

July 18, 2023
Regular Meeting of the Quorum Court
Resolutions & Ordinances

- Resolution 2023-18 A resolution authorizing the County Judge to apply for a grant on behalf of the South Carroll County Fire Department
- Resolution 2023-19 A resolution confirming the reappointments of Andie Shaw and Richard September to the Western Carroll County Ambulance District Commission
- Resolution 2023-20 A resolution confirming the reappointment of Lamond Richie to the Eureka Springs Library Board
- Resolution 2023-21 A resolution confirming the appointments of Dianna Baird and Carl Bradshaw to the Grassy Knob Volunteer Fire Association District Commission
- Resolution 2023-22 A resolution allowing Jonesy’s Sports Bar and Grill to apply for a “Liquor on Premises Consumption-Restaurant Permit” with the Arkansas Alcoholic Beverage Control Board (ABC) – rescinded 8/15/2023 – See ordinance 2023-30
- Ordinance 2023-24 An ordinance to rescind one position of “Assistant Librarian” and to add two part-time positions “Library Assistant” to the Green Forest Library, to establish the beginning wage, and adjust funds in line items
- Ordinance 2023-25 An ordinance to rescind two detention center officer positions, rename, and raise the maximum wages of non-secretarial positions in the Detention Center (3018-0418)
- Ordinance 2023-26 An ordinance to rescind one part-time dispatcher, add a full-time dispatcher, and raise the maximum wages of positions in Dispatch (3020-0501)
- Ordinance 2023-27 An ordinance to assign payroll for the County Sheriff and Chief Deputy as 50/50 splits between County General (1000-0400) and the Detention Center (3018-0418)
- Ordinance 2023-28 A supplemental appropriation ordinance amending Ordinance 2022-39 (The 2023 Budget Ordinance) and appropriating funds for the Health Department
- Emergency Ordinance 2023-29 An emergency ordinance adopting certain rules and regulations concerning external noise attenuation of data centers and to prevent noise disturbance in Carroll County and within its unincorporated limits; to declare an emergency; and for other purposes

RESOLUTION # 2023- 18

**BE IT RESOLVED BY THE QUORUM COURT OF CARROLL COUNTY, ARKANSAS,
A RESOLUTION ENTITLED:**

**A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO APPLY FOR A
GRANT ON BEHALF OF THE SOUTH CARROLL COUNTY FIRE
DEPARTMENT**

WHEREAS, the Carroll County Quorum Court has determined that South Carroll County community meets eligibility requirements necessary to apply for a grant under the Arkansas Rural Community Grant Programs, and;

WHEREAS, the South Carroll County Fire Department Community has presented plans to the Quorum Court for specific equipment needs in the execution of their duties listed as Exhibit A, and;

WHEREAS, the Quorum Court of Carroll County recognizes the need for the project, concurs its importance, and supports the SCCFD Community in its efforts to proceed with the same, and;

WHEREAS, the South Carroll County Fire Department Community has furnished proof that they have raised \$15,000.00 through community cash and/or in-kind donations to be applied to the project as a local match.

THEREFORE, BE IT RESOLVED, that the Quorum Court of Carroll County, Arkansas authorizes the Carroll County Judge to submit an application of formal request to the Arkansas Rural Development Commission for the purpose of securing state grant funds in the amount of \$15,000.00 to aid and assist South Carroll County Fire Department Community in executing the proposed project described herein and that the Carroll County Treasurer is further authorized to administer the grant funds for the same project.

APPROVED: David Writer
David Writer, Carroll County Judge

ATTEST: Connie T. Doss
Connie T. Doss, Carroll County Clerk

DATE APPROVED: July 18, 2023 SPONSOR: John Howerton

This resolution is paid for by the Quorum Court of Carroll County, AR. §14-14-116 \$ _____

Ord + Res
2023 Pg 188



Cost Estimate Breakdown

Please itemize the cost estimate for the project below as much as possible. You may add extra sheets if necessary. Backup documentation for each line, including in-kind materials and labor, is required (professional estimates, catalog/website pages, letters of intent to donate, etc.)

Item	Cost
8 - 4500PSI - 45 Minute Composite Bottles	\$ 6,600.00
9 - Mobile Radio Units for our "First out Trucks"	\$ 23,788.15
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL PROJECT COST	\$ 30,388.15

Funding Source Breakdown

Must include back-up documentation that shows how the total project will be funded (i.e. bank statements, letters of intent to donate, resolution with appropriation listed, etc.)

Requested from Arkansas Rural Community Grant Program	\$ 15,000.00
In-kind labor	\$ _____
In-kind materials	\$ _____
Community Cash Donations	\$ _____
City or County Appropriation	\$ _____
Other Funding Sources (please list)	\$ 15,388.15
TOTAL FUNDING SOURCE BREAKDOWN	\$ 30,388.15

Cost Estimate Breakdown

Please itemize the cost estimate for the project below as much as possible. You may add extra sheets if necessary. Backup documentation for each line, including in-kind materials and labor, is required (professional estimates, catalog/website pages, letters of intent to donate, etc.)

<u>Item</u>	<u>Cost</u>
8 - 4500PSI - 45 Minute Composite Bottles	\$ 6,600.00
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_____	\$ _____
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TOTAL PROJECT COST	<u>\$ 30,388.15</u>

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In-kind labor	\$ _____
In-kind materials	\$ _____
Community Cash Donations	\$ _____
City or County Appropriation	\$ _____
Other Funding Sources (please list)	\$ 15,388.15
TOTAL FUNDING SOURCE BREAKDOWN	<u>\$ 30,388.15</u>

RESOLUTION 2023-19

BE IT RESOLVED BY THE QUORUM COURT OF CARROLL COUNTY, STATE OF ARKANSAS, A RESOLUTION TO BE ENTITLED:

A RESOLUTION CONFIRMING THE REAPPOINTMENTS OF ANGIE SHAW AND RICHARD SEPTEMBER TO THE WESTERN CARROLL COUNTY AMBULANCE DISTRICT COMMISSION

WHEREAS, the County Judge has met with and reappointed Angie Shaw and Richard September to an additional three-year term as Commissioners of the Western Carroll County Ambulance District.

NOW THEREFORE, be it resolved by the Quorum Court of Carroll County, State of Arkansas:

The reappointments of Angie Shaw and Richard September to an additional three-year term as Commissioners of the Western Carroll County Ambulance District is hereby confirmed. This term will expire in May, 2026.

ATTEST: Connie T. Doss
Connie T. Doss, Carroll County Clerk

APPROVED: David Writer
David Writer, Carroll County Judge

DATE APPROVED: July 18, 2023 SPONSOR: Jack Deaton

This resolution is paid for by the Quorum Court of Carroll County, AR. §14-14-116 \$_____

Ord & Res 2023-203

RESOLUTION NO. 2023-20

BE IT RESOLVED BY THE QUORUM COURT OF THE COUNTY OF CARROLL, STATE OF ARKANSAS, A RESOLUTION TO BE ENTITLED:

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF LAMONT RICHIE TO THE EUREKA SPRINGS LIBRARY BOARD.

WHEREAS, the Eureka Springs Library Board has recommended Lamont Richie for reappointment to a three-year term beginning January 1, 2023, and ending on December 31, 2026, as a Board Member, and;

WHEREAS, the Carroll County Judge has met with and approved the recommendation.

NOW THEREFORE, BE IT RESOLVED BY THE QUORUM COURT OF CARROLL COUNTY, ARKANSAS that the appointment of Lamont Richie whose three-year term began January 1, 2023, and ends on December 31, 2026, is hereby confirmed.

ATTEST: Connie T. Doss
Connie T. Doss, Carroll County Clerk

APPROVED: David Writer
David Writer, Carroll County Judge

DATE: July 18, 2023

SPONSOR: Harrie Farrow

This resolution is paid for by the Quorum Court of Carroll County, Arkansas. §14-14-116 \$ _____

Ord - Res 2023 - 204

RESOLUTION 2023- 21

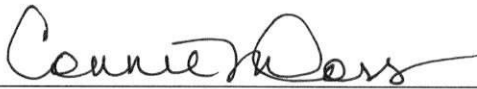
BE IT RESOLVED BY THE QUORUM COURT OF CARROLL COUNTY, STATE OF ARKANSAS, A RESOLUTION TO BE ENTITLED:

A RESOLUTION CONFIRMING THE APPOINTMENTS OF DIANNA BAIRD AND CARL BRADSHAW TO THE GRASSY KNOB VOLUNTEER FIRE ASSOCIATION DISTRICT COMMISSION

WHEREAS, the County Judge has met with and appointed Dianna Baird and Carl Bradshaw to a three-year term as Commissioners of the Grassy Knob Volunteer Fire Association.

NOW THEREFORE, be it resolved by the Quorum Court of Carroll County, State of Arkansas:

The appointments of Dianna Baird and Carl Bradshaw to a three-year term as Commissioners of the Grassy Knob Volunteer Fire Association are hereby confirmed. This term will expire June, 2026.

ATTEST: 
Connie T. Doss, Carroll County Clerk

APPROVED: 
David Writer, Carroll County Judge

DATE APPROVED: July 18, 2023 SPONSOR: Kellie Matt

This resolution is paid for by the Quorum Court of Carroll County, AR. §14-14-116 \$_____

Ord - Res 2023- 205

RESOLUTION NO. 2023-22

BE IT RESOLVED BY THE QUORUM COURT OF THE COUNTY OF CARROLL, STATE OF ARKANSAS, A RESOLUTION TO BE ENTITLED:

A RESOLUTION ALLOWING JONESY'S SPORTS BAR AND GRILL TO APPLY FOR A "LIQUOR ON PREMISES CONSUMPTION-RESTAURANT PERMIT" WITH THE ARKANSAS ALCOHOLIC BEVERAGE CONTROL BOARD (ABC)

WHEREAS, Jonesy's Bar and Grill located at 6837 Hwy 62 W., Eureka Springs, AR 72632, is in an area of Carroll County acknowledged by the Arkansas Alcoholic Beverage Control Board (ABC) as being wet.

WHEREAS, Jonesy's Bar and Grill currently holds a license to serve beer and wine on premises, and;

WHEREAS, Jonesy's Bar and Grill desires to upgrade its food menu and to serve mixed alcoholic drinks.

NOW THEREFORE, Be it resolved by the Quorum Court of Carroll County, State of Arkansas, that Jonesy's Bar and Grill, located at 6837 Hwy 62 W., Eureka Springs, Arkansas, is hereby permitted to apply for a "Liquor on Premises Consumption-Restaurant" permit with the Arkansas Alcoholic Beverage Control Board (ABC).

APPROVED: _____



DAVID WRITER
CARROLL COUNTY JUDGE

ATTEST: _____



CONNIE T. DOSS
CARROLL COUNTY CLERK

DATE APPROVED: July 18, 2023

SPONSOR: JACK DEATON

This publication is paid for by the Quorum Court of Carroll County, Arkansas. §14-14-116 \$ _____

Ord - Res 2023 - 206

ORDINANCE 2023-24

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

AN ORDINANCE TO RESCIND ONE POSITION OF "ASSISTANT LIBRARIAN" AND TO ADD TWO PART-TIME POSITIONS "LIBRARY ASSISTANT" TO THE GREEN FOREST LIBRARY, TO ESTABLISH THE BEGINNING WAGE, AND ADJUST FUNDS IN LINE ITEMS

BE IT ENACTED BY THE QUORUM COURT OF CARROLL COUNTY, STATE OF ARKANSAS:

Section 1: A position of full-time "Assistant Librarian", is hereby rescinded for the Green Forest Library.

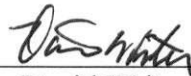
Section 2: There are hereby created for the Green Forest Library two, part-time positions, "Library Assistant", whose wage is set for the remainder of 2023 at \$14.75 an hour and 19 hours allowed per pay period. The job description is attached as "Exhibit A".

Section 3: The following line items will be adjusted for the fund Green Forest Library (3402-0600):

Transfer: \$7,286.50 from Line Item Salaries, Full-time (1001) to Line Item Salaries, Part-time (1002).

Section 4: Excess funds in the payroll line items for the rescinded position will remain for the budget year.

APPROVED: _____



David Writer, Carroll County Judge

ATTEST: _____



Connie T. Doss, Carroll County Clerk

DATE: _____

July 18, 2023

SPONSOR: Matt Phillips

First Reading: June 20, 2023 Motion: John Howerton

Second: Jerry King

Second Reading: July 18, 2023 Motion: Jack Deaton

Second: Matt Phillips

Third Reading: July 18, 2023 Motion: Matt Phillips

Second: Roger Hall

This ordinance is paid for by the Quorum Court of Carroll County, AR. §14-14-116 \$ _____

Ord + Res 2023-189

■ Job Description ■

Carroll County – Library Assistant (Part Time)

Principal Responsibilities

- Perform routine general library work assisting patrons with basic use of library materials including registering new patrons, checking items in and out, collecting fines or fees, notifying patrons of overdue items, and shelving materials
- Assist the public in the use of library facilities including computers and Internet use as needed
- Provide reference and reader advisory services as needed
- Help promote and facilitate programs, events, and displays to encourage library use
- Handle confidential materials and maintain confidentiality.
- Perform other duties as assigned

Minimum Requirements

- Graduation from high school or equivalent
- Must be a library cardholder
- Current high school students age 16 or older may be eligible in exceptional circumstances

Special Skills

- Some knowledge of book genres, titles and authors
- Intermediate computer skills
- Ability to deal tactfully and effectively with library staff, volunteers, and patrons
- Ability to perform clerical and record keeping tasks of moderate difficulty
- May be required to speak Spanish

CCLB Approved – November 16, 2016

2023-190

ORDINANCE 2023- 25

BE IT ENACTED BY THE QUORUM COURT OF CARROLL COUNTY, ARKANSAS, AN ORDINANCE ENTITLED:

AN ORDINANCE TO RESCIND TWO DETENTION CENTER OFFICER POSITIONS, RENAME, AND RAISE THE MAXIMUM WAGES OF NON SECRETARIAL POSITIONS IN THE DETENTION CENTER (3018-0418)

NOW THEREFORE, be it enacted by the Quorum Court of Carroll County, State of Arkansas:

Section 1: Two full-time Detention Officer positions are hereby rescinded.

Section 2: The names of the remaining positions are hereby amended for the sake of simplicity and efficiency, and their new maximum allowable wage amounts are listed as follows:

<u>Current Name</u>	<u>New Name</u>	<u>New Maximum Annual/Hrly Wage</u>
Captain/Jail Administrator	Captain Jail Administrator	\$43,264/\$20.80
Lieutenant/Jail Commander	Lieutenant	\$37,960/\$18.25
Sgt/Jail & Trans Supervisor	Sergeant	\$36,608/\$17.60
Warrants Supervisor	Sergeant	\$36,608/\$17.60
Shift Commander	Sergeant	\$36,608/\$17.60
Shift Commander	Sergeant	\$36,608/\$17.60
Corporal/Transport	Corporal	\$35,568/\$17.10
Corporal/Transport	Corporal	\$35,568/\$17.10
Corporal/Asst Warrant Off.	Corporal	\$35,568/\$17.10
Det 1 st Class/Transport	Corporal	\$35,568/\$17.10
Det 1st Class/Transport	Detention Officer	\$34,944/\$16.80
Det Officer/Transport	Detention Officer	\$34,944/\$16.80
Det Officer/Transport	Detention Officer	\$34,944/\$16.80
Det Officer/Transport	Detention Officer	\$34,944/\$16.80
Det Officer/Transport	Detention Officer	\$34,944/\$16.80
Detention Officer	Detention Officer	\$34,944/\$16.80
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Detention Officer	Detention Officer	\$34,944/\$16.80
Detention Officer	Detention Officer	\$34,944/\$16.80
Detention Officer	Detention Officer	\$34,944/\$16.80

APPROVED: David Writer
David Writer, Carroll County Judge

ATTEST: Connie T. Doss
Connie T. Doss, Carroll County Clerk

DATE: July 18, 2023 SPONSOR: Craig Hicks

First Reading: June 20, 2023	Motion: Craig Hicks	Second: Jack Deaton
Second Reading: July 18, 2023	Motion: Craig Hicks	Second: Matt Phillips
Third Reading: July 18, 2023	Motion: Craig Hicks	Second: Jack Deaton

This ordinance is paid for by the Quorum Court of Carroll County, Arkansas. §14-14-116 \$ _____

Ord + res 2023-191

ORDINANCE 2023-26

BE IT ENACTED BY THE QUORUM COURT OF CARROLL COUNTY, ARKANSAS, AN ORDINANCE ENTITLED:

AN ORDINANCE TO RESCIND ONE PART-TIME DISPATCHER, ADD A FULL-TIME DISPATCHER, AND RAISE THE MAXIMUM WAGES OF POSITIONS IN DISPATCH (3020-0501)

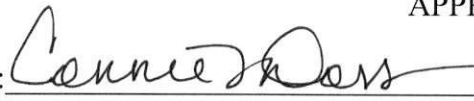
NOW THEREFORE, be it enacted by the Quorum Court of Carroll County, State of Arkansas:

- Section 1:** A position of "Dispatcher – Part-Time" is hereby rescinded with the first full pay period upon passage of this ordinance.
- Section 2:** The position of a full-time "Dispatcher" is hereby added with the first full pay period upon passage of this ordinance and whose job description is attached as "Exhibit A"..
- Section 3:** The new maximum wage amounts are listed as follows:

<u>Name</u>	<u>New Maximum Annual/Hrly Wage</u>
Supervisor	\$41,288/\$19.85
Shift Lead	\$35,880/\$17.25
Shift Lead	\$35,880/\$17.25
Shift Lead	\$35,880/\$17.25
8 positions of Dispatcher – Full-time	\$33,488/\$16.10
2 positions of Dispatcher - Part-time	\$15,970.50/\$15.75 (39 Hrs per pay period)

- Section 4:** Funds are transferred and appropriated as follows:
 - Transfer from: Salaries, Part-Time (1002) to Salaries, Full-Time (1001) \$11,375.00
 - Appropriations: Salaries, Full-Time (1001) \$ 2,550.00
 - Social Security Matching (1006) \$ 1,100.00
 - Retirement Matching (1007) \$ 2,200.00
 - Health Ins. Matching (1009) \$ 2,700.00

APPROVED: 
David Writer, Carroll County Judge

ATTEST: 
Connie T. Doss, Carroll County Clerk

DATE: July 18, 2023 SPONSOR: Craig Hicks

First Reading: June 20, 2023 Motion: Craig Hicks Second: Bruce Wright/Roger Hall
Second Reading: July 18, 2023 Motion: Craig Hicks Second: Matt Phillips
Third Reading: July 18, 2023 Motion: Jack Deaton Second: Matt Phillips

This ordinance is paid for by the Quorum Court of Carroll County, Arkansas. §14-14-116 \$ _____

Carroll County Sheriff's Office
Dispatcher
Rank: Civilian
JOB DESCRIPTION

1. Receive emergency and non-emergency calls and record significant information, accurately, and immediately.
2. Address calls for service and requests by transmitting information to the appropriate emergency service personnel.
3. Receive, dispatch, and prioritize calls according to urgency and importance.
4. Use radio, phone, and computer to send police, fire, emergency medical technicians, wrecker services, or any other entities as requested by emergency field personnel to appropriate locations.
5. Monitor the route and status of field units to coordinate and prioritize their schedule.
6. Provide field units with information about orders, traffic, obstacles, and required information.
7. Enter data in computer system and maintain logs and records of calls, activities, and other information, quickly and within accordance of Sheriff's office policy.
8. Maintain knowledge of relevant methods (CAD)
9. Train to develop fast typing skills in data entry.
10. Diligently train in areas of procedures and guideline for emergency situations.
11. Develops organizational and multitasking abilities.
12. Practice becoming an active listener with excellent communication skills.
13. Display sound judgment and critical thinking.
14. Dispatch first line supervisor is "Dispatch Supervisor".

ORDINANCE 2023-27

BE IT ENACTED BY THE QUORUM COURT OF CARROLL COUNTY, ARKANSAS, AN ORDINANCE ENTITLED:

AN ORDINANCE TO ASSIGN PAYROLL FOR THE COUNTY SHERIFF AND CHIEF DEPUTY AS 50/50 SPLITS BETWEEN COUNTY GENERAL (1000-0400) AND THE DETENTION CENTER (3018-0418)

WHEREAS, under ACA §14-14-1206(a), the Quorum Court of each county shall fix by ordinance the number and compensation of all county employees.

WHEREAS, by tradition, the County Sheriff’s salary has been split two-thirds and one-third between County General and the Detention Center, respectively, and the position of Chief Deputy through County General.

WHEREAS, both positions have responsibilities within the Detention Center daily making it reasonable to split wage and salary costs and associated payroll liabilities.

NOW THEREFORE, be it enacted by the Quorum Court of Carroll County, Arkansas:

Section 1: The position of “Chief Deputy”, whose job description is attached as “Exhibit A” is hereby added to the payroll roster of the Detention Center (3018-0418) and;

Section 2: Fifty percent (50%) of the annual wage and other payroll liabilities of the “Chief Deputy” shall be assigned to County General (1000-0400) with the remaining fifty percent (50%) to the Detention Center (3018-0418).

Section 3: The annual salary and other payroll liabilities for the County Sheriff is hereby changed and shall be at a rate of fifty percent (50%) assigned to County General (1000-0400) and fifty percent (50%) assigned to the Detention Center.

Section 4: These percentage splits may either be accomplished through “single fund” or “multi-fund” accounting methods as allowed by the accounting and payroll software used by the County Treasurer and County Clerk.

Section 4: The following appropriations in the amount of \$48,728.00 are necessary to complete the 2023 budget year and Ordinance 2022-39 (The 2023 Budget Ordinance) is hereby amended:

Detention Center (3018-0418) Line Item Salaries, Full-Time (1001)	\$34,836.00
Line Item Social Security Mat’g (1006)	\$ 2,665.00
Line Item Retirement Mat’g (1007)	\$ 5,685.00
Line Item Health Ins Mat’g (1009)	\$ 5,542.00

APPROVED: David Writer
David Writer, Carroll County Judge

ATTEST: Connie T. Doss
Connie T. Doss, Carroll County Clerk

DATE: July 18, 2023 SPONSOR: Jack Deaton

First Reading: June 20, 2023 Motion: Jack Deaton Second: Craig Hicks
Second Reading: July 18, 2023 Motion: Jack Deaton Second: Craig Hicks
Third Reading: July 18, 2023 Motion: John Howerton Second: Jerry King

This ordinance is paid for by the Quorum Court of Carroll County, Arkansas. §14-14-116 \$_____

Ord ~ Res 2023 - 194

Exhibit A

Carroll County Sheriff's Office
Chief Deputy
2nd in echelon, member of command staff
JOB DESCRIPTION

- 1) Directs activities of county sheriff's office, jail, and dispatch.
- 2) Direct supervisor is the Sheriff and functions as Sheriff's chief advisor.
- 3) Supervises the Criminal Investigation Supervisor, Patrol Supervisor, Jail Administrator, Dispatch Supervisor, and their subordinates.
- 4) Delegates duties and special assignments for each division (Jail, Dispatch, and sheriff's office).
- 5) Communicates information from the sheriff to subordinate commanders.
- 6) Acts as Sheriff's chief assistant.
- 7) Acts as the department head in the absence of the Sheriff.
- 8) Oversees operational aspects of the Carroll County Sheriff's Office.
- 9) Oversees and coordinates all legal issues brought by or against the Sheriff's Office, and its staff (in coordination with the Carroll County Sheriff's Office legal team, i.e.... Rainwater, Holt & Sexton and/or AAC).
- 10) Perform supervisory duties including, but not limited to, training, scheduling of personnel, interviewing, conducting performance evaluations, and recommending disciplinary action for all divisions.
- 11) Directs operational and administrative activities of the Sheriff's Department (in concert with each division commander); i.e...supervises patrol operations, criminal investigations, jail operations, and administrative divisions of the department.
- 12) Develops, implements, interprets, and enforces policies and procedures related to law enforcement services; reviews and makes recommendations related to legislation that would impact the activities of the department; prepares reports concerning management problems and other administrative functions.
- 13) Plans for utilization of resources and assists in the preparation, administration, and management of the department budget.
- 14) Coordinates activities with other law enforcement agencies and officers and with federal, state, and local law enforcement and corrections agencies in maintaining law and order; develops emergency response plans.
- 15) Plans and directs the development and implementation of programs related to law enforcement activities, including the prevention and investigation of crimes, protection of life and property, care and custody of prisoners, communications, and related activities.
- 16) Represents the Sheriff at public and civic meetings; represent the Sheriff's Office to the public, community agencies, and other law enforcement agencies.
- 17) At the direction of the Sheriff, will speak before the press, groups, and boards.
- 18) Manages daily operations of the Sheriff's Office, including policy development and implementation.
- 19) In coordination with the Administrative Assistant and each Command Division, will manage personnel processes and functions, including hiring, promotion, disciplinary process, internal investigations, and workers' compensation, and monitors all productivity/performance of office employees.
- 20) Responds to employee grievances and participates in arbitration and mediation processes.
- 21) Coordinates and advises on contract negotiations between county and bargaining/vender units.
- 22) Assists, chairs, and coordinates committees and teams as assigned by the sheriff.
- 23) Meets with other governmental leaders and department heads concerning issues affecting the office.
- 24) Oversees and coordinates all I.T. related functions, with the Sheriff's Office contracted I.T. company (concerning all technology related services; i.e. mobile and department phones, computers, servers, camera system, etc...).

2023-195

ORDINANCE NO. 2023- 28

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

**A SUPPLEMENTAL APPROPRIATION ORDINANCE AMENDING
ORDINANCE 2022-39 (THE 2023 BUDGET ORDINANCE) AND
APPROPRIATING FUNDS FOR THE HEALTH DEPARTMENT**

WHEREAS, funds are needed to replace a heating/air unit at the Health Department.

NOW THEREFORE, Be it enacted by the Quorum Court of Carroll County, State of Arkansas, to appropriate \$9,265.00 from County General (1000) to County Buildings (1000-0111), line item Machinery and Equipment (4004) to replace the heating & air unit at the Carroll County Health Department building.

ATTEST: Connie T. Doss
Connie T. Doss, Carroll County Clerk

APPROVED: David Writer
David Writer, Carroll County Judge

DATE APPROVED: July 18, 2023 SPONSOR: Matt Phillips

This publication is paid for by the Quorum Court of Carroll County, Arkansas. §14-14-116 \$__

Ord & Res 2023-196

EMERGENCY ORDINANCE 2023- 29

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

**AN EMERGENCY ORDINANCE ADOPTING CERTAIN RULES AND
REGULATIONS CONCERNING EXTERNAL NOISE ATTENUATION OF DATA
CENTERS AND TO PREVENT NOISE DISTURBANCE IN CARROLL COUNTY
AND WITHIN ITS UNINCORPORATED LIMITS; TO DECLARE AN
EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the equipment associated with the cooling systems and generators required to operate data centers generate broadband noise and low-frequency hums that result in noise disturbance. Noise disturbance is the cause of degradation and may produce negative impacts on public health, property, and the environment.

WHEREAS, noise attenuation should be an integral part of the design and construction of data centers in order to prevent noise pollution and noise disturbance.

WHEREAS, the county finds that the public interest is served by the prevention of unreasonable noise emanating externally from the Data Centers and the provisions of this Ordinance are enacted for the purpose of preserving and protecting the public health, safety, welfare, and property of the citizens of Carroll County, Arkansas.

**THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF CARROLL
COUNTY, ARKANSAS, AS FOLLOWS:**

ARTICLE 1: Purpose and Applicability

All Data Centers constructed within this jurisdiction shall be designed and built to incorporate external noise attenuation measures in order to minimize the impact of noise disturbance on the residents of Carroll County, Arkansas.

This Ordinance shall apply to limit the noise disturbance originating within the unincorporated limits of Carroll County, Arkansas.

ARTICLE 2: Definitions

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. *Ambient Noise*: The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excusing the alleged offensive noise, at the locations and approximate time at which comparison with the alleged offensive noise is to be made.
2. *Data Center*: A facility constructed and operated that is engaged in storage, management, processing, and transmission of digital data, including facilities used for cryptocurrency mining, which houses networked computer systems along with supporting equipment such as batteries, back-up power generators, HVAC and cooling systems.

3. Decibel (dB): A unit for measuring the volume of a sound, equal to twenty (20) times to the base 10 (10) of the ratio of the pressure of the sound measured to the referenced pressure, which is twenty (20) micropascals (Twenty (20) micronewtons per square meter).
4. Mechanical Equipment: The networked computer systems along with supporting equipment such as batteries, backup generators, and cooling systems housed on the Data Center's property.
5. Noise Attenuation: The reduction of noise levels through the use of sound-absorbing material, architectural design techniques, and/or any other suitable means.
6. Noise Disturbance is any sound which:
 - a. Endangers or injures the safety or health of humans or animals; or
 - b. Annoys or disturbs a reasonable person of normal sensitivities; or
 - c. Endangers or injures person or real property.
7. Person: An individual, association, partnership, or corporation, including any officer, employee, department, or agency.
8. Property Line: An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.
9. Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.
10. Sound Level: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specification for sound level meters (ANSI SI. 4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.
11. Sound Level Meter: An instrument which includes a microphone, an amplifier, RMS detector, integrator or time average, output meter, and weighting networks used to measure sound pressure levels.

ARTICLE 3: Noise Attenuation Requirements

Before a Data Center has commenced construction or operating within this jurisdiction, the property owner and operator proposing to build a Data Center shall comply with the following:

1. Notice Requirements
 - a. The property owner and operator must notify all residents within a half-mile radius of the parcel, including any affiliated homeowners' association operating within the half-mile radius, that the property owner and operator intends to build and operate a Data Center on the property. The notice required in this section must be mailed to all postal addresses and homeowners' association addresses contained within a half-mile radius extending from the property line where the proposed Data Center will be built. Proof of notification shall be filed with the county clerk's office within 30 days of providing notice. The property owner and operator must notify the County Judge that the property owner and operator intend to build and operate a Data Center. The notification must include the location for the proposed data center.

2. *Noise Study Requirements*

- a. The property owner of the lands upon which the Data Center is to be located shall conduct a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed Data Center, including noise levels measured at the property line in eight locations (north, south, east, west, northeast, northwest, southeast, southwest). The report of the study must include sound mitigation recommendations based on the results of the sound study. The property owner must provide a copy of the report of the study to the county judge and file with the county clerk within 30 days of completion of the report.

3. *Noise Attenuation Plan Requirements*

- a. The property owner must consult with a third-party architectural or design firm to develop a building plan that includes necessary noise attenuation measures in order to prevent the external sound level emanating from the Data Center from exceeding the sound level limitations below which will be considered a noise disturbance. The building plan is not required to adopt any or all of the noise attenuation recommendations so long as the plan includes noise attenuation measures that the architectural or design firm deems adequate to be in compliance with this Ordinance. Noise attenuation measures may include but not be limited to:
 - i. Soundproofing walls, screens, panels, fences, or enclosures
 - ii. Buffer yards
 - iii. Other noise attenuation measures recommended by the third-party acoustic engineer
- b. Mechanical equipment must be shown on any proposed plan and must be fully screened on all sides. Mechanical equipment not screened by a façade of the building must be screened by a visually solid fence, screen wall or panel, or parapet wall and constructed with a design, materials, details, and treatment compatible with those used on the nearest façade of the building.
- c. The property owner must provide a copy of the building plan to the county judge and file with the county clerk within 30 days of completion of the plan prior to construction.
- d. Any additions, changes, or expansions of the Data Center must comply with the noise attenuation requirements of this Ordinance and must be designed and submitted to the county judge and filed with the county clerk within 30 days of completion of the report.

4. *Post Completion Noise Study Requirements*

- a. Upon the Data Center's completion, the Data Center operator must conduct a post-construction noise study performed by a third-party acoustic engineer to document noise levels emanating from the Data Center when mechanical equipment is running at full capacity, including all HVAC units and generators necessary for peak operation. Noise levels are to be measured at the property line in the original eight locations used during the baseline study. The Data Center operator must provide a copy of the report to the county judge and file with the county clerk within 30 days of completion of the study.
- b. The Data Center shall not begin operations until the completion of the post-construction noise study and submission to the county judge and county clerk as required above. In order for the Data Center to be in compliance, the noise study results must show that its operation is in compliance with this

Ordinance. If the results show that the Data Center is not in compliance with this Ordinance, the Data Center will be unable to commence operation until the required noise attenuation measures and noise limitations are met.

- c. Furthermore, the Data Center operator must conduct annual noise studies under the baseline and post-construction studies specifications in accordance with subsections (a) and (b) above. The Data Center operator must provide the results to the county judge and file with the county clerk within 30 days after the anniversary date of the first sound study report.

ARTICLE 4: Procedure for Measurement

All tests shall be conducted according to the following procedures:

1. *Complaint Driven:* When the measurement is the result of a complaint, measurements will be taken at the property line of the receiving property.
 - a. The Carroll County Judge's Office and the Carroll County Sheriff's Office shall be equipped with a decibel meter(s) with a measuring range of up to 130 dB, date and time-stamped measurements, memory, and software. Upon receiving a complaint, these departments may conduct an on-site investigation and take sound measurements as prescribed herein.
2. *Normal Monitoring:* When the measurement procedure is in the normal course of monitoring sound, the measurements will be taken at the real property line of the source of the sound.
3. *Outdoor Conditions:* No outdoor measurements must be taken while winds exceed (including gusts) 15 miles per hour; under conditions that will allow the sound level meter to become wet; or when the ambient temperature is out of range tolerance on the sound meter.
4. *Calibration:* The sound level meter must be verified and calibrated according to the manufacturer's specifications immediately prior to taking the measurements.
5. *Meter Placement:* The sound level meter must be placed a minimum of four feet above the ground or from any reflective surface. The microphone must be pointed at the sound source.
6. *Measurements:* Measurements must include "high", "average", and "low" readings. If the sound level meter does not provide these multiple readings, a minimum of three separate measurements must be taken at a single location at varying time intervals. The average sound level reading shall be used to determine whether there has been a violation of this Ordinance.
7. *Monitoring Report:* The report for each measurement session must include:
 - a. The day, date and time of the measurements,
 - b. Date and time of recent calibration,
 - c. Temperature and wind speed at the time of measurement,
 - d. Identification of the monitoring equipment,
 - e. Location, land use, and description of the source,
 - f. Location and land use of the listener, and
 - g. Sound level measurements.
8. *Extraneous Sounds:* If there are extraneous sound sources that are unrelated to the measurements and increase the monitored sound level, the measurement shall be postponed until these noises subside.

ARTICLE 5: Noise Limitations

It shall be unlawful for any Data Center to make or continue to cause or permit to be made or continued, noise levels constituting a noise disturbance. For the purposes of this section, the external noise level emanating from Data Centers shall be deemed disturbing to a person, reasonably calculated to disturb the peace and unreasonably offensive and injurious to the public, or their property, if the sound level is:

1. 65 dBa or higher during the hours of 8 A.M. to 10 P.M. or 55 dBa or higher during the hours of 10 P.M. to 8 A.M. (as determined by a third-party acoustic engineer) measured at the property line of the receiving property.
2. The standard which may be considered in determining whether a violation of this Ordinance exists includes but is not limited to the following:
 - a. The level or volume of the noise
 - b. The time of day or night the noise occurs
 - c. The duration of the noise
 - d. Whether the noise is recurrent, intermittent, or constant
 - e. Whether proper and reasonable noise attenuation methods were followed and maintained

ARTICLE 6: Violations

1. Any or all of the following persons may be held responsible for noise violations:
 - a. The person operating the equipment or creating the noise;
 - b. The person who employs the person operating the equipment or creating the noise at the time of the violation;
 - c. The person who owns or rents the property where the violation occurs.
2. The following acts, and the causing thereof, are declared to be in violation of this Ordinance:
 - a. The sound level emanating from the Data Center exceeds 65 dBa or higher during the hours of 8 A.M. to 10 P.M. or 55 dBa or higher during the hours of 10 P.M. to 8 A.M. measured at the property line of the receiving property.
 - b. The noise attenuation measures provided in the design plan to the county judge are not incorporated in the construction of the Data Center.
 - c. Any of the required sound study results are not filed with the county judge and the county clerk within 30 days of completion of the report.
 - d. The building plan is not filed with the county judge and the county clerk within 30 days of completion of the plan prior to construction.
 - e. Failure to act in accordance with any other provision of this Ordinance.
3. All data center shall be in compliance with the requirements of this Ordinance before commencing operation; failure to do so will be deemed in violation of this Ordinance and result in an injunction and/or a stay in commencing operation.

ARTICLE 7: Penalties

- (1) Any person(s), firm, corporation, partnership, association, owner, occupant, agent or anyone having ownership in the subject property or supervision or control over the Data Center that violates or fails to comply with any provision of this Ordinance, shall be guilty of a misdemeanor.

- (2) Upon conviction of such violation, any offending party shall be punished by fine of \$1,000 for any one specified offense or violation, or double that sum for repetition of the offense or violation. If the act prohibited is continuous in time, the fine or penalty for allowing the continuance thereof, in violation of this Ordinance, shall be \$500 for each day that it may unlawfully continue. If the prohibited act continues after conviction of violation, an injunction in court of proper jurisdiction to abate the nuisance and violation of the Ordinance may be sought and awarded.
- (3) The county or any citizen shall be entitled to pursue all legal and equitable remedies available under the law in order to abate the nuisance and compel compliance with this Ordinance, including injunctive relief and any civil damages the court deems appropriate.
- (4) Until the Data Center is in compliance with this Ordinance and required noise attenuation measures are implemented and noise limitations met, the data center shall cease operations.

ARTICLE 8: Severability

If any provision of this Ordinance is found to be invalid by the decision of any court of competent jurisdiction, such invalidity shall not affect the remaining sections, phrases, and provisions of this Ordinance which remain valid and enforceable.

ARTICLE 9: Emergency Clause

The Quorum Court finds that the immediate implementation of this Ordinance is necessary for the preservation of the public's peace, health, safety, welfare, and property, an emergency is hereby declared to exist, and that this Ordinance is to be in effect immediately after its adoption.

PASSED AND APPROVED this 18th day of July, 2023.

ATTEST: Connie T. Doss
Connie T. Doss, Carroll County Clerk

APPROVED: David Writer
David Writer, Carroll County Judge

SPONSOR: Jerry King

This Ordinance is paid for by the Quorum Court, Carroll County, Arkansas. §14-14-116 \$_____

2023-202