



TOWN COUNCIL REGULAR MEETING

Thursday, September 19, 2024 at 7:00 PM

Bristol Community Church

MINUTES

CALL MEETING TO ORDER

Council President Jeff Beachy called the Regular Council meeting to order at 7:00pm on Thursday, September 19, 2024 at the Bristol Community Church.

PLEDGE OF ALLEGIANCE group led

ROLL CALL

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

Others present: Legal Counsel Alex Bowman, Town Marshal Steve Priem, Town Manager Mike Yoder, Clerk-Treasurer Cathy Antonelli

APPROVAL OF AGENDA stands as published.

APPROVAL OF INVOICES

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

APPROVAL OF MINUTES – no minutes for review this evening

PLANNING AND DEVELOPMENT ITEMS

Second reading of Ordinance 9/5/2024-22 rezoning Wilhelm Farm

- **Motion to amend Ordinance 9/5/2024-22 to include written commitments that will be presented during the presentation from Province Group** made by Jeff Beachy, Seconded by Cathy Burke. Voting Yea: Doug DeSmith, Dean Rentfrow, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries.**

Staff report from Elkhart Planning and Zoning board was given at a previous council meeting and the Board gave approval of the rezoning with an 8-0 vote, unanimous approval.

Tim Ramm from Province Group, on behalf of the applicant, shared an update from last meeting. A presentation was shared with the Council and the audience that addressed the topics of concerns that were made by the public at the last meeting. These topics included low use impact, noise, light pollution, buffers & setbacks, CR 23 / Access, Town Council approval of site plan.

Council President Jeff Beachy made note of the written commitments that were amended in the earlier motion. If the commitments are not honored the plan does not move forward. The commitments include: the property can only be used as a data center campus, developed with building setbacks and landscape buffers and comply with the Elkhart Development codes, road access to CR 23 for emergencies, comply with developmental standards, site plan to be reviewed by Town Council.

Public Comment came next and Jeff read through the rules for public comment.

The following people made comment:

Erica Schieber	55243 County Road 14 RR 3		John Metz	Lives outside the town
Monica Davis	CR 23 Washington Township		John	Bristol
Kathy Hall Leib	12 Shore Manor		Mike Miller	Rural area of Bristol
Sarah Summerall	Township of Bristol		Doug Moore	unidentified
Rebecca Yeater	County Road 14		Lori Huntin	lives outside Bristol
Ryan	54868 Leona Court		Dooney Belta?	18544 County Road 14, outskirts
Cathleen Puckett	Willowbend Blvd		Unidentified	Bayridge
Brent Hartzler	outside of Bristol		Anna Badke	North of Bristol
Doug Moore	Mark Drive		Rochelle Brandt	PO Box 311
Lester Otto	18686 County Road 23		Rick Sargeant	Does not live in town
Peter Puckett	55606 CR 14		Charles Mock	believes he lives in town
Melissa McLain	live in town		Sherry Otto	18686 CR 23
William Tingstrom	county road 23		Ernie Yoder	Outside the city limits
Tina Waite	6 Butternut Court		Cindy Hicek	Goshen
Melissa Kauffman	outside city limits		Steve Krallman	17716 CR 112
Bob Barnes	County Commissioner, represents Washington Township & his District		Pat Blakesley	County Road 16
Denny Swartz	Washington Township		Rhonda Austin	lives outside of town
Wendy	55629 County Road 14		Chris Welch	County Road 10
Matt Sweet	Whispering Valley		Don Swift	County Road 10
Linda Clark	19620 County Road 16		Tim Irons	
....Osterloo	Washington Township		Joe	County Road 23

Questions/Concerns included:

tax incentives / abatements	water usage	environmental aspects
notification concerns	property values dropping	noise concerns
farmland protection	noise/decibel concerns	groundwater concerns
vibrations	well concerns	amount of water needed
number of servers	EMF / radiation	barriers/berms
amount of electricity needed		

Council President Jeff Beachy explained how tax abatements work and that there would be no abatement on the building, but on the contents. He also explained if the company pays for the infrastructure (roads, sewer, water) that goes to their building, the company gets reimbursed for the water, sewer and streets that they paid for up front, like a loan.

The Wilhelm Trust family requested a rezoning of their private property from the Elkhart Zoning & Development Board. The Board gave it a unanimous approval and put it before the Bristol Town Council. The rezoning is a request to change from A-1 to M-1 to be able to sell their property at a greater profit. If the zoning request passes tonight, then the Province Group would work with NIPSCO to see if power can be provided to the data center. If they can, the project moves forward and if they can't, then the project stops. Now, the Wilhelms could go back and ask for a different rezoning, but if approved tonight for an M-1 rezoning the property can only be used for a data center.

Tim Ramm explained that they would be using the Town of Bristol water system. Noting that there are new cooling methods and will use approximately 100K gallons of water a day. Jeff Beachy spoke to information that he learned from Mark Bash of the Indiana DNR and that 100K usage per day for a data center is minimal.

Ken Jones of JPR also noted that the data center will not be using ground water for cooling and process. There is no aquafir usage for this treatment. The system is well-suited to do what it needs to do.

Conversation included wells and the chance of going dry. Indiana State Law dictates the terms for how and when a Town would be responsible if a well goes dry. Brochures from the DNR were provided to the public.

Council President Jeff Beachy closed the public comment section at 9:32pm

The zoning board came to the Town of Bristol with a request to change the property from A1-M1 because the private landowners aka the Wilhelm Trust want to sell the property. The request is A-1 to M-1 with only a data center. If not passed a PUD (planned unit development) will be requested and if that passes there could be a trailer or RV factories.

- **Motion to pass Ordinance 9-5-2024-22 as amended with the added agreement by the developer** made by Jeff Beachy, Seconded by Doug DeSmith. Voting Yea: Doug DeSmith-yes, Dean Rentfrow-abstain, Cathy Burke-yes, Gregg Tuholski-yes, Jeff Beachy-yes. **Motion carries.**

REPORTS

CLERK-TREASURER Cathy Antonelli

Contractor pay application #2 for the WWTP project \$274,468.30 to Crosby Construction and \$14,445.70 to retainage. Total pay app #2 = \$288,914.00 Reviewed and recommended by Commonwealth Engineering to pay this.

- **Motion to pay pay application #2 in the amount of \$288,914** made by Cathy Burke, Seconded by Gregg Tuholski. Voting Yea: Doug DeSmith, Dean Rentfrow, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries.**

Motion to advance Ordinance No. 10/3/2024-23 2025 Budget to second reading \$8,780,741
Public hearing opened at 9:40pm, hearing no public comment, the public hearing was closed.

- **Motion to advance to second reading** Ordinance No. 10/3/2024-23 made by Doug DeSmith, Seconded by Dean Rentfrow. Voting Yea: Doug DeSmith, Dean Rentfrow, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries.**

TOWN ATTORNEY Alex Bowman -no items to discuss

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

NO TOWN COUNCIL DISCUSSION ITEMS

NEXT MEETINGS:

October 3 7:00 pm Council meeting

MOTION TO ADJOURN

- **Motion to adjourn** made by Cathy Burke, Seconded by Doug DeSmith. Voting Yea: Doug DeSmith, Dean Rentfrow, Cathy Burke, Gregg Tuholski, Jeff Beachy.
- Meeting adjourned at 9:42pm.

Jeff Beachy, Council President

Cathy Antonelli, Clerk-Treasurer