

Journal of Proceedings of the Carroll County Quorum Court
Regular Meeting
March 19, 2024

The Quorum Court met for their monthly meeting on Tuesday, March 19, 2024. The meeting was held in the Eastern District Courtroom, Berryville, at 5:00 pm. The meeting was audio recorded and notices via email had been sent to the Press with two known members of the Press present as well as several county officials. Notice of the meeting was also sent to county officials, department heads, and several requesting parties. JP Roger Hall was asked to lead those assembled in prayer and the Pledge of Allegiance. The meeting was called to order and roll call was taken by Clerk Doss. Two members of the Quorum Court were absent; those being JP Craig Hicks and JP Hunter Rivett. JP Jack Deaton made a motion to accept the Journal of Proceedings from the February 20th meeting which was seconded by JP Matt Phillips. The voice vote was unanimous. The committee reports brought JP John Howerton's report of the Eastern District Judicial Building Steering Committee saying that Spirit Architecture was working on the bid package that included a survey for utilities, etc., and a Geotech drilling report. It was felt it would be ready in about 30 days or so. There were no changes to the Agenda.

Public Comments brought Robert Anderson advocating that the Sheriff add his wrecker business to the rotation. Richard Williams of county road 905 commented that Ordinance 2011-37 was not being enforced and cited several AR codes concerning the authority of the quorum court. John Gentry of Hwy 311, Green Forest, asked where property rights end and begin and freedoms to not infringe upon others. He felt that the 50 individuals rights were greater than the 600+ also living in the area of the wind turbine farm. Mike Ellis, with the Independent newspaper, had reported on a quote of JP Harrie Farrow at the previous meeting and had gone back to the recordings to be sure that he had his information correct. The statement in question stemmed from land used as a quarry and the possible need for county land use regulations. JP Farrow responded that the county ties its hands and that it didn't have to be that way. She continued that words are as they are and she wasn't implying anything else. Caroline Rogers, also of county road 905, expressed that property rights were being very one-sided with the neighbors with contracts having a greater value and that wind ordinances were to be decided on the local level where ultimately the choices were defending the rights of citizens, small businesses, environments, etc. or accepting financial payment in the form of taxes to forego these neighbor's rights. David Idarola representing Scout Clean Energy reported that he had a summary of estimated tax revenue sheet that was passed out and that the numbers were higher than "advertised". He defended the company by saying that they had been engaging with the public since 2016. JP Bruce Wright inquired about their safety plan and whether the county had it yet. JP Farrow asked if construction had begun and it was reported that it had not with no date estimated yet. JP Kellie Matt commented that a safety plan "would be the first thing you'd do" speaking to the Scout representative. Bobbie Wilson told a brief story of the safety data sheets received by consumers for purchased products asking why there was no compliance with providing such documentation. He finished with "Silence is not always gold." Monica Peterson of Green Forest said that there was nothing clean about wind and that there were documented studies concerning infrasound and the impacts it could have on her small daughter that has Down's and sleep apnea. She said this was a morale and ethical decision and that documentation concerning infrasound was proven in a court of law at which there were "Prove it" from some in the gallery. Mr. Cavillo, who has a contract with Scout, thanked the Quorum Court for their

efforts and apologized for his outburst at the previous meeting. He wanted evidence of the safety reports and said he felt that the water & runoff were a “maybe” and that nothing was proven.

Ed Rod was the guest speaker for JP Kellie Matt and introduced himself as having been born in Arkansas and while not living in the County permanently, did own land. He said that the tax numbers given by Scout could ultimately result in a property tax loss to the county because of the devaluation of property around the site. He cited the 2020 census from Oklahoma and Kansas saying that there was a population loss of 10% near the turbines in those states. He also cited reports that the land values could go down from 10-60% and that tourism being the base economy of the area, it, too, would be affected. He asked for two ordinances to be drafted. One would be to prohibit land based commercial projects and two, that a blue ribbon committee would be set up to study the American Heritage Project with respect to violation of common law.

In Old Business, there was a second reading of the ordinance clarifying the position names at the Sheriff’s office. The motion was made by JP Howerton and seconded by JP Phillips. The roll call vote passed with no opposition. A motion was made by JP Jack Deaton to read the ordinance a third time, which was seconded by JP Howerton. The voice vote was unanimous. The ordinance was again read by title and a motion was made by JP Deaton, seconded by JP Howerton. There was no discussion and the final vote passed the measure with all present voting in the affirmative.

In New Business, a motion was made by JP Bruce Wright to set aside the rules to have the two resolutions read in their entirety and to read by title only. JP Jerry King seconded the motion and was passed in the voice vote with no opposition. The resolution to confirm the appointment of Bill Campbell to Mundell Heights SSD was accepted after a motion was made by JP Jack Deaton, seconded by JP Jerry King. There was no discussion. The next resolution was also accepted with no discussion after a motion was made by JP King, seconded by JP Howerton that confirmed the appointment of Leslie Echols to the Grassy Knob Volunteer Fire Association commission to finish a vacated term. Having accidentally skipped the year end cleanup ordinance, Clerk Doss read the next item while locating the other. JP Deaton made the motion to accept the ordinance to transfer funds between the Detention Center and County Jail due to the Sheriff’s office charging claims for Turn Key Health to County Jail instead of the Detention Center. The motion was seconded by JP Howerton. With no discussion, the roll call vote passed the transfer of funds between the funds. Clerk Doss went back to the “cleanup ordinance” and read it next by title, with JP Phillips making the initial motion to approve the ordinance and JP Wright giving the second. JP Deaton said that the ordinance was required to balance the 2023 budget. The roll call vote was unanimously approved. Similar to the situation of the claims for the Sheriff’s office, the Circuit Clerk discovered that she had inadvertently charged claims meant to be taken from her other fund and had requested that funds be transferred between the departments. JP Deaton, during discussion, said that it simply had been pulled from the wrong fund. JP Deaton made the motion to accept and JP Matt seconded. Again, the vote was unanimous. The Berryville Library had a mis-keyed claim that was supposed to be charged to the Green Forest Library. This corrective ordinance was approved after a motion was made by JP Deaton, and seconded by JP Harrie Farrow. Next was the ordinance to appropriate funds to the Detention Center for the purchase of a much needed maintenance crew cab vehicle. The motion to accept was made by JP Deaton and seconded by JP Phillips. JP Deaton reported that the situation had been ongoing for about three years with discussions about the size of the truck needed. He continued that the Sheriff settled on the ½ ton and was able to get a good price. He said that the maintenance department was using the previous Sheriff’s truck and that to fix it

would cost more than the value of the truck. With that the roll call vote was taken with no opposition. Lastly, JP Howerton explained during discussions that the ordinance was to move money to the fund so as to cover anticipated costs of the design phase of the Judicial Building project. JP Howerton had made the motion with JP Phillips motioning the second. The vote also was without opposition.

JP Bruce Wright had requested a discussion session concerning Ordinance 2011-37 and the Land Use policy. He said that the policy was for the protection of all and it says that 10X, he reported. He also said that it had nothing to do with zoning. He went systematically through several pages citing areas of the document that he felt important with topics of Amendment 55, water resources being essential to the economy and cultural viability of the county, protection of the natural beauty and an environmental review that was to be conducted. He said the quorum court declares protection, safe, healthful environment, need to maintain, a coordinated relationship between the private sector and public sector and that government agencies are to consider quorum court alternatives to support the values of the county among several other points. He said it was a living document and compulsory law saying also, "We all live downstream and downwind." JP Jack Deaton said that he agreed that the document needed to be reviewed and said that there were good things and things that contradict. He also thought that the document said that nothing could be done until something happened like runoff problems. JP Roger Hall spoke about a situation that he had about a contaminated well that took over 7 years in court to settle. JP Kellie Matt said that the quorum court was breaking its own ordinance. JP Harrie Farrow thought that the ordinance may have originated from Newton County with surrounding counties feeling they should also pass it and maybe there had not been due diligence before passing it and "now here we are". She also reiterated as she had in previous meetings that future quorum courts can always undo what this court does. She continued that there were a couple of options to consider, those being to look at it and see if it needed to be kept or not saying that it had been pushed aside and neglected. She said that she didn't believe in zoning that the ordinance was not mutually exclusive. JP Jerry King said that he had spoken with several lawyers with them reporting that the policy was very broad. JP John Howerton having served on the quorum court and being the sponsor of the ordinance at the time agreed that it needed to be redone and it was brought about by fear that the federal government might have been overstepping at the time with plans for a Buffalo River park/conservatory area. He said, "All this is now is collateral stuff and it's a mess!". JP Farrow said the options were to repeal, change sections, and form a committee. JP Hall thought that a committee might get something done with JP Farrow also saying that the other option was to do what it said and follow it. With that JP Bruce Wright motioned to ask the County Judge to form a committee to review the document and see if there needed to be any changes. The discussion turned to the number of members with JP Deaton saying there should be no more than five. JP Kellie Matt finally motioned the second after Clerk Doss reminded the court of the motion on the table. JP Farrow felt that the committee could be the entire court with JP Deaton repeating that five was a good number or nothing would get done. JP Farrow questioned why the Judge would choose the membership with JP Deaton saying as CEO of the county, that he was the one with the power. After an exchange between JP Farrow and Judge Writer, JP Jerry King continued by asking whether this would lead to zoning. JP Farrow said that the court didn't have to adopt what the committee says and the document says it is not zoning and anything the committee does will require a vote. It was felt that no one on the quorum court wanted zoning. With a motion and a

second, the Judge asked for a voice vote to form a committee to study the ordinance and land use policy. It was passed with no opposition.

The Judge asked that JPs keep their comments brief, but there were no comments. The Judge also had no comments to make. He entertained a motion to adjourn which was given by JP Jack Deaton and seconded by JP Matt Phillips. The meeting was adjourned at 6:20 pm.