

MINUTES  
CITY OF CHEROKEE VILLAGE, ARKANSAS  
SPECIAL CITY COUNCIL MEETING  
MONDAY, JULY 31, 2023, 6:00 PM.  
CHEROKEE VILLAGE CITY HALL

CALL TO ORDER – Mayor Rose called the meeting to order at 6:00 pm.

PLEDGE OF ALLEGIANCE - Mayor Rose lead the Pledge

MOMENT OF SILENCE - Mayor Rose requested a moment of silence.

ROLL CALL, ESTABLISH QUORUM – City Clerk, Penny Trumpy called roll: Present: Harrison, R Tatum, Thompson, Smith, Ishmael, J Tatum, Mayor Rose and City Attorney Jon Abele. Absent: Martin, and Rowland.

APPROVAL OF AGENDA – Council Member Smith motioned to approve the Agenda, seconded by Council Member J Tatum. Motion passed (6 yeas, 0 nays)

NEW BUSINESS:

1. Act 851 Noise of Data Centers –

- Council Member Thompson motioned to put Ordinance 2023-05 on the floor for discussion, seconded by Council Member Ishmael. Motion passed (6 yeas, 0 nays)
- Council Member Thompson is concerned about the definition of Data Center is too broad. There are Businesses in Cherokee Village that meet that definition of a Data Center. These businesses should be grandfathered.
- Council Member Thompson discussed that anything bigger than 100 servers in any installations should be regulated in an industrial park.

Council Member Smith stated that the server noise level is 65 decibels and we do not have anything like that in our City. As stated by Council Member Thompson 65 decibels are the equivalent of a jet engine and there is not anything with that level of noise in the city.

- Council Member Thompson addressed the amount of electricity that will be used.
- Mayor Rose stated this ordinance is to put regulations in place for the noise the Data Center produce. There are currently 10 Data Centers in the State of Arkansas right now. This ordinance also addresses who is responsible for any violations.
- City Attorney Jon Able stated right now there are no businesses that make noise to this level that is continuous 24/7/365 to grandfather them.
- Council Member Smith asked if Council could pass this ordinance as written and after Council Member Thompson does more research an addendum could be made to the Ordinance. There is a question of who would violate the noise ordinance.

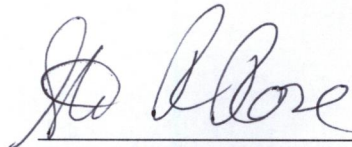
- Council Member J Tatum motioned to wave the rule of 3 readings of the Ordinance 2023-05, seconded by Council Member Ishmael. Roll Call Vote: R Tatum yes, Thompson yes, Smith yes, Ishmael yes, J Tatam yes, Harrison yes. (6 yea's, 0 nay's)
- Council Member J Tatum motioned to make this the Final Passage of Ordinance 2023-05, seconded by Council Member Ishmael. Roll Call Vote: Thompson yes, Smith yes, Ishmael, yes, J Tatum yes, Harrison yes, R Tatum yes. (6 yea's, 0 nay's)
- Emergency Clause – The City of Cherokee Village finds that the immediate implementation of the ordinance is necessary for the preservation of the public's peace, health, safety, welfare, and property, and emergency is hereby declared to exist and that this Ordinance is to be in effect immediately after its adoption. Motion to declare emergency by Council Member Ishmael, seconded by J Tatum. Roll Call Vote: Smith yes, Ishmael yes, J Tatum yes, Harrison yes, R Tatum yes, Thompson yes. (6 yea's, 0 nay's)

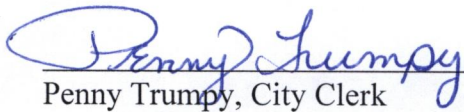
City attorney Jon Abele reminded that an Ordinance must be published in the paper due to the emergency clause.

Council Member Ishmael motioned to adjourn at 6:30 pm, seconded by Council Member Smith. Motion passed (6 yea's, 0 nay's)

There was a time of statements/questions/concerns by the public to Council.

Date: 08/21/2023

  
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 Steven R. Rose, Mayor

  
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 Penny Trumpy, City Clerk

