Rivett also expressed his appreciation for Mr. Bishop's work on the \$18 trash fee and pointed out that he had voted against the data center ordinance because he was against zoning and was worried about the "slipper slope". After a brief continued discussion, the Quorum Court moved on to Robert Holtkamp who had been sponsored by JP Frankie Pedraza. Mr. Holtkamp said that Green Forest was not a tourist destination, and the wind farm would not thwart tourism. It was the quorum court's job to create revenue. He said that the wind farm was in remote area with minimal risk with a project that had been in the process for 13 years and millions already invested. He said "we can't really change the rules" and that this project won't affect most and why "are we not behind this"... "embrace" it. JP Harrie Farrow said that she appreciated his input and asked whether he understood that the tower ordinance doesn't say the wind farm can't come but pointed out that currently "Nimbus doesn't have to do anything". JP Jerry King suggested that if the law were being followed then why is there a problem with the ordinance? He said that at some point there has to be transparency and spoke briefly concerning the recent situation with Tyson Food growers losing contracts and being out a considerable amount of money. During the conversation, Richard Williams asked to respond to a statement made and Judge Writer tersely told him he could not respond. JP Jack Deaton said that the setbacks listed in the ordinance would keep debris from a failing wind turbine from hitting a neighbor's house, a county road, or going over a property line.

JP Harrie Farrow began the discussion of a permitting process; not zoning, that had been tabled by a voice vote during the June Quorum Court meeting. She said that the environment was in serious shape, but she wanted to vote to table the discussion indefinitely until "folks calmed down". JP Craig Hicks interjected that he didn't want to table the discussion. JP Farrow made a motion to table the discussion, but there was not second. So, JP Farrow continued saying that her proposal would be a permitting process and would be developed so that businesses "not common to the county" would have to come before the Quorum Court. She said there would be obvious exemptions listing chicken farms, associated plants, etc. She said she was frustrated because big, powerful, new companies were coming into the county, and no one knows about them. After continued discussion, JP Jack Deaton made a motion to drop the discussion from the agenda which was seconded by JP Jerry King. JP Craig Hicks said that several people were "here to listen to the discussion" but JP Hicks voiced that he was against it" with JP Frankie Pedraza echoing JP Hicks. The voice vote was taken with some confusion, then heated conversation about the situation. County Clerk Connie Doss with the Judge's nod got up and went through what had happened and asked for a show of hands for the voice vote with 6 voting to drop from the agenda and 5 voting to continue. With the 6 votes, the discussion was dropped.

The emergency ordinance to set certain rules for towers and preventing noise disturbances in the county with regard to the same towers had been moved from item “g” to item “a”. The ordinance introduced was read in its entirety by County Clerk Connie Doss. In the discussion phase, JP Jack Deaton, sponsor of the ordinance, said there was no intent for zoning. He just wanted to be sure that since contracts were signed, the county needed to be sure that the towers go up safely. He said there was plenty of propaganda about him and that “the corporation was throwing up a cloud”. He said that he may be the Justice of the Peace for District 1 that is only about 10% of the county, describing his district as a retirement and resort community, but that he was also trying to look out for the rest of the county as his second priority as a JP. He felt that the county had been blindsided and there was a safety concern. JP Harrie Farrow said that while she takes care of the City of Eureka Springs District 3, she also cared about the whole county. She wants to help protect nature and the quality of living. She said she had given Scout the benefit of the doubt until the mailing went out. She said that they don’t have to stick with anything they say verbally unless we (meaning the quorum court) hold them accountable. The motion for the first reading was made by JP Jack Deaton and seconded by JP Harrie Farrow. The vote was: JP Deaton – Yea, JP Wright – Yea, JP Farrow – Yea, JP Rivett – Nay, JP Phillips – Nay, JP Hicks – Nay, JP Matt – Yea, JP Pedraza – Nay, JP Hall – Nay, JP King – Yea, JP Howerton – Nay. With a 5 to 6 vote, the measure failed and a second and third reading was not necessary.

Next on the agenda was an ordinance approving Jonesy’s Sport Bar and Grill to apply for a Private Club Permit. A motion was made by JP Craig Hicks and seconded by JP Jack Deaton to dispense with the rule and to read the ordinance all three times. The vote to dispense was approved. The ordinance was read in its entirety with a motion to accept by JP Jack Deaton and seconded by JP Matt Phillips. The ordinance was read by title only a second time with a motion by JP Jack Deaton and seconded by JP Matt Phillips. The ordinance was read by title only a third time with a motion by JP Jack Deaton and seconded again by JP Matt Phillips. With the final reading, the vote was 10 Yeas and 1 Nay (JP Hunter Rivett). The measure was passed.

A similar measure was next for an ordinance to approve Trail Ahead’s application for the same type of license. JP Jack Deaton made a motion to accept, and JP Matt Phillips seconded. The ordinance was read by title only and the vote was the same as the previous with 10 Yeas and 1 Nay with JP Hunter Rivett voting the “Nay”. This ordinance is expected to be read the second and third time at the September meeting.

Next was an appropriation ordinance to pay off one of the two road graders that was sold a couple of months prior. JP Jack Deaton said that this had simply fallen through the cracks, and it needed to be dealt with. The payoff would be on the grader serial # 1DW772GPHEF661525 with the amount likely to be less than appropriated because another regular payment will need to be made before the final pay off can be calculated. JP Deaton made the motion to accept with JP Bruce Wright seconding the motion. The motion carried.

JP Deaton explained during discussion of the appropriation ordinance next on the agenda that dispatch currently used corded headsets and wireless would be more helpful with lowering background noise and overall comfort. He also reported that the FCC required a recorder for all calls and that the one being used now didn’t work consistently. JP Deaton made the motion to accept, and JP Matt Phillips seconded the motion. The motion passed unanimously.

The next ordinance would appropriate funds received by the County Treasurer for costs of COBRA. This ordinance would simply be a reimbursement to the line item to assist with the

Circuit Clerk's budget. The motion made by JP Matt Phillips was seconded by JP John Howerton and the motion passed unanimously.

Next, was an ordinance to add funds to the County Clerk's Automation Fund and JP Jack Deaton pointed out that no funds were coming from County General. JP Deaton made the motion to accept with a second from JP Matt Phillips. The motion carried unanimously.

JP Comments brought the following: JP Jack Deaton said that the last couple of days he had been "hammered" with phone calls and emails and said he would not be responding to any in the future. JP Harrie Farrow asked Judge Writer if he would notify the Quorum Court of future projects and Judge Writer agreed that he would. JP John Howerton said again that he planned to hold an Eastern District Judicial Building Steering Committee meeting next week.

Judge David Writer reported that on July 18<sup>th</sup>, that documents were shred in accord with state statutes which included mortgage copies, deeds copies, older marriage license applications, and claims.

With that JP Matt Phillips made a motion to adjourn and JP Kellie Matt seconded the motion. The meeting adjourned at 7:10 pm.