



# TOWN COUNCIL REGULAR MEETING

Thursday, September 05, 2024 at 7:00 PM  
Council Chamber Bristol Municipal Complex

## MINUTES

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### CALL MEETING TO ORDER

Bristol Town Council President Jeff Beachy called the regular meeting to order at 7:04 pm, Thursday, September 5, 2024.

**PLEDGE OF ALLEGIANCE** led by Steve Priem

### ROLL CALL

Members present: Doug De Smith, Dean Rentfrow, Cathy Burke, Gregg Tuholski, Jeff Beachy

Others in attendance: Clerk-Treasurer Cathy Antonelli, Town Manager Mike Yoder, Legal Counsel Alex Bowman, Marshal Steve Priem, Fire Chief Nik Kantz

**APPROVAL OF AGENDA** - stands as published

### APPROVAL OF INVOICES

- **Motion to approve the invoices** made by Cathy Burke, Seconded by Gregg Tuholski. Voting Yea: Doug DeSmith, Dean Rentfrow, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries.**

Data center housekeeping notes: we do have a full house this evening, with overflow seating upstairs. The data center is item #7 on the agenda. There will be a Public Hearing opened and Tim of the Province Group (on behalf of the applicant) will give his presentation. We will then open the meeting for public comment. You will be given three minutes to speak. We ask that you state your name and address and your thoughts on if you're for or against the center. Alex will be timekeeper, he had two cards. A yellow card held up means that you're at the two-minute mark and a red card to show that your time is up.

### APPROVAL OF MINUTES

Approval of meeting minutes from Special Meeting & Executive Session 7.8.2024, Executive Session 7.9.2024 and Regular Council Meeting 7.18.2024 and 8.1.2024.

- **Motion to approve the minutes listed above** made by Dean Rentfrow, Seconded by Doug DeSmith. Voting Yea: Doug DeSmith, Dean Rentfrow, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries.**

### PLANNING AND DEVELOPMENT ITEMS

- Ordinance No. BR 9/5/2024-22 An Ordinance to Amend Ordinance No. PC 2024-04 Known As the Elkhart County Development Ordinance By Rezoning the Area of Real Estate Hereinafter Described From A-1 to M-1: Wilhelm Farm Rezoning – introduced by Danielle Richards, Elkhart County Planning Department

Danielle reviewed the details of the rezoning and shared that there was a unanimous approval vote from the planning commission and that there were concerns at that meeting that included construction site access and noise during construction. The planning commission did recommend approval of the rezoning that included a condition that the site only be used for a data center.

Council President Jeff Beachy noted that the petition to be rezoned was brought to the Council by the property owner, Wilhelm Living Trust, and they asked for property to be rezoned.

Tim Ramm, of Province Group, gave a presentation, on behalf of applicant, of the 247 acres and the plans for a data center campus. This was presented at the Elkhart Planning commission last month for approval and as noted previously, was granted.

Attorney Alex Bowman explained that the discussion so far that has been presented by staff and by Tim Ramm pertains to what's before the Council tonight for first reading on Ordinance BR 9-5-2024-22, which is titled an Ordinance to Amend PC 2024-04, known as the Elkhart County Development Ordinance by Rezoning the Area of Real Estate hereinafter described as from A-1 to M-1.

Public Comment was then opened and the process reviewed once again.

The following people made comment:

Erica	55243 County Road 14	Brian Rogers	55435 County Road 14
Rebecca Yeater	16577 County Road 14/Dock Lake	Bob Barnes	County Commissioner Elkhart
Tom Christiansen	102 N Chaptoula	Cala Freschour	805 Turtle Drive
Lester Otto	18686 County Road 23	Ryan Elliott	54868 Leona Court
Edward Pegg	19739 County Road 14	Pam Kiser	Middlebury
Sarah Summerall	Bridgewater Court	Ginger Lyons	306 Chestnut Avenue
Scott Blakesley	19260 County Road 16	Blake Doriot	Jefferson/Indiana State Senator
Austin Mullins	Center of tree line; island	Cindy Hijeck	Goshen
Rachel Rody	County Road 108	Sharon	19822 Crosswynd/Whispering Valley Subdivision
Bob Walker	18993 E Indiana Lake Rd	Ryan White	Commercial real estate broker
Chris	1003 W Vistula	Linda Clark	19620 County Road 16

Questions/Concerns included:

Increased traffic	Real data on data center	Groundwater issues
Amount of electricity needed	Long term effects	Amount of water needed (wells? Town)
Tax incentives / abatements	Number of servers	Depletion of natural resources
Pay range for new jobs	Health concerns	Farmland protection
Local labor for new jobs	Unknown company	Noise/decibel concerns
Barriers/berms	Property values dropping	Proximity of campus to homes
Light pollution	No site plan for us to look at	

Feedback from Mark Kerslake and Tim Ramm (Province Group) 26 Corporate Plaza, Ken Jones, JPR Engineering, and Jeff Beachy in response to some of the questions and concerns:

- This will be an air-cooled data center, similar to an industrial /manufacturing type of use. Estimated approximately 100K gallons of water per day. Not drilling wells on site. Town Municipal water system would be used. Estimate about 100K gallons used per day and with that is some evaporation, the estimated sewer discharge is approximately 70K gallons and is within the town capacities.
- Water/wastewater system upgrades that are currently in process to strengthen the system as a whole and update capabilities.
- The industry, is very competitive and like many, is subject to non-disclosure agreements, It's proprietary. We are asking tonight for a land use decision, an M-1 with a data center limitation. There will be some percentage of local hiring and aid in labor force diversification. A sector of high-tech reliable jobs that is not RV related, very low traffic (as there are no goods coming or going), sophisticated fire suppression system, manned 24/7 with two to three shifts of approximately 150 employees. No truck traffic.
- The building (real property) is a billion dollars and taxed at the regularly real property tax rate. (equivalent payment of about \$23M).
- the approximate decibel level at the property line will be about 75 decibels, but we will comply with noise ordinance, the Town can adopt verification standards to verify sound decibels. The Town

maintains approval of the site plan. The well that is there will be capped. We want treated water from the municipality.

- NIPSCO does a study to make sure capacities are covered. New substation that was previously approved by NIPSCO is going into the Town for new circuits, along the Northern edge of the property. A number of green energy, wind and solar projects throughout the state to add to the capability of the grid. Power for the data center comes from regional transmission circuits, not from a local circuit. The preliminary study is for 400 megawatts.
- This will not generate any emfs. (electric and magnetic fields, often called radiation) No different than a typical commercial office building.
- Blake Doriot, Jefferson, Indiana State Senator, Senate utilities, had a long discussion with NIPSCO, assured him that they will have the power. They are bringing a 325 megawatt gas plant in the near future.
- If you run a litigation search on our company, you'll find we are an honorable, credible company. Secrecy aspect being overblown. It is a US based company. There are not any ties to any foreign governments. Gensler is a US based architect. It's likely to be four 200-250,000 foot buildings on the Northern property line. A berm can be added across County Road 23 up and around the homes and down that side.
- TIF (Tax Increment Financing) When an area is identified, all new assessed value in that area is captured to help build infrastructure (utilities, streets) in that area. A TIF is generally good for 25 years and then when the TIF expires, the rates in that area go down. TIF areas generate funds for roads, streets, infrastructure. One of our TIF funds is used to pay for fire protection.
- Abatements. The business promises to do certain things (building, jobs, salaries, etc) and presents to the Council for consideration. Example: 5-year abatement 100%, 2nd year 80% etc. Can only last as long as agreed upon. The abatement process was explained
- Number of techniques to avoid light pollution, downcast lighting and reduction in pole height from 25' to 18', class 3 buffers around homes (highly wooded around the southern homes, photometric study for site plan review, required set back is 50 but could do 100.

**Council President Jeff Beachy closed the public hearing at 9:39pm.** He thanked Mark and Tim for their thorough presentation. Further discussion about zoning and litigation and the next steps process.

- **Motion to advance Ordinance No. BR 9/5/2024-22 An Ordinance to Amend Ordinance No. PC 2024-04 Known As the Elkhart County Development Ordinance By Rezoning the Area of Real Estate Hereinafter Described From A-1 to M-1 to second reading** was made by Jeff Beachy, Seconded by Cathy Burke. Voting Yea: Doug DeSmith, Dean Rentfrow, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries.**

Laverne Kauffman request to have horses at 302 North River Road property, potential new purchase.

Laverne Kauffman, 4105 W SR 120 Shipshewana. Interested in purchasing the property at 302 N River Rd. The Town has an Ordinance that restrict farm animals and Mr. Kauffman would like Council approval to have two horses (transportation) and a pony (for grandkids)

Discussion followed as it was considered. A roll call consideration was taken to determine next steps: Doug DeSmith – if we are specific in the limits/changes Doug would say yes, Dean Rentfrow – no, Cathy Burke – no, Gregg Tuholski – no, Jeff Beachy – no. No change to the ordinance will take place.

## REPORTS

### TOWN MANAGER Mike Yoder

Approve pay application #4 CCMG 2023-1 Maple Street project. Total =\$109,190.70

Approve pay application #5 CCMG 2023-1 Maple Street Retainage total =\$ 96,538.75

Approve pay application #2 CCMG 2023-2 Indiana Total =\$ 354,247.65

all pay application have been reviewed by JPR

- **Motion to approve pay applications #4, #5 and #2** made by Gregg Tuholski, Seconded by Cathy Burke. Voting Yea: Doug DeSmith, Dean Rentfrow, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries.**

### Project Updates by Mike Yoder

- Updated provided on the water and wastewater projects with photos
- Clean up /demolition where the fire was on Vistula – entire foundation was pulled out and was more than what the bid was. Additional cost is about \$35-36K and to pull out all the trees at \$20-\$24K, engineers to be out on Monday. Council agrees to remove the trees by the bridge and the burnt trees along the river.

### CLERK-TREASURER no report

### TOWN ATTORNEY Alex Bowman

**Resolution No. 9-5-2024-8 Adopting a Fiscal plan for the Annexation of Certain Territory (Lux Property Corp & AWT Inc parcels) into the Town of Bristol.** Legal Counsel's recommendation to adopt this resolution.

- **Motion to adopt Resolution No. 9-5-2024-8** made by Gregg Tuholski, Seconded by Doug DeSmith. Voting Yea: Doug DeSmith, Dean Rentfrow, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries.**

**Ordinance No. 9-5-2024-18 Annexing Certain Territory and Declaring the same to be a part of the Town of Bristol (Voluntary Annexation AWT, Inc)** Legal Counsel's recommendation to adopt this resolution.

- **Motion to approve on second reading Ordinance No. 9.5.2024-18** made by Cathy Burke, Seconded by Gregg Tuholski. Voting Yea: Doug DeSmith, Dean Rentfrow, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries.**

**PRIVILEGE OF THE FLOOR (Public Comments to Council)** – no comments this evening

**TOWN COUNCIL DISCUSSION ITEMS** -no comments this evening

**MOTION TO ADJOURN** - Meeting adjourned at 10:27pm.

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Jeff Beachy, Council President

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Cathy Antonelli, Clerk-Treasurer