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**JUL 25 2023**

COUNTY & PROBATE COURT CLERK

# **QUORUM COURT MINUTES**

## **JULY 10, 2023**

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Judge Day called the meeting to order at 5:30 PM.

The Invocation was led by Jim Stillwell, Pleasant Grove United Methodist Church.

Assembly and Pledge of Allegiance was led by Justice Cook.

The roll was called, and all Justices were present.

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The first order of business was the approval of Quorum Court Minutes from June 26, 2023. A motion to accept the minutes as prepared was made by Justice Weinstock and seconded by Justice Pasmore. With no questions or comments, Judge Day called for a vote, and it passed unanimously.

The special Finance Committee minutes from June 26, 2023, were read by Justice Longmire. Road Committee minutes were read by Justice Cline.

### **OLD BUSINESS**

Second reading for **Ordinance to increase and set jail fees for housing Juvenile Inmates**, motion to read by title only was made by Justice Cline and seconded by Justice Rogers. Roll was called and passed unanimously. The Ordinance was read by title only. Judge Allison asked if we could have third and final reading and Judge Day responded yes. Motion to suspend the rules to move to third reading was made by Justice Allison and seconded by Justice Pasmore. Judge Day asked for roll to be called and the motion to suspend rules passed unanimously. Ordinance was read again by title only. Justice Barnes made motion to then accept the Ordinance, and motion was seconded by Justice Williams. Judge Day asked for any comments or questions about the Ordinance at hand. With no questions, roll was called and motion to accept Ordinance passed unanimously.

### **NEW BUSINESS**

First reading for **Ordinance adopting certain rules and regulations concerning external noise attenuation of Data Centers**. Motion to approve emergency Ordinance was made by Justice Cline and seconded by Justice Rogers. Justice Cline asks that an emergency ordinance should be approved tonight. Judge Day comments that we must do three readings and states further the difference in an emergency ordinance is the time on the back end when you publish. The Judge offered some history, back in legislative session the legislature passed ACT 851 that says you cannot regulate Data Centers individually, so that it must be the same as a farmer and his tractor or anything else, so you cannot regulate them individually. The legislature also created a big tax break in ACT 819, and that's why you are seeing across Arkansas, a lot of Data Centers being built. ACT 851 does not go into place until August 1, and so if we have it passed prior to August 1, then we are good. Judge Day says that if it is the will of the court we could read and pass all in one night or if we want to do first reading and let the Jonesboro Sun put it in the newspaper then we can go with next meeting. It's really the will of the court. Justice Pasmore asks if there is any disadvantage of reading it all tonight and Judge Day responds just the public perception in running it all through in one night. Justice Pasmore asks Judge Day if that is what he prefers, and Judge

Day responded that he structured it this way and it does not matter. Justice Longmire has question with decibel levels and if we do this for this specific application, there is worry that it will open a can of worms down the road with other industries and those in a neighborhood with another type of manufacturer. What will this do when most manufacturers work in excess of over 85 decibels and so what standard are we going to hold them to. Justice Longmire closes to say this is his only concern and requests other input on it. Judge Day responded that something similar came up in Committee. He stated that his answer to the general discussions and concerns were with the Data Centers that do not create a lot of jobs comparative to the power usage, comparative to the capital investment, and there is no payroll being created or sales taxes being created. Judge Day says we are all for capitalism and things happening, but the question is, is this the best use of the power grid. Judge Day states we would need to weigh other industries out on their merits. Justice Longmire expresses his concern that imposing this on one application will bring about the issue down the road for other applications. Justice Cline asks if this is something small enough that it could be placed in a residential area. Judge Day responds that he has seen one. Judge Day states that Senator Wallace had a trade association called the Arkansas Block Chain Counsel and they heard Craighead County was considering regulations. The counsel informed Judge that there was currently a data center being installed in Leachville. They are typically going to be placed adjacent to a sub-station because they use a lot of power, and it looks like you've taken a bunch of storage containers or con-exs and placed them around out there. Judge Day states he asked the Arkansas Block Chain Counsel to read the ordinance and they did not have any problems with it for the good actors in the business this is not a problem. Justice Longmire states that a substation is typically putting out as much noise as this would be and asks what decibels a substation puts out. Judge Day states he does not know, he listened to a YouTube video, and it was loud if the video was accurate. Justice Longmire stated that the sound is based on how far away you are from the source and that he would like to have a better understanding to protect the people of the areas and place the centers in better areas. Justice Cook stated that he liked the ordinance and that it would make it somewhat regulated but will put a huge strain on the electrical business. Justice Allison said this was discussed in Committee and that CWL had no interest in having units within the city, but that Entergy was interested. Justice Allison spoke with someone who services a unit in Jackson County, and he stated that it was loud and required earplugs but based on the information in the ordinance it would require sound proofing. Justice Allison stated she did not know what 65 decibels sounded like. Justice Pasmore requested we move this to the next meeting for time to think about it. Collector Eddington stated that he used to do hearing test for a living and that his speaking voice right now was at about 55-65 decibels. Justice Allison stated that it was just a different kind of noise. Justice Longmire stated that a constant noise of over 90 decibels for over a minute could cause permanent hearing loss. Justice Allison stated that the ordinance says that the decibels would need to be 65 or lower. Justice Longmire stated that he agreed with that, but still wanted to know if we do this for one industry what was stopping us from doing it for other industries. Justice Barnes requested clarification regarding if Article 1 was just for the jurisdiction outside of any city limits in the County, so the unincorporated limits. Judge Day respond yes, that is correct. Justice Allison commented that we would notify the people that live within a half-mile radius that their recourse is based on the litigation if they're not happy. There is no protest either. These are going to be approved, they don't come to quorum court and say we have approval from an acoustical engineer, they just automatically see you and then it's filed with the county, and they're ready to do business based on the ordinance. Judge Day responds that is correct. Justice Cline says it's probably best to leave on the first reading. Justice Weinstock asks who would oversee this and Judge Day answered it would be filed with

the County Clerk and then a copy would be given to the Judge. So basically, we would verify that they are following the ordinance and a third-party entity would verify the noise levels, that kind of thing. Judge Day said we were going to leave it on the first reading. Judge Day asked for public comment. Justice Couch stated that he could see the way this was going, that he had noticed earlier on page 2, number 10, sound level, that ANSI standard or the latest approved thereof and that this is an undesired, even that record of what comes up or lowers they would have to meet that standard. Justice Forrest asked if there was a Data Center currently on Jefferson Street here in Jonesboro. Judge Day responded that yes there was a Data Center on Jefferson Street. Justice Couch stated this sounds undesirable. Judge Day responded that for "good actors" in the business this is not a problem. Justice Couch expressed concern about these causing rates to go up for Entergy customers. Justice Allison stated that based on what Judge Day said in committee, if the level reaches a peak they can shut down at that moment. Justice Couch said any upgrades that will need to be done will affect the customers. Justice Allison stated that legislation has already passed this and that she was concerned about the usage. Justice Longmire requested this go to the full three readings so that they will have time to do more research on the subject. Judge Day reminded the court that it had to be passed by the end of the month and they had two weeks, or they could hold a special meeting. Judge Day reminded the court that state legislation passed that there would be no more local control on the subject after August 1, 2023. Justice Cook made a motion to suspend the rules and read by title only. Judge Day stated the rules could be suspended and read by title only at next meeting for second and third reading. Justice Barnes seconded Justice Cook's motion. Roll was called and passed with Justice Longmire abstaining. Justice Cook made a motion to do the second reading by title only, seconded by Justice Barnes. The motion passed, and the ordinance was read by title only. Justice Cook made a motion to do the third and final reading by title only seconded by Justice Williams. Justice Allison asked if this meant it was approved after this vote. Judge Day responded to let her know this was all procedural to adjust the process and then we will read the ordinance and then vote to approve the ordinance. Roll was called and passed with Justice Longmire voting no and Justice Weinstock abstaining. Ordinance was read by title only for the third time, then a motion to approve was made by Justice Cline, seconded by Justice Cook. Judge Day asked for further comments or questions from the court. Justice Rogers stated that there was a Justice that was requesting more time and out respect for him he would like to wait to pass the ordinance. Justice Pasmore stated that he felt the concern was that next there would be complaints of things such as home shooting ranges or go-cart tracks being too loud and illegal. Justice Longmire stated again that they were imposing restrictions on a certain industry that could trickle down to other businesses. Justice Pasmore stated that there were a lot of questions concerning Data Centers. Justice Longmire stated he is not against this; he just wants to investigate how it could affect other industries down the road. Justice Weinstock asked if all 75 Counties had to approve this ordinance. Judge Day stated it was up to each individual County to pass this ordinance. Justice Williams stated that the City of Jonesboro had an ordinance that you cannot run a business out of your home and that City Water and Light was not interested in managing any Data Centers. Justice Cook stated this was only in the unincorporated areas. Justice Allison stated she would like to know exactly what 65 decibels sounds like. Some discussion was had on what 65 decibels sounded like. Justice Williams expressed that he understood Justice Longmire's concern but that this needs to be done to cover the County. Justice Longmire stated that if they were trying to keep this industry from coming to the County, he feels there are better ways to go about it. Justice Cook state that most cities have a sound ordinance, and this ordinance is doing it for the County. Justice Longmire asked what that City ordinance was. Justice Cook stated that he did not know what the decibels were on the city

ordinance. Justice Longmire stated that if this was in conjunction with what is currently imposed in Craighead County then he has no problem with that but would like more time to see if that is the case. Justice Cook stated that they do not impose anything on the businesses in Craighead County, that this in the unincorporated areas. Judge Day asked for any other comments. Justice Barnes asked if this had to pass by two thirds vote. Judge Day responded yes. Justice Forrest agreed with Justice Rogers that it would not hurt anything to wait until the next meeting. Justice Cline withdrew his motion to pass and was seconded by Justice Cook. Justice Rogers made the motion to table, seconded by Justice Barnes. All approved and the motion was tabled.

The next order of business was the reading by title only of Resolution 2002-15 to include the words **To Utilize Federal-Aid Recreational Trail Program Funds**. The title was read. Judge Day explained that this was passed last year in June, and it needed the words changed to have the exact words that the Federal partners requested and the resolution to be passed again. A motion was made by Justice Rogers and seconded by Justice Longmire. All were in favor and the resolution passed unanimously.

Justice Longmire asked to suspend the rules and add a resolution to the agenda. Seconded by Justice Cook. Justice Longmire read the resolution. The resolution requests the naming of Arkansas Highway 226 Railroad Overpass be named in the honor of John Michael Cameron for his years of dedication in securing state and federal funds for highway projects naming the 226 overpass "John Michael Cameron Overpass". A motion to accept was made by Justice Rogers and seconded by Justice Cline. All were in favor and the resolution passed unanimously.

Judge Day made the announcement that the Ramson's contract was signed, and construction had begun on the courtroom expansion and 1 million dollars was knocked off the price.

A motion was made to adjourn by Justice Cook and seconded by Justice Allison. The motion passed.

Meeting adjourned at 6:28 PM.

Road Committee minutes  
7/10/2023

Chairman Cline called the meeting to order at 6:35 PM. Those present were Justice Couch, Justice Tennison, Justice Barnes, and Judge Day.

Chairman Cline read the road report from John James, who was absent.

The committee reviewed the Resolution requesting the addition of US Highway 78 designation. Justice Couch made the motion to approve all three plats and Justice Tennison seconded. All were in favor.

With no other business, Justice Barnes made the motion to adjourn, seconded by Justice Tennison. All were in favor, and the committee adjourned at 6:42 PM.

Public Service Committee  
7/10/2023 Minutes

Those in attendance for the meeting:

Committee Members: JP Linda Allison, JP Brad Noel, Chairman JP Richard Rogers, and JP Kevin Williams. Also attending: Sheriff Marty Boyd and Judge Marvin Day.

The Public Service committee meeting was called to order at 5:10 p.m. by JP Rogers. JP Rogers read an emergency ordinance to adopt certain rules and regulations concerning external noise from data centers in the county and its unincorporated limits. JP Rogers asked Judge Day how the county would enforce the ordinance. Judge Day said that violators would be fined per the language in the ordinance and the Sheriff's department would enforce. JP Allison stated that she spoke with a person who worked on a data center unit being installed in an adjacent county and that ear plugs are necessary while working on the unit due to the loud noise level. The worker recommended that the unit not be placed near a residential area. JP Allison also learned that units need to be placed near a substation due to the high demand of electricity. Each of the units have 4 x 1000 Amp breakers and use 12-15 megawatts. JP Allison asked about the potential for electric rates to increase due to the high usage of electricity. Judge Day explained that he had spoken to City Water and Light (CWL) and CWL doesn't want data centers in the city. However, Entergy welcomes the data centers because of the excess capacity that they currently have. Judge Day also stated that the electricity could be shut off to data centers if peak demands happen with Entergy. Judge Day is aware of data centers being installed in the Leachville area and in the Walnut Ridge area. Judge Day has consulted with the Association of Arkansas Counties for recommendation of an ordinance to preserve and protect the public health, safety, and welfare and property of the citizens in the county. He has also consulted with the AR Block Chain Counsel, who agrees that the ordinance is reasonable. After August 1, 2023, the Arkansas legislation prohibits the passing of any county or city ordinance that would regulate the data centers. The discussion continued with concerns about noise regulation for any business being conducted in the county.

JP Noel made a motion to approve and JP Williams seconded the motion. The motion passed 4-0 to move to the full court for approval.

With no other business, a motion to adjourn was made by JP Williams, and JP Noel seconded the motion. The motion was passed and the meeting was adjourned at 5:24 p.m.

Minutes submitted by JP Allison.

Finance Committee Minutes  
July 10, 2023

Chairman Longmire called the Finance Committee meeting to order at 6:39 pm. Present were committee members Justice Pasmore, Justice Weinstock, Justice Cook, and Justice Forrest. Also present were Treasurer McNatt and Collector Eddington.

Collector Eddington presented the tax collection report for June 2023. Total current taxes collected to date are up 2.8% from the previous year. Total tax collected in June was \$2.9 million.

Treasurer McNatt reported on June's financial reports. The General Fund ended the month with \$19.74 million. The Capital Fund had \$1.6 million at month end, and Road Fund had \$8.8 million. Sales tax collections were over \$2.5 million dollars, up 11.13% in June. The 2023 budget has 65.95% remaining.

Justice Longmire presented an Appropriation Ordinance amending the 2023 Annual Operating Budget to add Fund 3587, Department 0116 to include Arkansas Historic Preservation Program (AHPP) Grant monies that were awarded to Craighead County. A motion to adopt was made by Justice Cook and seconded by Justice Forrest. Justice Longmire took a vote and the motion passed. The Appropriation Ordinance will be heard by the full court at the next meeting.

With no other business, Justice Forrest made the motion to adjourn, seconded by Justice Cook. All were in favor and the Finance Committee adjourned at 6:47 pm.