

Journal of Proceedings
Carroll County Quorum Court
May 16, 2023

The Quorum Court of Carroll County, Arkansas, held their regular meeting on Tuesday, May 16, 2023, in the Eastern District Courthouse, Berryville. Once again, the meeting space was filled with interested parties, the press, and elected officials. The meeting began at 5:00pm with the Invocation and Pledge of Allegiance led by JP Craig Hicks. The meeting was audio recorded and sent to one member of the Press. The press was notified of the meeting as it is every month and was sent a copy of the agenda with copies of the ordinances to be addressed at the meeting. Roll call was taken by County Clerk Connie Doss. Two members of the Quorum Court were absent from the meeting, JP Matt Phillips and JP Jerry King. Both requested payment under §14-14-1205 for the meeting. JP Harrie Farrow offered a motion to accept the April 18, 2023, Journal of Proceedings which was seconded by JP Jack Deaton. All present voted their approval.

In Committee Reports, JP John Howerton updated everyone about the progress of the Eastern District Judicial Steering Committee. JP Howerton, SouthBend and County Judge David Writer had met, toured the Detention Center and adjoining land. A draft contract is with the County Attorney (Steven Simmons, Deputy Prosecutor). JP Howerton had worked up a wish list handout that said would have to be trimmed down. JP Howerton also said that there was an ordinance on the agenda that would appropriate \$10,000 in anticipation of beginning the studies needed to see what the project would cost. He also said that SouthBend would be looking at adding to the Detention Center using the sales tax funds and that the question of the land that is not being used currently and had been paid for with sales tax fund could be used for other purposes – IE: the courthouse. He said that ten days ago a request was made for an attorney general's opinion on the topic.

JP Jack Deaton said that a combined Budget and Personnel meeting would be scheduled very soon. He said the Sheriff is looking to restructure the staffing at the Detention Center and Dispatch.

There were no changes to the agenda and under Public Comments several constituents wanted the opportunity to speak mostly concerning the Scout Energy Wind Turbine Project, however, several other topics were broached.

Richard Williams read a statement from John Cross who wrote that he would never have a wind turbine on his land as well as saying that if tax subsidies were not available, the problem of wind turbines likely would not have been a problem. Mr. Williams continued with his own comments that he didn't feel that three minutes were long enough to discuss and present items and there shouldn't be a limit for people to speak. He also thought that the county should have a public hearing saying that the Quorum Court Procedural manual allowed this. JP Jack Deaton asked if there had been a limit to public comments per person when Mr. Williams was County Judge and Mr. Williams acknowledged that the three-minute limit was the rule at that time as well.

Stephanie Gordan offered commentary quoted from Kansas Senator Mike Thompson about the problems of wind farms. She read that the KS Department of Health had been contacted to clean up the problems left from wind farms. She also read in his article that there

would be larger set-back limits and that the situation needed to be addressed from the state level. In another article numbers from Germany stated that electrical bills rose 7-10%.

Nikki Brass of county road 905, requested a moratorium on wind farms in the county because the county did not have planning and zoning and while not advocating for or against planning and zoning felt it important to consider before moving forward with the wind farm. She also had the Justices listen to the noise/sound that a wind turbine makes when in use along with the infrasound that would affect anything close to the turbine. She continued saying that each turbine would take up 1.5 acres of land and 80 gallons of oil that had to be replaced twice a year.

Teresa Lovelace, read from a New York publication of the impact of fire within a turbine and that because of the height, firefighters could not reach. She read a similar article from Texas.

Tonya McNaham (?), voiced the concern that while many families would not be directly affected due to distance from the wind farm, what if it was your family living close to the project? She said that she had been offered a contract which she refused and had then been offered a \$100,000 contract which her family also refused because the result would come with “a hefty price”, one of which would be the health of her daughter who suffered from a situation that could be made worse by the wind farm’s infrasound and noise.

Carolyn Rogers, who also lives on county road 905 handed the Justices informational packets and asked the question of “Can you be too safe for this project?”. She discussed the karst topography and thought there were other options available that would not use valuable farmland.

Kate McClardy, county road 3027, Eureka Springs, wanted more public input and transparency regarding meetings that the county and Scout Energy have had. She also said the county needed to adopt a land use policy. On another topic, she asked that ARP funds be used for housing and that the Quorum Court could enter into an agreement with the cities. She cited that several months ago, it had been reported to the Quorum Court that there were at least 60 family in Berryville and Eureka Springs who were homeless and in need of affordable housing.

Robert Willoby, county road 905, said that he had moved from Texas for the land and he supported zoning because the turbines will affect everyone. He also said that the multi-national corporations were getting federal subsidies to pay for these turbines.

Trinity McNaham (?), daughter of Tonya listed above, spoke of the idea that government shouldn’t tell people what they can/can’t do on their land, but that where one person’s freedom starts could be where another person’s ends. She reiterated what her mother expressed that her sister would be impacted as well as the family. The family would have to sell and move from land that had been held by the family for generations. She said that there was sufficient information concerning the impact to poultry and public health, pointing out that poultry was a big economic factor for the county. She did concede that there were not a lot of peer reviewed studies.

April Griffith, CAMALS Director, updated the Quorum Court about the happening of the libraries saying that CAMALS was working on an internet service reliability map of their own to get more people connected. She said that circulation of books as well as ebooks were on the rise. A packet of information had been sent to the Justices at some point prior to the meeting.

Robert Anderson reported that his towing business was pretty much shut down because the Sheriff would not add him to the rotation. He said he had \$700,000 invested in equipment and doesn't know how much longer he'll be able to continue. Even with speaking with the new sheriff, Mr. Anderson doesn't know what the issue seems to be as he states his license and facility are in order and he noted that some that were on the rotation did not have their paperwork, etc. in order. JP Deaton repeated what has been said at several other meetings over the last year that the Quorum Court does not have the power to tell another official how to run their business and that it wasn't that the Justices didn't care, but it was that there was nothing they could do.

With there being no further Public Comments and no Old Business, the meeting moved to the two ordinances on the agenda. The first ordinance concerned the appropriation from Fund Courthouse Fund (1800). JP Howerton said during discussion that this was in anticipation of a signed contract and would pay for the architectural studies. A motion was made by JP John Howerton to accept the ordinance with a second from JP Jack Deaton. With all but the two absent Justices, the vote was unanimously approved.

A motion was made by JP Jack Deaton and seconded by JP Bruce Wright to approve a full-time sheriff deputy position for the Sheriff's office. JP Deaton commented that this position goes along with the Holiday Island law enforcement contract, and it needed to be recognized that funds appropriated to the Sheriff's budget for this was reimbursed by Holiday Island. JP Harrie Farrow asked if there were any other 2nd class cities doing the same thing and the response was "none". The ordinance was voted in the affirmative by all present.

JP Kellie Matt reported that she had attended the recent Quorum Court Association meeting and had brought back directories for all the Justices. She said that Tim Griffin spoke about prison reform and commented that there were 590 senate bills in the legislative session.

JP Jack Deaton reminded everyone that JP Comments were not for discussion, and then continued saying he had lived in Oklahoma close to 25 oil wells and couldn't stand the noise and stink but couldn't do a thing about them. It was a shame that one person's rights could interfere with another person's rights, but that we were stuck with the situation. Several years ago, he continued, when the issue of zoning was brought to the Quorum Court, no one wanted it and turned out in large numbers in opposition. He understood everyone's frustrations saying that many states and local governments turned in sample ordinances in place except Arkansas. He said that the Quorum Court does not have the power and if the Quorum Court oversteps their bounds, then the result would likely be a lawsuit.

JP John Howerton said that it had always been a "gentleman's agreement" for when things are added to the agenda. Robert's Rules doesn't allow for this and wanted to confirm the "agreement" that if there was one "no" vote, then the item would not be added. It was thought that this should be an item for the agenda next time to discuss.

Judge David Writer had no comments and entertained a motion to adjourn the meeting which JP John Howerton gave, and JP Kellie Matt seconded. The meeting was adjourned at 6:00 pm.