

Carroll County Quorum Court  
Journal of Proceedings  
September 19, 2023  
Eastern District Courthouse

The Quorum Court met for their regular meeting on Tuesday, September 19, 2023, at 5:00 pm. The meeting was held in the Eastern District Courthouse, Berryville, to a large gathering of citizens. The meeting was audio recorded with several members of the Press present. Notice of the meeting had been duly sent to the press the prior week. The Invocation was led by JP Hunter Rivett and the Pledge of Allegiance recited. The meeting was called to order and County Clerk conducted roll call. Members JP Jack Deaton and JP Roger Hall were absent. The Journal Proceedings from the August 15<sup>th</sup> meeting were approved after a motion was made to accept by JP John Howerton and seconded by both JP Craig Hicks and JP Harrie Farrow.

In Committee Reports, JP Howerton spoke on behalf of the ED Judicial Building Steering Committee reporting that the committee had met several times and have recommendation to give to the Judge. He said that the Quorum Court would need to eventually approve funding, but that the architects would be working on a bid package to put the project out to bid. He reminded the Justices that the project's wish list was to have a courtroom, Circuit Judge's suite of offices and a vote center with storage, but that was deemed too far out of reach for what the county would be able to fund without raising taxes. He said the committee decided to pare down the project taking off the vote center portion making the courtroom & Judge's suite a total of 5,632 sf and the courtroom with a Judge's day room a total of 4,518 sf. While the committee had estimates given to them by SouthBuild, they were on the high end it was thought at \$729 sf and \$837 sf respectively. He then reported on how it would be paid for through savings (fund 1800) of \$1.1M, payroll reimbursements from ARP (American Rescue Plan) \$1.3M, County General \$250K, and a \$1.0M loan for a 5 year term with repayments around \$250K a year. Total funds \$3,650M. He also said that the attorney that he's been working with at the Friday Firm has advised that if the building is to be placed on acreage purchased by the detention center and was paid for with sales tax funds years ago could be used for this project. It is recommended that County General reimburse the sales tax fund for the purchase price then the County can use the land for whatever purposes it chooses and this would be within the court decision. JP Craig Hicks said that he was proud of how the group was working together and that the building was being planned so that it could be easily added to later. JP Howerton added that it was a "spine" building vs. "cobbled onto". JP Harrie Farrow reported that the amount that SouthBuild thought the project might cost was padded due to inflation which also ensures that the costs doesn't experience an over-run. JP Howerton speaking now to the group as well as directly to the gallery gave reasons as to why the building was necessary which included overcrowding and safety issues and that the recommendation would be to proceed with a bid package to see what the costs would be. JP Bruce Wright added that everything begins with a good set of plans.

JP Matt Phillips reporting for the Budget Committee said that the group would be starting the 2024 Budget process very soon.

JP Craig Hicks made a motion to add a resolution as letter "a" with JP Kellie Matt offering her second. The voice vote approved the addition of the resolution.

Taking over an hour, there were several who asked to speak during public comments. Circuit Clerk Sara Huffman wanted to share a concern with the Justices about custody of records in relationship to the proposed courthouse. While she appreciated the work being put into the

project, she is concerned about the number of court files that would need to move back and forth between her office and the new building. JP Howerton asked if the records were electronic with the response being that many are, but that the Circuit Judge preferred paper to electronic.

Randall Christie – Director of the Passion Play – said as a previous resident of Oklahoma, reported that wind turbines had destroyed the landscape. He asked for a moratorium hoping that would be an option. JP Farrow asked how tall the Christ of the Ozarks statue was and Mr. Christie reported 67 ft with the proposed turbines being 10X taller and the likelihood that many more than the surrounding Green Forest residents would see the structures. As Mr. Christie also reported about the oil spills from the Oklahoma turbines, JP Wright asked further about that as well as the amount of wind generation which Mr. Christie said was slow.

Mr. Cavillo, who has spoken at several meetings previously, got up to reiterate that the wind turbines were going on private property and not on public lands.

Stephanie, a Carroll County resident, who has also spoken before was alarmed at the lack of transparency and the fact that Scout had twisted the issue into a property rights issue. Her opinion is that the contract restricts the property owner rights extensively and that everyone deals with regulations to some extent.

Edward Rod used the perspective of the bad effects of the wind turbines by using math relaying some facts about the height of the tallest buildings in the world and the Christ of the Ozarks statue is seen on Hwy 23 15 miles out. He said there would be a loss of revenue to the county overall, etc. He felt it was not good for seven property owners to decide what was best for the whole county.

Bob Wilson wondered how many signatures and petitions does it take before it is enough for the Quorum Court to act. He reminded the Justices that they make the decisions.

Bryce Marshall of Yocum spoke briefly saying while he didn't know a whole lot about the turbines, he knew that he was against the construction and use of them in Carroll County.

Lisa Price Backs said that she has been seeking transparency and not getting it. She has made FOIA requests to the Judge as well as the Justices with only one JP responding. She likened the mitigation concerning the road agreement to “corporatism” and said that Scout was a private entity for Brookfield's shareholders.

Mark Shudell, owner of Country Mountain Inn in Eureka Springs wanted to know how tourism would be affected by the wind turbines saying that 35% of his business was the motorcyclists who come to view the “natural state”. JP Farrow inquired about whether the motorcyclists drive through Green Forest and Hwy 62 and Mr. Shudell responded that they did because he has a brochure he hands out with several routes that go through the area. He said if there is no view, the tourists will go elsewhere where there are unobstructed views.

Anthony Hamilton said that he worked for the Department of Natural Resources and that bats are federally protected and, of course, bats use caves to live and this area was full of caves. He also agreed that shallow wells would be easily disturbed by blasting and the water table would be affected. JP Farrow asked of the importance of bats with Mr. Hamilton responding that bats consume a pound a night in mosquitoes – “flying, eating, pooping”. He said he was surprised that Scout hasn't asked to do the project and JP Farrow responded that there were no rules on the books with the county so they “don't have to ask”.

On other matters, April Griffith, CAMALS, updated the Quorum Court about the addition of website content, free digital literacy classes, and Berryville & Green Forest libraries running an inventory of their libraries. She reports that there hasn't been a system wide inventory in a decade. Berryville inventoried 40,000 items. Green Forest library was testing later hours on

Tuesday and Wednesdays to make up for the difference in the new school hours. She also reported that the Eureka Springs elevator would need a replacement with a recent quote coming in at \$158,000. She also let everyone know there would be solar glasses available to the public for the October 14<sup>th</sup> annual eclipse. JP Howerton asked about the status of the fundraising for the Berryville Library and Julie Hall, library director, said that she felt they were 70% there of the \$3.5M goal having collected \$2.8M. They had done an RFQ for an architect when JP Howerton asked if plans had been presented.

Caroline Rogers said that she supports private property rights, but there is a ‘slippery slope’ and told a story to illustrate it. She said there was an expectation within the community and that many have held properties for ten generations. She spoke of the installation of transmission lines and transfer stations that would affect many other property owners. Her perspective was that Scout was acting as an agent of the government through the subsidies, and tax credits so they were doing the bidding of the government’s agenda and as such, the land use plan was relevant.

Mickey Brass says that the signed and now renewed lease agreements were a problem and owners had forfeited their rights in exchange for money. He said the leases read that the company is not responsible for “acts of nature” so lightening would not be covered and the property owner couldn’t sue. He said they needed to keep their hazards on their land and what about his choices?

Former County Judge Richard Williams said that he had presented Judge Writer with several complaints with respect to water resources and at JP Farrow’s request read #9, page 20 of ordinance 2011-37 sponsored by JP John Howerton. Mr. Williams read the passage and reiterated that the Quorum Court shall act immediately and that his rights needed to be protected.

In Old Business, a second and third reading of the Trail Ahead’s application for a private club permit was approved. JP Howerton made a motion to suspend the rules for the third reading with JP Matt Phillips offering the second. The JPs approved this by voice vote. The ordinance was read by title only and voted on with JP Rivett voting “nay” and two JPs (JPs Deaton and Hall) being absent. The third reading’s vote was the same.

In New Business, the added resolution to name the 2023-2024 “Person of the Year” was introduced by JP Craig Hicks who said during the comments that the recipient, Terry Plumlee, came highly recommended by OEM director Mike McKelvey and County Judge David Writer. JP Hicks moved to approve the resolution with JP Kellie Matt motioned for a second. The vote sans those absent was unanimous. JP Hicks had read the resolution in its entirety and Mr. Plumlee was presented with a plaque by JP Hicks and Judge Writer. Mr. Plumlee was surrounded by his family and friends for the occasion.

The remainder of the meeting went quickly with a request for an appropriation to county buildings. There was no comment and the motion was made by JP John Howerton, seconded by JP Bruce Wright and approved.

JP Hicks commented on the next appropriation ordinance that the funds were from the insurance money received for a wrecked Sheriff’s vehicle and the funds were needed to purchase a replacement. JP Hicks motioned to approve. JP Matt Phillips motioned the second and the roll call vote approved the appropriation.

Periodically, the Quorum Court is asked to acknowledge and authorize certain contracted services that are provided by county employees that are different than the work performed during their regular working hours under AR Code Ann. 14-14-1202. JP Matt Phillips made the motion and it was seconded by JP John Howerton. The measure carried.

Arkansas Code Ann 25-1-126 became effective August 1, 2023. The Quorum Court approved an ordinance to add the policy to the employee handbook with a first reading. The item will be added to the October agenda.

County Clerk Connie Doss periodically requests transfers between funds when through either human or computer error, a claim presented is charged to an incorrect fund. JP Matt Phillips simply explained that this was “cleaning up errors”. The motion to approve was made by JP Phillips and seconded by JP Howerton. The motion carried.

Another ordinance was presented for a first reading that JP Hicks said during comments that the Personnel Committee had met twice because there was a request to make changes to the policy. The hotel stays would be increased from \$125 to \$150 per night and instead of splitting up the amounts for meals, a total of \$50 a day would be used. He also said that credit cards could be used for both and used the justification of its use because some employees may not be able to afford to attend a class for a week and pay for all of the meals before be able to have them reimbursed. He said this is how the quorum court can take care of employees. He also said that it is on the department heads and elected officials to take control and hopefully abuse will not occur. County Clerk Connie Doss asked to speak reiterating that in no way did the policy changes mean that receipts and proper documentation were not still required. JP Harrie Farrow asked if audit would “pick up” abuses and the response was a nod from Clerk Doss. It was also mentioned that the policy should be looked at periodically for inflation increases. The motion was made by JP Hicks, seconded by JP Matt. The motion carried for its first reading and would be added to the October agenda.

In JP Comments, JP Matt Phillips let Judge Writer know that he had gotten a call complimenting the road department on their good job. JP Harrie Farrow asked that going forward that everything was not about zoning and to use the words that are meant instead of sounding manipulative with the use of certain terms. She offered several definitions of the word “zoning” from various sources including AR Code Ann 14-7-209. She said everyone needed to be clear on what zoning is.

Judge Writer reported that a K-9 was to be retired due to age and health citing Court Order 2023-20. He said the animal was returned to its handler, Nathan Knight. He said the animal may be replaced, but wasn't sure. He also reported that the road department disposed of a computer and is on Court Order 2023-21. The meeting was adjourned by Judge Writer without a motion or vote at 6:30pm.