

Journal of Proceedings
Carroll County Quorum Court
July 18, 2023

The Quorum Court met at its regular meeting on Tuesday, July 18, 2023, at the Eastern District Courthouse, Berryville. The meeting was audio recorded with one press outlet requesting the recording. Press was present at the meeting as well as many elected officials of the county and a host of interested citizens of the county. The meeting began with the Invocation and Pledge of Allegiance. Judge David Writer gavelled the meeting to order and roll call was conducted. Two members, JP Bruce Wright and JP Harrie Farrow were absent. A quorum was present. The journal Proceedings from the June 20th meeting were approved with a motion made by JP John Howerton, seconded by JP Jack Deaton. A voice vote was taken.

In Committee Reports, JP Howerton reported that he would be setting up a meeting of the Judicial Building Steering Committee for Monday to discuss the direction to proceed with the project. JP Deaton reported that the budget committee had met concerning the air conditioning unit at the health department. They also discussed the purchase of recording software for dispatch that is required by the FCC. JP Craig Hicks reported that the personnel committee met to discuss the travel policy and that they would meet again in the near future.

Three items were added with a motion made by JP Howerton. His motion was to add items “e” a resolution, “f” an ordinance, and “g” an emergency ordinance. JP Deaton seconded the motion to add all three with a voice vote approving the addition of all three items.

Public Comments brought several citizens forward to speak. Greg Lenz lives in the south part of the county and has worked hard and was against the idea of planning and zoning. Caroline Rogers, CR 905, once again spoke her opposition to the wind farm, voicing that landowners waived their rights when they signed the contracts. Arturo Cavillo who is one of the landowners, said once again that he didn’t need the county, or other people to “police my property”. Carl Deitrich of CR 214, moved to the area about a year ago and opposed the farms saying, “Where do our rights end and where does my neighbors’ start?” He says it ends when his neighbor impacts his own. He also thanked the Justices for the transparency and allowing the citizenry to participate. Brian Floyd, who lives in south Carroll County, said he was against zoning and said industry was already here and gave the example of turkey, cattle, and chicken farms. Mayor Don McNeely spoke about the fact that he was glad that the county was looking at the data center situation and that he would be presenting the ordinance to his city council to pass. Richard Williams of CR 905 wanted the Justices to make changes to the current agenda platform saying that the public was not able to fully participate. He referenced §14-14-109(b) as well as page 72 of the county judge’s handbook of 2022. The next citizen felt that the wind farm was a property rights violation and reported that Scout Energy would be receiving \$100 million upfront in tax credits. She also said that they currently have no plan in place in the event of a fire to one of the turbines. Lisa Price-Backs reported that Scout belongs to Brookfield, a Canadian financial asset management company. She also reported that she has FOIA requests for several of the federally required reports. She went on to talk about the data mining industry.

The sponsored speaker was Torrie Smith, Family and Consumer Sciences & Extension Agent for the Carroll County Extension Office. She introduced her staff to the court and reviewed with the Justices all of the happenings and programs of the Extension Office and the 4-H program. She was asked what the greatest obstacle she faced and it was time. She wanted to

let everyone know about the Extension Office because funding for it is a cooperative thing and that costs of the office were shared with the county and the University of Arkansas.

There were several items under Old Business. The Green Forest Library's ordinance to take away one full-time position and to add two part-time positions was read a second time. The motion to accept was made by JP Deaton and seconded by JP Matt Phillips. There was no discussion, and the roll call vote was taken finding all in favor. A motion to set aside the rules to read the ordinance a third time was made by JP Deaton and seconded by JP Howerton. The voice vote was in favor. The ordinance was read a third time followed by a motion to accept by JP Phillips and seconded by JP Roger Hall. There was no discussion, and the roll call vote was unanimous with those present. Motion carried.

A second reading to rescind two full time detention officers, raise the maximum allowable wages, and rename positions was approved. The second reading motion was made by JP Hicks and seconded by JP Phillips with JP Hicks commenting that this was a request of the Sheriff. The roll call vote was unanimous. A motion to set aside the rules was made by JP Hicks and seconded by JP Deaton with the voice vote approving. The ordinance was read by title a third time with a motion to accept by JP Hicks, seconded by JP Deaton, and the roll call vote was unanimous with those present.

A similar ordinance would take one part-time position away and add a full-time position as well as raise the maximum wages for Dispatch. The motion to accept was made by JP Hicks, seconded by JP Phillips with JP Hicks commenting that this also was a recommendation of the Personnel Committee and the Sheriff. The roll call vote was unanimous among those present. A motion to set aside the rules to read the ordinance a third time was made by JP Deaton and seconded by JP Howerton. The voice vote allowed the third reading which was done. A motion to accept the third reading was made by JP Deaton, seconded by JP Phillips with a roll call vote finding no opposition.

The last item under Old Business was the second reading of an ordinance to reassign payroll allotments for the Sheriff and the Chief Deputy. Both positions would be paid for by both County General and the Detention Center with a 50/50 split for budgeting purposes. The motion to accept was made by JP Deaton, seconded by JP Hicks with JP Deaton saying that this would be easier on bookkeeping and keeping track of hours separately. The roll call vote passed the ordinance on its second reading. A motion to set aside the rules to read it a third time was made by JP Hicks and seconded by JP Howerton. The voice vote carried and the ordinance was read a third time. The ordinance was read and JP Howerton made a motion to accept which was seconded by JP Jerry King. There was no discussion and the roll call vote approved the measure.

In New Business, a motion was made to read all resolutions for the meeting by title only. The motion was made by JP Howerton and seconded by JP Deaton. The voice vote approved the reading by title only of the resolutions.

A resolution confirming the reappointment of commissioners to the Wester Carroll County Ambulance was approved. The motion was made by JP Howerton and seconded by JP Hall. A roll call vote was taken.

A resolution confirming the reappointment of Lamont Richie to the Eureka Springs Library Board also passed. The motion was made by JP Deaton, seconded by JP Phillips. The roll call vote was not unanimous with JP Hunter Rivett voting against the confirmation.

A resolution confirming appointments to the Grassy Knob Volunteer Fire Association District Commission was approved with a motion made by JP Kellie Matt and seconded by JP Phillips.

A motion was made by JP Howerton and seconded by JP King to authorize the Judge to apply for a 50/50 grant on behalf of the South Carroll County Fire Department. JP Howerton commented that the grant would be for the purchase of radios that would work with the upgrades to the 911 system and that the fire department had the matching funds to pay their portion. The motion carried with no opposition.

The first of the added agenda items was a resolution allowing a local sports bar and grill to apply for a liquor license permit. The motion was approved, but with JP Rivett voting not in favor of the resolution. JP Deaton made the motion and it was seconded by JP Phillips. JP Deaton said that this resolution was telling the state that the county had no problem with Jonesy's applying for the permit.

As explained by JP Phillips, the quorum court had previously approved funds to replace one of the air conditioning units and at that time it was likely the other unit would need to be replaced. A motion was made by JP Phillips to appropriate the funds to replace the a/c unit with JP Howerton voicing a second. The measure carried with no opposition.

The last of the three additions to the agenda concerned an emergency ordinance. As an emergency ordinance, it was read in its entirety by County Clerk Connie Doss. The motion was made by JP Jack Deaton to accept the emergency ordinance and was seconded by JP Jerry King who had sponsored the ordinance. In discussion, JP King pointed out that the quorum court could not ban but could regulate the noise of data centers. He also said that there was a law going into effect on August 1st that would make it impossible for counties to do anything about them in the future, so that was why it was an emergency. He also said that it had recently been approved in Boone County. The roll call vote was: JP Deaton – Yea, JP Wright – absent, JP Farrow – absent, JP Rivett – Nay, JP Phillips – Yea, JP Hicks – Yea, JP Matt – Yea, JP Pedraza – Yea, JP Hall – Yea, JP King – Yea, JP Howerton – Yea. With two members absent and one member voting no, the motion carried as 2/3rds of the Quorum Court (11 members) voted “Yea”.

There were no JP Comments, however, Clerk Doss was asked to read a statement by JP Bruce Wright which she did. His statement was in opposition to the wind farm and he stated several reasons why including but not limited to wind speed, noise pollution, bird migration, wildlife habitats, and soil erosion.

The Judge had no comments to make and asked for a motion to adjourn which was given by JP Hall and seconded by JP Rivett. The meeting was adjourned at 6:25PM.