

City Council Minutes

Tuesday, July 25, 2023

Call to Order

Mayor Akers called the meeting to order at 6:00 p.m., City Clerk Taryn Wigley called the roll.

Attendees

Council members Clarissa Pace, Cedric Leonard, Al Peer, Michael James, Mark Tiner, Mike Wigley, Craig McRae, and Claudia Hartness were all in attendance.

Approval of Minutes

Mike Wigley moved to approve the June minutes, Clarissa Pace seconded. A yay/nay vote was called, and the minutes passed unanimously.

Unfinished Business

a. Ordinance Amending Solid Waste Rates

Mayor Akers introduced the ordinance as the third and final reading. Craig McRae moved to suspend the rules and read by title only, Clarissa Pace seconded. A yay/nay vote was called, the aye's had it and City Attorney Whit Barton read. Finance Director Vickie Norris gave a brief synopsis of the ordinance, explaining that the solid waste budget has been "in the hole" for a long time. The introduced rates will replenish the budget and create a small cushion. It will bring in \$236,173.92, \$ 77,380.00 will cover the shortage and there will be a 15%(\$159,000) cushion. Michael James moved to accept the ordinance, Mark Tiner seconded. City Clerk Taryn Wigley called a vote, 7 council members voted "yes", and Mike Wigley was in opposition. The ordinance passed with majority vote.

New Business

a. Permission to Open Checking Account for SeaArk Marine

Finance Director Vickie Norris explained that SeaArk Boats is buying equipment to expand their operation with grant money. The City will open a checking account, and SeaArk will pay for any invoices. The invoices will be submitted to the City for reimbursement, the Mayor will sign off on the invoices/proof of payments, then send to SEAEDD. From there, SEAEDD will submit all paperwork to ADC, who holds the grant funds. ADC will deposit the funds into the City checking account, and the City will reimburse SeaArk Boats. Mike Wigley moved to grant permission to open the checking account, Clarissa Pace seconded. A yay/nay vote was called, the aye's had it and permission was granted



b. Discussion with Tommy Gray Regarding the Drew County Museum Funding

Mr. Gray explained the museum applied for a \$40,000.00 grant to rebuild the basement due to major water drainage issues, but there are many other repairs that are needed. He mentioned that the ductwork has fallen completely, causing extreme heat and electric bills. He has asked for quotes from several contractors with no luck, so he is not sure of the price it would cost to repair the museum. There are many other issues that need repairs, but the ductwork is at the top of the list. Mr. Gray is asking for \$30,000.00 from the City and \$30,000.00 from the County to cover 14 different projects. Mark Tiner asked if he had an estimate of what the repairs would cost, Mr. Gray did not have an exact estimate. Claudia Hartness stated that she would like to see the City help the museum out, and that they are a huge part of history. Mark Tiner asked if it would be acceptable to use City labor to help with some of these projects instead of hiring contractors, Mr. Gray agreed that it would be helpful. Mark Tiner told Mr. Gray that he would like to see an exact list with a cost breakdown before the City donated any money. Mr. Gray is open to any kind of help that the City and County would be able to offer, monetary or labor services.

c. Resolution Amending Senior Citizen Budget

Mayor Akers introduced the resolution. Clarissa Pace moved to suspend the rules and read by title only, Craig McRae seconded. A yay/nay vote was called, the aye's had it and City Attorney Whit Barton read. Senior Center Director Cindy Villareal explained that the Senior Center has been leasing a dishwasher that has cost around \$9000.00. The lease for the dishwasher is coming up and Mrs. Villareal would like to end the lease and buy a new dishwasher for \$5000.00. Mark Tiner moved to accept the resolution, Craig McRae seconded. A yay/nay vote was called, the aye's had it and the resolution passed unanimously.

d. Resolution Accepting Bid for Scogin Dr. Utility Relocation

Mayor Akers introduced the resolution. Michael James moved to suspend the rules and read by title only, Craig McRae seconded. A yay/nay vote was called, the aye's had it and City Attorney Whit Barton read. Mayor Akers explained that the bid was opened on July 18, 2023. There were two bids opened, Harold Stanley Construction and KJ Parker Construction. Harold Stanley Construction bid \$973,189.19, and KJ Parker bid \$582,108.51. Vickie Norris explained that this will be for the utility line relocation for Scogin Dr. She also mentioned that this has not been budgeted for 2023, as they were not aware of the totality of the project. There will be an amendment to the one cent sales tax budget in August to pay for this project. She also mentioned that ArDOT will reimburse 85.5% of this project. Cedric Leonard moved to accept the resolution, Clarissa Pace seconded. A yay/nay was called, the aye's had it and the resolution passed unanimously.

e. Resolution Declaring 1107 E Jackson St. a Nuisance

Mayor Akers introduced the resolution. Mark Tiner moved to suspend the rules and read by title only, Michael James seconded. A yay/nay vote was called, the aye's had it and City Attorney Whit Barton read. City Inspector Brian Rodgers addressed the Council, telling them that he has been in contact with the owner, and they advised that they are in the process of getting new windows. Clarissa Pace asked if it was just the glass that was being replaced. Mr. Rodgers answered that this property was on the agenda around two years ago and the owner showed up to the meeting, he added that the property

had a fire at one point in time but has been in the same condition for the past few years and is not currently occupied. Mark Tiner moved to accept the resolution, Clarissa Pace seconded. A yay/nay vote was called, the aye's had it with Cedric Leonard in opposition. The resolution passed. City Attorney Whit Barton added that the resolution allows the owner 30 days to get the property in occupiable condition.

f. Resolution Declaring 1300 E Jackson St. a Nuisance

Mayor Akers introduced the resolution. Al Peer moved to suspend the rules and read by title only, Clarissa Pace seconded. A yay/nay vote was called, the aye's had it and City Attorney Whit Barton read. City Inspector Brian Rodgers advised that the owner came by his office and presented a demolition permit that should be completed within the week. Mark Tiner asked Mr. Rodgers his opinion on whether they should adopt the resolution. Mr. Rodgers answered that it would be a good idea to pass the resolution just in case the property does not get demolished. Clarissa Pace moved to accept the resolution, Craig McRae seconded. A yay/nay vote was called, the aye's had it with Cedric Leonard in opposition.

g. Resolution Accepting Contract with Cintas

Mayor Akers introduced the resolution. Claudia Hartness moved to suspend the rules and read by title only, Clarissa Pace seconded. A yay/nay vote was called, the aye's had it and City Attorney Whit Barton read. City employee Darion Buffington explained that they are currently in a contract with Unifirst. The current uniforms are made of cotton, which is very hot in the summer. The other reason is that there was a longer wait time for uniforms to be returned from cleanings, and the City was being charged for every repair that was being made to the uniforms. Cintas uniforms are made out of a more comfortable material and the City would not be charged for repairs. Mr. Buffington also mentioned that Cintas is based in Arkansas and employs local people. Mark Tiner moved to accept the resolution, Clarissa Pace seconded. A yay/nay vote was called, the aye's had it and the resolution passed unanimously.

h. Presentation With Daniel Conover

Mayor Akers introduced Daniel Conover, the CEO of Delta Data, who is starting construction of a mining center in the City. Mr. Conover explained that his company has been in business since 2013 and is fully owned and operated in the United States. They will be working with Entergy on grid and energy balancing. They will also be working with Entergy to fight inflation and keep rates stable for customers. One large concern about this company coming to town is the noise pollution. Mr. Conover showed the council different photographs of the steps his company is taking to reduce noise pollution coming from the data center. They are using high end engineering to greatly reduce the noise of the fans and using acoustic blankets on the fencing as well. He also mentioned using shrubs or other plants as another source of noise reduction. Mayor Akers clarified with Mr. Conover that there is no Chinese affiliation with this company. Mr. Conover used a decibel (Db) machine in the council room to compare the noise in the room versus what will come from the data center. The Council room was roughly 65 Db. Mr. Conover showed evidence that when he stepped directly outside of the data center, the machine was at 75Db, then at 100 ft away, it was 55Db. Mike Wigley asked how close the center is to any property line, Mr. Conover answered that the center was around 30 away from the closest property line. Mike Wigley asked how much bandwidth this would use. Mr. Conover could not give an exact number but said that it



wouldn't be more than a normal household. Craig McRae asked what the maximum Db would be. Mr. Conover answered that the max would be 65 in the summertime when it is hot, and around 55Db in the wintertime. Mark Tiner asked if there would be any revenue coming in through this company. Mr. Conover answered that there will be a \$100,000 energy tax between the city and the county, not including employee taxes. Clarissa Pace had a few statements from citizens, that they felt blindsided that the business was coming and did not get the opportunity to be concerned properly and doesn't see how bringing 2-3 jobs would help the City's economic situation.

i. Data Center Noise Ordinance

Mayor Akers introduced the ordinance and mentioned that he is glad that we have a company that seems to have good intentions when there are so many companies that do not. Mr. Conover gave his approval of the ordinance as well. He also mentioned that there is a bill that passed will not allow cities to pass ordinances against noise pollution after August 1st. Mayor Akers asked the council to consider passing this ordinance tonight with the emergency clause. Mr. Conover mentioned that there is a part of the ordinance concerning the time that quiet hours are in effect, he countered that 10 pm might be too late and 7pm would be a better time. Mayor Akers agreed and stated that the City will be able to amend this ordinance in the future, as long as we are able to pass it tonight. Mark Tiner moved to read the ordinance out loud, Michael James seconded. City Attorney Whit Barton read the ordinance in it's entirety. Mark Tiner moved to adopt the ordinance, Clarissa Pace seconded. A yay/nay vote was called, and the aye's had it. Mark Tiner moved to waive the 3 readings, Claudia Hartness seconded. City Clerk Taryn Wigley called the roll, all 8 Council members voted yes. Mark Tiner moved to enact the emergency clause, Michael James seconded. City Clerk Taryn Wigley called the roll, all 8 Council members voted yes.

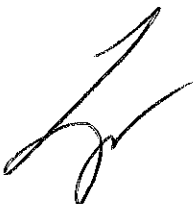
Public Comments

Stephanie Woods voiced her concern that there were many people in different cities with data centers that had complaints about the noise. She asks if the centers are going to be manned 24/7, and mentioned that 4-5 jobs do not help this community. Mayor Akers appreciated the concerns and reminded her that is nothing stopping the business from coming, and looking at the positive side, we have a business that is coming to town and doing their due diligence to address noise concerns.

Lou Lambert questioned how the business came about with so few people knowing about it and would like more communication. Mayor Akers reminded Mrs. Lambert that the Planning Commission voted last year to not review any projects that cost under a million dollars, and this business fell into that category.

Mrs. Kennedy asked why we need this business in our community. Mayor Akers answered that there was nothing stopping the business from coming, and since the City does not currently have any zoning, there is nothing restricting a business from building in certain areas.

Meeting Adjourned

A handwritten signature in black ink, appearing to be the name 'Lambert', written in a cursive style.

Cedric Leonard moved to adjourn the meeting, Craig McRae seconded. A yay/nay vote was called. The aye's had it and the meeting was adjourned.

Leah Wigley

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