

Journal of Proceedings of the  
Carroll County Quorum Court  
January 16, 2024

The first regular meeting of the year began at 5:05pm with the Invocation led by Judge David Writer and the recitation of the Pledge of Allegiance. County Clerk Connie Doss took roll call finding JPs Kellie Matt and Roger Hall absent. The meeting was audio recorded with one member of the Press requesting a copy of the recording. Notices of the meeting had been sent to County officials, department heads, and the Quorum Court along with members of the Press. Two other members of the Press were in attendance. The Journal of Proceedings of the December 19, 2023, meeting was approved after JP Harrie Farrow made the motion to accept and JP Jerry King seconding the motion. The Judge called for the voice vote which was unanimous and was approved. JP John Howerton reported in committee reports that the Eastern District Judicial Building Steering Committee would be working with SouthBuild and their subsidiaries on a bid package that would hopefully be distributed within the next 2 months.

There were some changes to the agenda. JP Harrie Farrow reported that April Griffith would not be able to speak due to a conference that she was attending. As a result, JP Farrow asked to have April removed from "Miscellaneous". JP Craig Hicks motioned a second and everyone approved with a voice vote. JP John Howerton asked to remove the proposed ordinance listed as "e" at the advice of the Quorum Court's counsel. JP Farrow seconded the motion and the voice vote to remove the item was in favor. JP Craig Hicks asked to add a resolution that would have the Eastern District Judicial Building Steering Committee continue for another year. JP Howerton motioned the second and the voice vote approved it with no opposition.

Several concerned citizens spoke again about the proposed Scout Clean Energy industrial wind turbine project off of County Road 905. Bob Wilson spoke about the Court's responsibility toward all of the citizens of the county, that the Court should demand manuals on the equipment, and that the turbines have a fire suppression system installed. George \_\_\_\_\_ and his wife, Angela Usrey, George reported had visited recently with the Judge and wanted to reiterate that the Quorum Court is the legislative body that acts on behalf of the best interests of all of its citizens. He asked if Scout denies that the Quorum Court in fact has the power to legislate? Arturo Cavillo said that he continues to support Scout and they have leased private property and that property rights should be left alone. Lisa Price-Backs reports that the Ozark Highland karst will be affected and says that with wisdom the Quorum Court can deal with the situation. Richard Williams repeated from previous meetings that the county already has ordinance 2011-37 as a tool and it should be enforced. He also says that the County Judge is an example of what can and can't be done on property when he issues a burn ban for the county.

The first sponsored speaker was Caroline Rogers. She offered statistics concerning other Scout projects in Indiana. She cited these types of projects as high maintenance, lightening rods because of their height, thought there should be 2-3-mile setbacks, and said that in her reading of equipment manual that workers should be 3000 ft away during a storm. She goes on to say that the county will suffer in home devaluations, wells failing, tourism dollars, increased pest control due to the bat population being killed off. She says that most of the properties on County Road 905 have either wells or springs as the primary source of water for the home. She noted also that Scout's operational date began in 2016 with their first project taking off in 2018. The company has five current farms with having had acquired 2 of the 5 that were already in operation.

JP Howerton as well as sponsoring Caroline Rogers, also had sponsored time for Scout Clean Energy. Their representative said they were there to update the Quorum Court saying they were completing the wetlands and cultural surveys, and they were doing the survey work on the property lines. It was also repeated that Scout intended to add the County as a named entity on the decommissioning bonds and that they had printed this in a letter for the newspaper. It was reported that Scout does not have the power of eminent domain and the project won't need it as they have acquired the land they need through leases. The utilities that they are working with also won't need it as they have what is needed to construct transmission lines. The speaker answered questions brought up by Ms. Rogers saying that the Indiana project had required county and state processes to go through before energy could be produced. Persimmon Creek in OK was sold because the utility wanted to buy the wind farm vs. buying the energy. He also said that the county could do a Pilot situation, but that Scout would not ask for such tax abatements or tax reduction measures. JP Bruce Wright asked Scout about accountability with Scout responding that they were the owner/operator of the project and JP Wright saying that another company could take over the project. He also asked for MSDS sheets to be provided and Scout saying that he didn't have the authority to respond but would check to see if those could be provided. JP Jerry King asked how turbines were assessed and the response was that the Assessor does that. JP King asked more questions concerning Scout's purported lack of paying their property taxes on other projects with Scout responding that it was an unfair characterization as there were ways to reduce taxes and laws regarding values, etc. do change. JP Jack Deaton asked if Scout would be asking for any abatement of taxes, and they responded that they would not be. JP Harrie Farrow asked if she could get a direct answer concerning fire suppression. Scout said that it depended upon the turbine manufacturer/model that was picked with JP Farrow saying there was not a law that required the fire suppression so basically, Scout didn't have to do anything with respect to the installation of fire suppression on the turbines.

Angela Usrey, who was sponsored by JP Kellie Matt, being absent from the meeting and was introduced by Judge Writer. She presented an audio/visual presentation from KS Senator Mike Thompson who spoke about decommissioning process saying the cost would be about \$1M each and that the land could not be restored to what it was. He said that the leases signed would make the land useless for generations and that the required transmission lines would take large swaths of trees down. His recommendation was to pass a moratorium, for the Court to do its due diligence saying that many are outright banning wind in their areas. He also pointed out that these companies help landowners sue on the idea of property rights violations. He said that he currently pays more in taxes as a homeowner than the wind facilities do in KS. He explained the term "trespass zoning" which is that hazards trespass to another landowner and that the wind farm landowners do not consider what the other landowners wants to do on their land. He said for the general safety of all concerned that the turbines need to be 1 mile from other property lines and that any noise in the valleys of our area would act like echo chambers. Along with the idea of trespass zoning that this does keep landowners from building near their property lines if a turbine was within close proximity. He also discussed wind speeds and efficiency of the turbines saying that the average wind speed in Carroll County was 8mph and the turbines need at least 10 mph to work. It would be needed for 200 days or more. He said that they worked most effectively at 25 mph wind speeds which this area does not see. There was also discussed the topic of tax abatements and that it was unlikely Scout would ever pay full property tax/value after an abatement due to depreciation. With Ms. Usrey's time expired, the Court moved to its new business as there was no old business.

A resolution to confirm the appointment of a commissioner for Lake Forest SSD was first in New Business. JP Bruce Wright read the resolution making the motion to approve it with JP John Howerton motioning the second. With the two members absent, all other members voted in the affirmative. Next was the appointment confirmation of a member to the Inspiration Point Volunteer Fire Association with JP Wright again reading the resolution, making the motion to accept and JP Jack Deaton motioning for a second. This resolution with the two absent members passed with all others voting in the affirmative. JP Jerry King's sponsored resolution to appoint Vicki Brown was read by title only after a motion was made by JP Howerton to set aside the rules and read by title and JP Deaton motioning the second. The voice vote approved the motion to read by title. JP King reread the resolution by title, made the motion to accept, with JP Wright motioning the second. The roll call vote was the same as the other two resolutions.

During comments after the motion to accept was made by JP Craig Hicks and seconded by JP Deaton, JP Hicks said that the ordinance to make the maintenance position a full-time position had been at the request of the Judge and is a recommendation of the Personnel and Budget committees. He continued by saying that the Judge has full confidence of the person hired for the position and he believed that it will save the county money by not having to hire out some of the bigger maintenance issues that arise. JP Harrie Farrow asked for clarification as to the appropriations listed with County Clerk Doss responding that the position is divided three ways between the maintenance budgets and that the appropriation plus moving the remaining funds from Salaries-Part-Time would fund the position for the remainder of the year. The roll call vote passed the ordinance with only the two absences being counted as "no". The resolution that JP Hicks had added was next that gave the Eastern District Judicial Building Steering Committee another year to continue its work. The resolution with no comment was passed after the motion was made by JP Hicks and seconded by JP Matt Phillips.

JP Jack Deaton made a motion to approve the ordinance that would adopt certain rules and regulations regarding setback lines and construction of towers within Carroll County's unincorporated areas. JP Harrie Farrow seconded the motion. JP Deaton said that the ordinance was basically the same as a previous ordinance that he introduced saying that he took out the noise section and added a few other concerns. He said that he had gotten plenty of feedback from both sides of the issue. JP Farrow said that she was glad that JP Deaton was doing something and that it was better than nothing and gave more protections and could be later amended or changed. JP Deaton said that it was a step, and the state was unlikely to assist. He said that he hoped that Scout was not lying to everyone, and that the ordinance did not take away any rights. JP King asked for clarification concerning the setbacks by saying that he was in favor of setbacks. As it was not listed as an emergency ordinance, it would be subject to three readings. The roll call vote was JP Deaton, Yes, JP Wright, Yes, JP Farrow, Yes, JP Rivett, No, JP Phillips, No, JP Hicks, No, JP Matt, Absent, JP Pedraza, Yes, JP Hall, Absent, JP King Yes, JP Howerton No. The vote, therefore, was 5 Yes, 4 No, 2 Absent that count as No. The measure lost by one vote not requiring a 2/3<sup>rd</sup> majority of 8.

The group decided to have JP Hunter Rivett be their representative to the April meeting of the Quorum Court in Little Rock. JP Matt had written in an email to Clerk Doss that she was ready to pass the responsibility to another member and JP Deaton said that he had not wanted JP Rivett to be the person last year because of lack of experience asking JP Rivett if he thought he was ready. JP Rivett responded that he believed that he could represent the County and the Quorum Court well. JP Hicks made the motion and JP Howerton seconded the motion with a

voice vote that was a unanimous acceptance for JP Rivett to be the Quorum Court delegate for 2024.

JP Deaton said during JP comments that there would be a Budget and Personnel committee meeting on Thursday to discuss wages at the Sheriff's office. The Judge reported having no comments to make and entertained a motion to adjourn which was given by JP Deaton and JP Matt. The meeting was adjourned at 6:10pm.