



TOWN COUNCIL REGULAR MEETING

Thursday, August 01, 2024 at 7:00 PM

Council Chamber Bristol Municipal Complex

MINUTES

CALL MEETING TO ORDER: Doug DeSmith pro tempore called the Thursday, August 1 Council meeting to order at 7:00pm.

PLEDGE OF ALLEGIANCE was led by Dean Rentfrow

ROLL CALL

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

Absent: Jeff Beachy

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

APPROVAL OF AGENDA -stands as published

APPROVAL OF INVOICES

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

APPROVAL OF MINUTES -no minutes to approve this evening

REPORTS:

TOWN MANAGER Mike Yoder

Wilhelm farm property rezoning - letter of support requested from the County Planning Commission for the proposed new data center, straight rezoning. Presentment of both letters for Council to review. Concerns with noise ordinance and enforcement, water usage from the site and how to cool without disruption to the neighbors.

Council member Gregg Tuholski requested information on decibel readings, consider sound baffels on the chillers. Council member Cathy Burke would also like the decibel reading and to know how far out does it may reach?

Mike stated that the location is a distance from the subdivision and there could be a buffer along the edge, like trees and/or a mound. We are only allowing a data center and supporting buildings. Gregg feels if they eliminate noise and water/drainage issues, low traffic, good for the town.

Council has decided to use the single use letter and Doug will sign the letter for Mike to turn in.

County Council has announced an interest rate increase on our major moves loan from 3.5% to 5.20% Current Balance \$659,107.46. We may consider paying this off sooner than later.

Council member Cathy Burke wondered if we ever amended our ordinance to include usage and enforcement of UTVs, side-by-side or OTVs, ATVs, ORV? electric bicycles? on sidewalk? Legal Counsel Alex Bowman spoke to the ordinance and that we could streamline the chapter of the code to include all. We can compare with County language.

CLERK-TREASURER Cathy Antonelli

2nd reading and approval of Ordinance No. 8.1.2024-16 – Additional appropriation \$260,000 CCMG 2024-1 Elkhart/St. Joseph Streets MVH unrestricted and TIF South. Discussion surrounding statutory requirements.

Doug DeSmith, pro tempore, opened a public hearing to take comment on Ordinance No. 8/1/2024-

16. Hearing no comment, the public meeting was closed.

- **Motion to amend Ordinance No. 8.1.2024-16 to say replacement being added to the CCMG 2024-1 street project** made by Cathy Burke, Seconded by Doug DeSmith. Voting Yea: Dean Rentfrow, Cathy Burke, Gregg Tuholski, Doug DeSmith. **Motion carries.**
- Motion to adopt Ordinance No. 8.1.2024-16 as amended made by Dean Rentfrow, Seconded by Cathy Burke. No discussion. Voting Yea: Dean Rentfrow, Cathy Burke, Gregg Tuholski, Doug DeSmith. **Motion carries.**

TOWN ATTORNEY Alex Bowman

First reading and public hearing on re-amending ordinance 8-15-2024-21

First reading of Ordinance No 8/15/2024-21 cleaning up some of the Town's ordinance and adding some language and definitions of the wastewater that IDEM has strongly suggested.

- **Motion to advance Ordinance No. 8/15/2024-21 amending Title V to second reading** made by Cathy Burke, Seconded by Doug DeSmith. Voting Yea: Dean Rentfrow, Cathy Burke, Gregg Tuholski, Doug DeSmith. **Motion carries.** Alex stated that we will revisit this at the next regular Council Meeting.

Amendment to Ordinance controlling chickens - for discussion and mark-up

Ordinance No. 8/15/2024-22 - revisiting the chicken Ordinance Amending Chapter 94 regarding egg laying chickens. Previous Ordinance 4.6.2023-5 established a process and procedure for permitting and regulating the ownership of egg laying chickens within the Town. The item for discussion is for consideration of amending the six-chicken limit to 7-16 chickens. A variance would not be an appropriate procedure. The amendment would change the permit process slightly. If the request was up to six chickens, that would be allowed through the Clerk-Treasurers office and if the request was for 7-16 chickens, the request would come through the Council for review, public hearing and approval. All permits will continue to be reviewed by our code enforcement officer, Randy Cripe, before presenting the request to the Council for approval. We expect a finite number of requests.

- **Motion to deny Ordinance No. 8/15/2024-22** made by Cathy Burke; Seconded by Dean Rentfrow. Roll call vote: Dean Rentfrow -yes, Cathy Burke-yes, Gregg Tuholski -no, Doug DeSmith-yes. **Motion carries. (Ordinance denied.)**

NEW BUSINESS no new business this evening.

PRIVILEGE OF THE FLOOR (Public Comments to Council)

Please state your name and address | 3-minute guideline for comments

Ryan Elliott, 54868 __ Court - Thank you to the Council for listening to the concerns about the Wilhelm property. Why isn't this just being put through as a DPUD? Instead of just rezoning to M1. This would give the neighbors an opportunity to hear the changes and have time to process instead of pushing it through.

Mike Yoder-stated that this is a shorter process. Council member Tuholski shared that if the data center is not approved, it could end up as more manufacturing. Ryan appreciates the work Town has done. He asked if the neighbors get notified of any changes to this? (Mike Yoder explained that if the data center would not get approved, it goes back to rezoning request.) What will this noise sound like, generators and recycling? Ryan likes the data center idea, but has concerns about what we don't know.

Rachel Stringfellow, 1404 Pike Street, has two ducks. She wants to keep them and references that her children have some disabilities and the ducks help her children emotionally. They are something like support animals and they also help to teach her children responsibility, as they feed, water and care for them. Council discussion included: Legal Counsel Bowman reviewing the code, ducks are defined as fowl, farm animal, but we

allow chickens. Council member Burke concerned with setting a precedent and how to enforce. Legal Counsel suggests that Council choose not seek to enforce it at this point and time, pending review. Council agrees.

TOWN COUNCIL DISCUSSION ITEMS

Doug DeSmith – no items

Dean Rentfrow – no items

Cathy Burke – on behalf of the Homecoming committee, Cathy thanked the Bristol Fire and Police departments, Jill Swartz and others for help with the Homecoming, fireworks changes and other issues that popped up.

Gregg Tuholski -Thanks to Randy for changing the code enforcement notices, it doesn't leave residue when removing.

Jeff Beachy -not in attendance this evening

Mike Yoder – the quotes for the clean-up (where the fire was) will coming in and to be opened Tuesday morning and with Council approval will get things moving. Hopeful that by mid-September the properties will be cleaned up and seeded.

New kayak launch is in at Hermance Park.

NEXT MEETINGS:

August 13: Council budget work session

August 15: Council meeting

MOTION TO ADJOURN made by Gregg Tuholski, Seconded by Cathy Burke. Voting Yea: Doug DeSmith, Dean Rentfrow, Cathy Burke, Gregg Tuholski. **Meeting adjourned at 8:07pm.**

Doug DeSmith, pro tempore

Cathy Antonelli, Clerk-Treasurer