

Journal of Proceedings of the
Carroll County Quorum Court
Regular Meeting
February 20, 2024

The Quorum Court met during their regular meeting beginning at 5:00 pm. The meeting was conducted in the Eastern District Courthouse in Berryville. The meeting was audio recorded with one member of the Press requesting a copy. Notice of the meeting was sent to the Press, Quorum Court members, Officials, and department heads. The agenda was also posted to the County Clerk's Facebook page in advance of the meeting. JP Craig Hicks led those assembled with a prayer and the Pledge of Allegiance. The meeting was called to order by Judge David Writer. Roll Call was conducted by Clerk Doss. All members of the Quorum Court were present. Also present, were all of the Elected Officials of the County and interested constituencies. The minutes of the previous meeting were approved by a voice vote after JP John Howerton made a motion to accept and JP Matt Phillips seconded. In Committee Reports, JP Jack Deaton announced that there would be a position opening up in the District Court-East office speaking on behalf of the Budget & Personnel Committees. JP Howerton speaking for the ED Judicial Building Steering Committee said that the vendor was in the schematic phase and was putting together the bid package. It was expected to be a two month process. JP Craig Hicks motioned to make a change to the agenda asking to have former JP Larry Swofford speak during the ten minute miscellaneous speakers. The motion was seconded and everyone was in favor. Former JP Larry Swofford was added as letter "b" to "Miscellaneous".

Public Comments was lengthy with the wind turbine project being the focus of the comments. Ruby Stinebreakner who lives on county road 905 spoke of the Clean Water Act in relation to the local creeks, streams, rivers, and lakes. She also spoke of the two types of storm water drainage and the impact the wind turbines would have.

Judge Writer while acknowledging a local tow truck company owner, told him that there was nothing that the Quorum Court nor the county attorneys could do to assist the owner and that the Sheriff was who he needed to work with. The owner repeatedly spoke over the Judge, but finally sat down.

Barton Chaney of county road 905 said that he had a contract with Scout Clean Energy and that the situation was between Scout and the landowners. JP Deaton asked if he lived on the land and Mr. Chaney said that he did.

Phillip Floyd spoke of his son's experience with wind in Texas during the recent cold snap there. He spoke of Scout's uncontrolled property rights to the landowners. Pete Floyd, Phillip's son then reiterated the shutdown situation in Texas and said he'd like to keep his view on Pension Mountain.

Teresa Lovelace, also of county road 905, she said she was all for rights, but was asking for those with contracts to be good neighbors. She asked to please take everyone into consideration and that personal choice only goes so far when everyone was on the same boat.

Bobby Wilson spoke about the money then went on to give setbacks for other projects around the country. He said that the 1.14 setback means more money for Scout and that the Quorum Court shouldn't be fearful of Scout. This is a common sense situation, he said, and public safety doesn't have a price tag.

Lisa Price-Backs had requested federal reports on the project reporting that in March, 2023 one agency met with Scout representatives. With Game & Fish, Scout pays a fee upfront to

bypass bird/animal kills due to the turbines. Ms. Price-Backs notes that the Land Use Policy, pg 52 speaks of the concerns that she has with regard to specified government agencies saying that NGOs are privatized, but are government, so the Land Use Policy does apply to Scout.

Steve B. agreed that making money on the land was good, but that the contract holders and Scout are being unkind and pointed out that everyone was giving wisdom to the Quorum Court, but no one was listening.

Randall Embry had moved from Texas five years ago to escape the wind turbines and said that ultimately the issue was about money. He said that the situation of "selling out" the county won't end with the turbines unless there is something in place to set rules.

Angie, a young person, from the project area said that they suffer from health issues and they love animals.

Tammie McNamarah, showed the Quorum Court several generational pictures of her family saying that her daughter, Cloe, has health issues and would likely not ever be able to live on her own. It was thought that they might build a tiny home on the property, but that won't be possible now because of the infrasound from the turbines. She said that her daughter suffers from a very rare sleep disorder that doesn't always allow her brain to tell her lungs to breath. She said that some simply can't defend themselves and perhaps it was time to ask the question, "Hey, let's think about this."

Mike Ellis, a newspaper person since 1996 said that he had never addressed the Quorum Court before and joked that this Quorum Court was the second best in 28 years. He reported that in 2019 there were questions about the quarry and its proximity to the hospital. Today, it's not a concern. There was also a time when there was a call for federal flood insurance after a 15 year flood and the decision was made to not pursue. He said there were signed leases and in 150 years of quorum court, it did not tell people what they could do on their land.

Don Richie, a Veteran and rocket scientist, said that under Title 17 of Federal code, projects like Scout's was being financed. He cited \$1.96B of Title 17 went to wind projects. In other words, are funded by tax dollars. He continued, that 42% of the subsidies were for wind that produced only 2% of useage. Scout, Quinnwood, Brookfield, then Blackrock who were the ones "picking pockets" and that the county should value the future and not mortgage it.

Judge Writer asked there be no more public comments and moved to the sponsored speakers. JP John Howerton introduced his speaker, Richard Williams, who promptly asked to give his time to local attorney, Matt Bishop. Judge Writer didn't want to make the substitution and words were exchanged with JP Howerton finally saying that he was okay with the replacement of speakers. Mr. Bishop said that in 2011 a company called ClipperWind came to Carroll County to look at wind power and went broke in 2012. Today, he said, that they only service the existing towers they have in other states. He acknowledged that the Land Use Policy has a lot of "fluff" about culture, but that committees were to have been set up to set a baseline in different areas (water, wildlife, etc) of the county. He asked the Justices not to cower from being sued saying that Arkansas County was being sued over the bitcoin ordinance that was passed in that county similar to the one passed in Carroll County. He said the goal is to preserve the county and exercise rights. JP Hunter Rivett asked about officials being sued and Mr. Bishop said that elected officials have a lot of immunity. JP Harrie Farrow responded that Scout had not transparency and that non-disclosure agreements had been signed, too.

Former JP Larry Swofford was introduced by his sponsor, JP Craig Hicks. As a former Justice of the Peace, he sympathized with the job the Quorum Court had. He felt that the two ordinances on the agenda would be a liability to the county and said that a tree blowing over in a

storm also affected public safety. He also believes that tourism will not be hurt by the turbines. He said the ordinances would start county zoning and the farmers already struggle. He recalled the milk producers and today the Tyson growers. JP Hicks commented that the ordinances could stifle growth. Mr. Swofford said that this was all aimed at wind. JP Farrow said that she understood how strongly he felt, but that the Quorum Court's future votes had nothing to do with now and the future court can do what they want. JP Kellie Matt disagreed about stifling growth because it would not include towers under 200 ft and feared the 700 foot towers filled with fuel. JP Hicks asked if everyone knew the ordinances inside and out and how it may restrict other towers and said that the tower issue has been rewrapped so many times. JP Jerry King joked to Mr. Swofford that he should not have retired and said that he was afraid that the county would not receive the taxes that would be due because of excuses and counties would end up caving in and taking a lesser amount or none with Mr. Swofford contending that the farmers were the biggest taxpayers in the county. JP Farrow inquired about what had happened to the dairy industry in the county asking whether the farmers had been convinced of a particular change or new equipment with Mr. Swofford responding that farmers had been introduced to a new feeding system, but did not elaborate further.

As there was no Old Business, the meeting moved to New Business. JP Matt Phillips motioned to read the two resolutions by title only with JP John Howerton offering a second. Everyone was in agreement. With that JP Phillips read the first resolution by title only and moved to adopt with a second from JP Jack Deaton. JP Matt said briefly described the resolution that was a grant for the Eureka Springs Library and the roll call vote was taken with no opposition.

Next was a resolution for a cybersecurity grant through ADEM and the Department of Public Safety. The grant would be used for the Office of Emergency Management. The motion to approved was made by JP Hicks and seconded by JP Phillips. With no discussion, the roll call vote was unanimously approved.

Sponsoring the first of two similarly worded tower ordinances, JP Kellie Matt made a motion to accept her ordinance with a close second by JP Bruce Wright. During discussion, JP Matt said that her brother just sold property in Kansas and lost 1/3 its sales value because of wind turbines nearby. She continued that the current situation was a "can of worms" and that every situation was different and right now the court needed to focus on this continuing that we need to be safe and provide distance. JP Craig Hicks agreed that it has been a mess as the issue has been voted on 3 or 4 times and it fails and asked Larry Swofford if he had ever seen that in his years as JP and he had not. JP Hicks continued that he was disappointed in the Quorum Court and reiterated as he had in previous meetings that a "no" from him did not mean a "yes" for wind with JP Matt interjecting that this was too important and the turbines would be up forever. JP Harrie Farrow said there hadn't been an ordinance with a decommissioning bond. She also said that in her research the height of the proposed towers were new for land with most of the taller structures being off-shore. Judge Writer asked for the vote which was: Yeas – JPs Wright, Farrow, and Matt. The Nays being – JPs Deaton, Rivett, Phillips, Hicks, Pedraza, Hall, King, and Howerton. Not having enough of the majority of the whole, it did not pass for further readings.

JP John Howerton's ordinance had a lesser setback than JP Matt's, but otherwise was similar in language. JP Howerton made the motion to accept with a second from JP Harrie Farrow. JP Howerton started the discussion by talking about the "problems" to date being "Don't tell me what to do with my land.", setbacks, not willing to change the rules in the middle

of the game, and that even five years ago, he would have voted to stop Scout. He said he sympathized for those living in the footprints of the towers and that the ordinance would require a decommissioning bond on day one of the project. He said the county would have no liability in the project and would not be named as an obligee on the bond. He said that the setbacks gave guardrails. JP Farrow said that the ordinance would provide some protection to landowners and was better than none. She said there needed to be a decommissioning bond and said that bigger setbacks were Scout's problem. She continued that without passing an ordinance, that Scout "can do whatever they want". JP Hicks said that this was opening the door to other things and he was not willing to jeopardize future growth of cell, etc. JP Jack Deaton said that he had contacted many people that had been calling and emailing him and was upset by the people that said the Justices were being paid by Scout. He also said he didn't believe that the ordinance would affect future growth in the county with JP Farrow agreeing that the ordinance "won't be that restrictive". The final vote was: Yeas – JPs Deaton, Wright, Farrow, King, Howerton and Nays – JPs Rivett, Phillips, Hicks, Matt, Pedraza, and Hall. Having failed the majority of the whole, the ordinance did not pass.

The next ordinance was read by title for its first reading and a motion was made by JP Hicks, seconded by JP Phillips. Comments included were that the ordinance would set position titles. JP Farrow wanted clarification saying that the names could still be changed by ordinance with JP Deaton responding in the affirmative. On its first reading the roll call vote was unanimously approved and will move forward to the March meeting.

Lastly, a motion was made by JP Deaton and seconded by JP Howerton to approve an appropriation ordinance to reimburse the Airport Commission for 2 vehicles that were sold by Purple Wave Auctions. It was explained that the funds would be used to purchase updated curtesy cars for the airport. The roll call vote approved the measure with all voting in the affirmative.

The sponsored discussion period was led by JP Howerton and concerned the Comprehensive Land Use Policy that had been approved by ordinance in 2011. His suggestion was to ask the Judge to appoint a committee and that originally the Policy was to stop overreach of the federal government and state government as a response to their intent to designate the area as the Ozarks Highlands sans the cities and it would be a park meaning that there would be no new owners and that lands as families passed on or moved would become part of the park. The term "unintended consequences" was brought up as part of what was being pushed now concerning the wind turbine project. JP Farrow asked if the committees required in the Policy were ever set up and appointed and that if not, the county was not in compliance with the Ordinance. JP Howerton's recommendation again was to set up a committee to study and have the Quorum Court vote on their recommendations. A question was posed to County Attorneys Tony Rogers and Steven Simmons. Mr. Simmons said the choices were likely to comply and appoint, amend the current policy, or write an ordinance to supersede the current Ordinance. JP Deaton expressed that the Policy had quite a few "shalls" and added that with the proposed Ozark Highlands designation that highways 21 and 23 would be changed to scenic byways. JP Howerton said that the current Ordinance could be amended and JP Farrow suggested that wording was important and this was a good example as to why. The consensus among the Justices was for the Judge to appoint a committee.

JP Comments: JP Harrie Farrow asked if the Judge would check to be sure that all Justices would be able to attend when there was inclement weather.

In Judge's Comments: He read and reported about the 2022 Legislative Audit report and the one finding listed for the Circuit Clerk having not reconciled bank accounts. He cautioned, however, that the finding was for the previous Circuit Clerk and not for the current Circuit Clerk, Sara Huffman. It was reported that all bank accounts are being reconciled. He also reported on the disposition and disposal of a 2007 copier from the Circuit Judge's office that had no value and was disposed of through Court Order 2024-03.

With that, the Judge entertained a motion to adjourn which was given by JP Jack Deaton and seconded by JP Matt Phillips. The meeting was adjourned at 6:45 pm.