

Carroll County Quorum Court
Journal of Proceedings - Amended
Eastern District Courthouse
October 17, 2023

The regular meeting of the Carroll County Quorum Court began with JP Roger Hall leading the assembled with prayer and the Pledge of Allegiance. Notice of the meeting had been sent as is routine to all Justices, the Press, Elected Officials, and Department Heads. Several Officials and 2 known members of the Press were present along with a large contingent of interested constituents. The meeting was audio recorded and posted to the County's website. The Judge gavelled the meeting to order at 5:05 pm and roll call was taken by Clerk Doss. Two members, Jerry King and Francisco Pedraza, were found to be absent. The Journal of Proceedings from the September meeting were approved by voice vote with a motion to accept by JP John Howerton and seconded by JP Harrie Farrow. In Committee Reports, JP Jack Deaton reported that their budget process was about half completed and "things were going to be tight" as the cost of goods and services were increasing. He also reported that he hoped that the Quorum Court had looked at the Comp Report that was sent out and the cost it would be of paying out the \$130,000 +/- at the end of the year. It was hoped that Officials would try to get this time worked off through giving time off vs. paying it out at the end of the year. There were no changes to the agenda.

Public Comments brought several forward to talk about the road degradation on Spring Valley Rd and Mill Hollow Rd near the Passion Play in Eureka Springs. Eric Scheunemann reported that it hadn't been graded in three years. Victoria Sadler reports \$2,500 in vehicle repair due to Curtis Rd off of Mill Hollow. Amber Thomas has to walk because of the condition of the road. ~~Norma~~ Lorna Trigg who owns a botanical sanctuary also reports concerns. Emilia Hermann says that her husband won't allow her to drive on the road because of the danger. Aaron Barnyarn (?) says that the delivery services won't make deliveries on the road and he says that emergency services would not even be able to navigate the road.

Also, during Public Comments, several including most who came to talk about Mill Hollow spoke about their concerns with the industrial wind turbine that are scheduled to go up near county road 905. Michael Shaw says while he would not see the towers from his residence, he has concerns about the loss of hardwood trees and blasting in the karst terrain. He considers the wind turbines a public nuisance. Ann Cavanaugh, a local tavern owner, says that tourists come to enjoy "our mountains" and that tourism will leave. She says that she is "all about green, but not this". Tom King of Osage has concerns with the preparation of the sites as he lives just two miles from the proposed project. He has a 380 ft well that could be affected and the Osage Creek is nearby. He also reports having worked for "Rock Crusher" and knows what it takes to blast the rock. JP Farrow asked if he had other sources of water and he reports that he doesn't. Bobbie Wilson has about 1300 signatures against the project and says that they all tell a story and this is a way for them to have a voice. As constituents, they have a right to petition and redress their concerns. He says that the mailer that Scout sent was deceptive. JP Farrow asked Mr. Wilson to read the header of the petition that he has been circulating and he did. Ed Rod says that he supports private property rights, but this project was a venture capital investment and this type of project was generally sold off quickly as there are subsidies and green credits used as incentives. He thought that there should be a planning ordinance that would address the issue. He said the company isn't depending on wind for them to make money and that Carroll County

didn't need it. Amber Thomas took the opportunity to add thoughts about the wind project while talking about Mill Hollow Road saying that this type of project was not renewable and clearing large areas of trees would be bad. Connie Kleffman lives near Rule between Rudd and Green Forest at the end of county road 909. Her concern is with her water supply having 3 wells and 4 homes. She said that she is appealing, pleading for the Quorum Court to do what they can. Marilyn Bonham who also lives in Rule was a Green Forest School teacher for 47 years so has lived her whole life in the community. She described the pretty drive along Hwy 103 to the Rule valley and if the trees were cut, the horizon would be irreparably changed. She taught business and said that the textbook definition of a business is to "capitalize on financial opportunities". She reports that the Carroll Electric's Rural Arkansas magazine had a recent article that said that in rural Arkansas wind is not sustainable. Former Judge Richard Williams got up to speak on the now 58+ Land Use complaints that have been filed with the County Clerk. He cited several ACA codes 20-27-1101 and 20-27-1317 about blasting permits that are required as well as regulations regarding farms ACA 2-4-101, 102, 105, & 107. He also reminded the Justices that the Association of AR Counties is there to help and the county pay risk management insurance. He ends with the thought that water needs to be protected. Caroline Rogers thanked everyone for listening these last eight month and says that many of the petition signatures that she has were from face to face conversations. She points out that there are property rights and tenant rights where tenant rights actually have no rights and the contracts signed take away property rights. She goes on to say that the local property owner has no responsibility and that any issues that another property owner has with a wind turbine that may not be working properly or is throwing debris means trying to get in touch with Scout – the lessor. Arturo Cavillo said that if everyone followed the rules and regulations then there would be no Walmart and no Tyson and that one can't do anything without money. Randy Williams once again spoke about his opposition to planning and zoning saying that it takes money to do this and that there are other agencies that regulate this type of industry. Kate McCarty of Eureka Springs spoke of what we don't know; we don't know and we need to put something in place to know whether that be a consultant or other experts. She also asks who will be responsible for the tower dismantling and since there are so many answers that are not known, those answers need to be gotten before things can proceed. Nancy Canning spoke of the karst nature of the county and that when blasting sinkholes form and continue to cause problems. She also reports that the company (Scout) has a string of projects not completed.

In Old Business an ordinance concerning technology resources policy as recommended by the Association of AR Counties was passed on its second and third reading. JP Craig Hicks made the motion after reading two with a second by JP Bruce Wright. After the roll call vote, JP Hicks made a motion to set aside the rules to read a third time which JP John Howerton seconded. Judge Writer asked for a voice vote which was unanimously accepted. The ordinance was read by title only the third time and JP Hicks and JP Matt Phillips motioned and seconded and the roll call vote was taken.

The second ordinance under Old Business was conducted the same way. The ordinance concerned an addition to the Employee Handbook to add a technology resources policy. JP Craig Hicks motioned to accept after the second reading. JP Matt Phillips motioned a second. A roll call vote was taken. JP Hicks made a motion to suspend the rules to read a third time which JP Howerton quickly seconded. Judge Writer asked for a voice vote which was in favor of the third reading. JP Hicks and JP Matt Phillips gave the motion and second after the third reading and the measure was passed with the roll call vote.

In New Business, an ordinance to change the name of a position at the Prosecutor's office from the Hot Check Coordinator to an Administrative Assistant was read for its first reading. JP Craig Hicks made the motion to accept and JP Matt Phillips seconded. Prosecutor Tony Rogers spoke briefly about why the change was necessary during the discussion.

JP Jack Deaton sponsored a discussion period so that Justices could talk about the future of county planning and zoning. He told the gallery of constituents that this is the only way that the Quorum Court could speak to one another as outside of a meeting it was off limits to discuss county business with one another. He said he knew of three counties in Arkansas that had zoning and some have planning. The "wind farm" sent out propaganda saying the county was going to zoning when it was not. He said the Quorum Court was put in a bad position because of the propaganda and eventually the county will have to do something. He said that "people will keep coming", the company (Scout) was not in the US and the equipment being used was not from the US. The company came in secret. JP Kellie Matt's concern was about fire and safety. She said that the majority of people that she has spoken with are saying they didn't want the wind farm and we needed to look at the future. JP Craig Hicks said if planning was adopted then zoning was around the corner. "I don't want the turbines either," he said. He also paraphrased something once told him that planning is the vision and zoning is how you get there. JP Farrow said that there were controls in place for the right to farm, etc., and that this project was nothing like anything else the county had encountered. The turbines are taller than anything built and there is a concern about the karst topography. She said they (Scout) were secretive because they could be and that the county has a right to know and that the Quorum Court could pass an ordinance *that* would make them tell us. JP Hicks said that individuals believed their rights are being violated then they should hire an attorney. JP Farrow countered with the costs associated with that and said that the state gave counties the ability to protect its local area and is the county going to shirk its responsibility? She continued saying that *Scout was using* the county ~~was~~ for an experiment. JP Deaton said that regardless as to what the Quorum Court did at this point, it was going to "step on toes". JP Howerton said he had known about the project for years and didn't feel it had been kept a secret. In reference to the karst and drilling/blasting, he said that he couldn't say with certainty that there would be issues. JP Farrow then said that at this point it couldn't be proven either way, but also that massive, big trucks would be moving up and down the county road as well. How do you prove direct cause of damage to water and wells because once done; it was done. She said that they have been fed a "bunch of lies" by the company. JP Bruce Wright said that this project had too many unknowns and that he was not for the turbines saying they were a "trojan horse" coming in and that they were not green, but gray. There was not enough accountability and it would be damaging to have it in the county. JP Jack Deaton then held up a couple of copies of the CC Comprehensive Land Use Ordinance complaints that have been coming in to the County Clerk's office and forwarded via email to the Quorum Court. He wanted to take a vote to have the Clerk send them only once a month and it was pointed out by a member of the Press that there was an ordinance that didn't allow for a change to the agenda once they were past that juncture of the agenda. Tony Rogers asked Clerk Doss if that were the case and she nodded her affirmation. JP Farrow said that the JPs could pass an ordinance that would require the court to be notified when a project was planned in the county, a company would need to submit basic plans, where was the project going in, what are the construction plans, would there be blasting and drilling, a study of the geology and other requirements. This would be for any big project and thought that a committee could be formed to further discuss the idea. JP Hicks said that the ordinance that had been presented failed. JP Farrow said that the one

that didn't pass was not the same; it was about tower setbacks JP Howerton thought that there was merit in JP Farrow's idea of requiring a company to submit plans, as long as the requirements to submit plans did not put restrictions on the planned project. JP Hicks said that the court couldn't get there without zoning. JP Farrow again said that at least the court would be told what's happening. JP Howerton said there is already some oversight because of the other agencies. JP Farrow said that the state lets local communities make decisions for their own county and she asked what it would take to get a committee to discuss the idea of an ordinance requiring notification to the county of a new large project planned. Any would have to wait until the next meeting.

There were no JP Comments and no comments from the Judge. JP Jack Deaton made a motion to adjourn and JP Kellie Matt seconded the motion. The meeting adjourned at 6:25pm.