



TOWN COUNCIL REGULAR MEETING

Thursday, August 01, 2024 at 7:00 PM

Council Chamber Bristol Municipal Complex

AGENDA

This meeting is held in the Bristol Municipal Complex is open for in-person participation.

The meeting is live streamed on Town of Bristol YouTube channel.

Livestream link is available on the Town Website

Bristol Indiana - YouTube

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. APPROVAL OF INVOICES
6. APPROVAL OF MINUTES

REPORTS

7. TOWN MANAGER

- a. Wilhelm farm rezoning - letter of support to Plan Commission.
- b. County MM Loan interest rate increase from 3.5% to 5.20% Current Balance \$659,107.46

8. CLERK-TREASURER

- a. 2nd reading and approval of Ordinance No. 8.1.2024-16 Addt'l approp \$260,000 CCMG 2024-1
Elkhart/St. Joseph Streets

9. TOWN ATTORNEY

- a. First reading and public hearing on re-amending ordinance 8-15-2024-21
- b. Amendment to ordinance controlling chickens - for discussion and mark-up

10. NEW BUSINESS

11. PRIVILEGE OF THE FLOOR (Public Comments to Council)

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

12. TOWN COUNCIL DISCUSSION ITEMS

- a. Doug DeSmith

- b. Dean Rentfrow
- c. Cathy Burke
- d. Gregg Tuholski
- e. Jeff Beachy

NEXT MEETINGS:

August 13: Council budget work session

August 15: Council meeting

13. MOTION TO ADJOURN

Plan Commission Staff Report

Prepared by the Department of Planning and Development

Hearing Date: August 8, 2024

Transaction Number: RZ-0445-2024.

Parcel Number(s): 20-03-33-300-001.000-031, 20-03-33-300-002.000-031, 20-03-33-300-003.000-031, 20-03-33-400-007.000-031, 20-03-33-400-016.000-031.

Existing Zoning: A-1.

Petition: for a zone map change from A-1 to M-1.

Petitioner: Barbara Christine Truee Wilhelm, represented by Pinnacle Properties.

Location: north side of CR 23, 1,875 ft north of CR 14, in Washington Township.

Adjacent Zoning and Land Uses: The following table shows the zoning and current land use for the subject property and adjacent sites.

	Zoning	Current Land Use
Subject Property	A-1	Agricultural
North	M-2	Agricultural
South	A-1	Residential & Agricultural
East	A-1	Agricultural
West	A-1 & M-2	Agricultural

Site Description: The subject property consists of five (5) parcels totaling 247.20 acres, is rectangular in shape, and is currently in agricultural production. One of the parcels has a house with numerous small agricultural and accessory buildings.

History and General Notes:

- The zoning for the subject property was established as part of the original zoning on 10/30/1959.

Zoning District Purpose Statement: The M-1, Limited Manufacturing, zoning district is to accommodate less intense manufacturing, warehousing and distribution uses that are not significantly objectionable to surrounding properties in terms of truck traffic, noise, odor, smoke and other potential nuisance factors.

Staff Analysis: The purpose of this rezoning petition is to develop as a data center campus consisting of large commercial buildings containing servers, computers, and associated electronic equipment.

Plan Commission Staff Report (Continued)

Hearing Date: August 8, 2024

The staff, after reviewing this petition, recommends **APPROVAL** of this rezoning for the following reasons:

1. The requested Zoning Map Amendment complies with the Elkhart County Comprehensive Plan. The Elkhart County Comprehensive Plan states that industrial development should be encouraged in cities and towns, and within urban growth areas. The Bristol Comprehensive Plan shows the subject property in an employment center area designated for commercial and industrial uses.
2. The request is in character with current conditions, structures, and uses on the subject property and in its surroundings. The size of the proposed development and associated buildings will be comparable with what would be expected in a commercial or industrial area.
3. The most desirable use of the subject property is agricultural, commercial, industrial, and or any supporting and compatible uses.
4. The request conserves property values by locating a new proposed industrial use adjacent to an area zoned for industrial uses and near a large developed industrial area.
5. The proposed rezoning promotes responsible growth and development. The subject property is in industrial area inside the Town of Bristol and will utilize the Town utilities.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

Section 7, Item a.

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Rezoning - Rezoning

445-2024

Date: 06/27/2024 Meeting Date: August 08, 2024 Transaction #: RZ-0445-2024
Plan Commission Hearing (Rezoning)

Description: for a zone map change from A-1 TO M-1

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>	<u>Private Surveyor</u>
Pinnacle Properties 418 S Main St Elkhart, IN 46516	Newport Equities 26 Corporate Plaza Drive New Port Beach, CA 92660	Barbara Christine Truee Wilhelm 6317 Hialeah Ct Tallahassee, FL 323092008	Jones Petrie Rafinski 300 Nibco Pkwy Elkhart, IN 465163570

Site Address: 00000 County Road 23 BRISTOL, IN 46507	Parcel Number: 20-03-33-300-001.000-031 20-03-33-300-002.000-031 20-03-33-300-003.000-031 20-03-33-400-007.000-031 20-03-33-400-016.000-031
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Township: Washington
Location: NORTH SIDE OF COUNTY ROAD 23, 1,875 FT NORTH OF COUNTY ROAD 14

Subdivision: Lot #

Lot Area: 247.00 Frontage: 2,378.00 Depth: 1,731.00

Zoning: A-1 NPO List:

Present Use of Property: VACANT

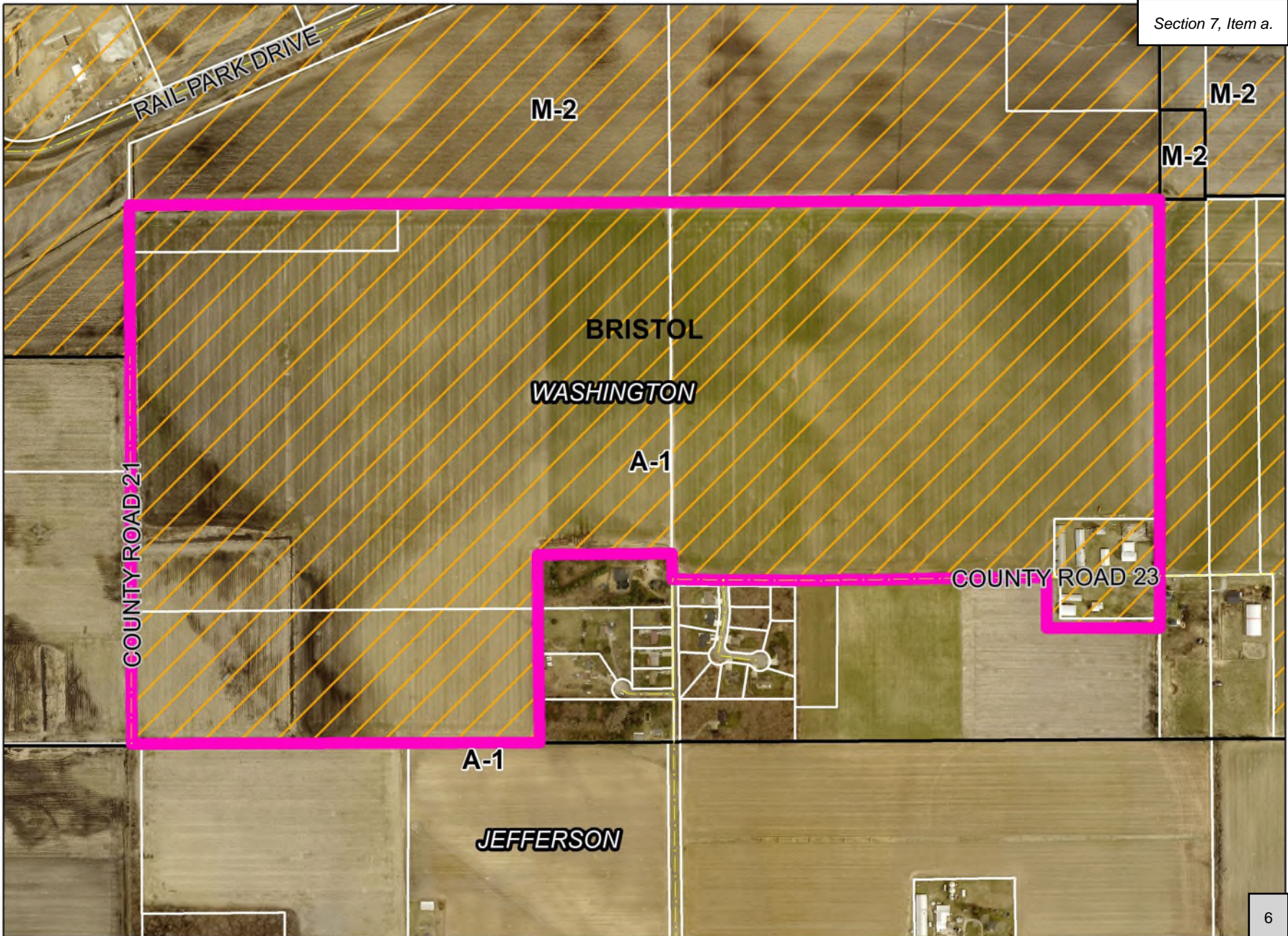
Legal Description:

Comments:

Applicant Signature:

Department Signature:

Section 7, Item a.



M-2

M-2

M-2

BRISTOL

WASHINGTON

A-1

COUNTY ROAD 21

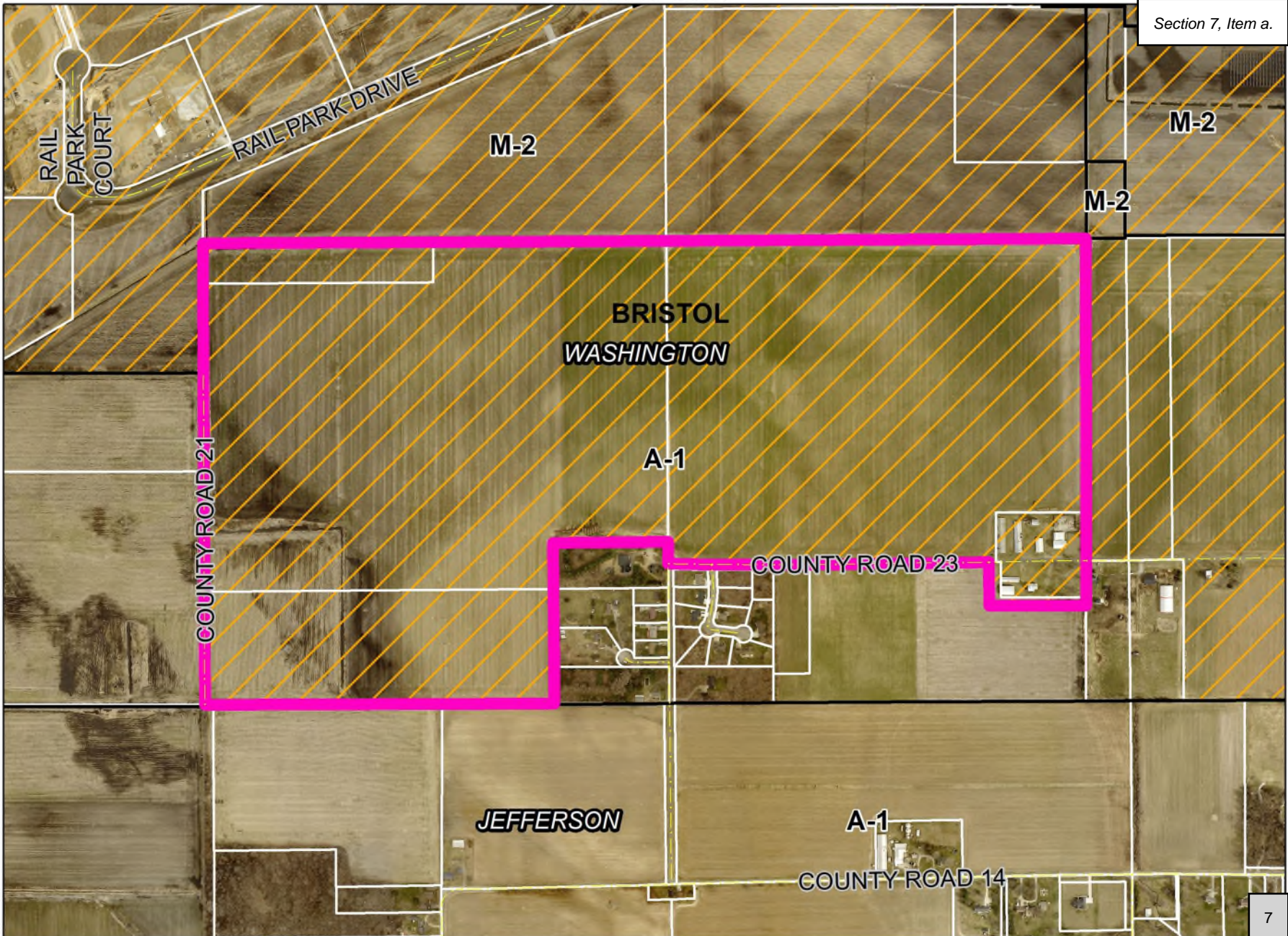
COUNTY ROAD 23

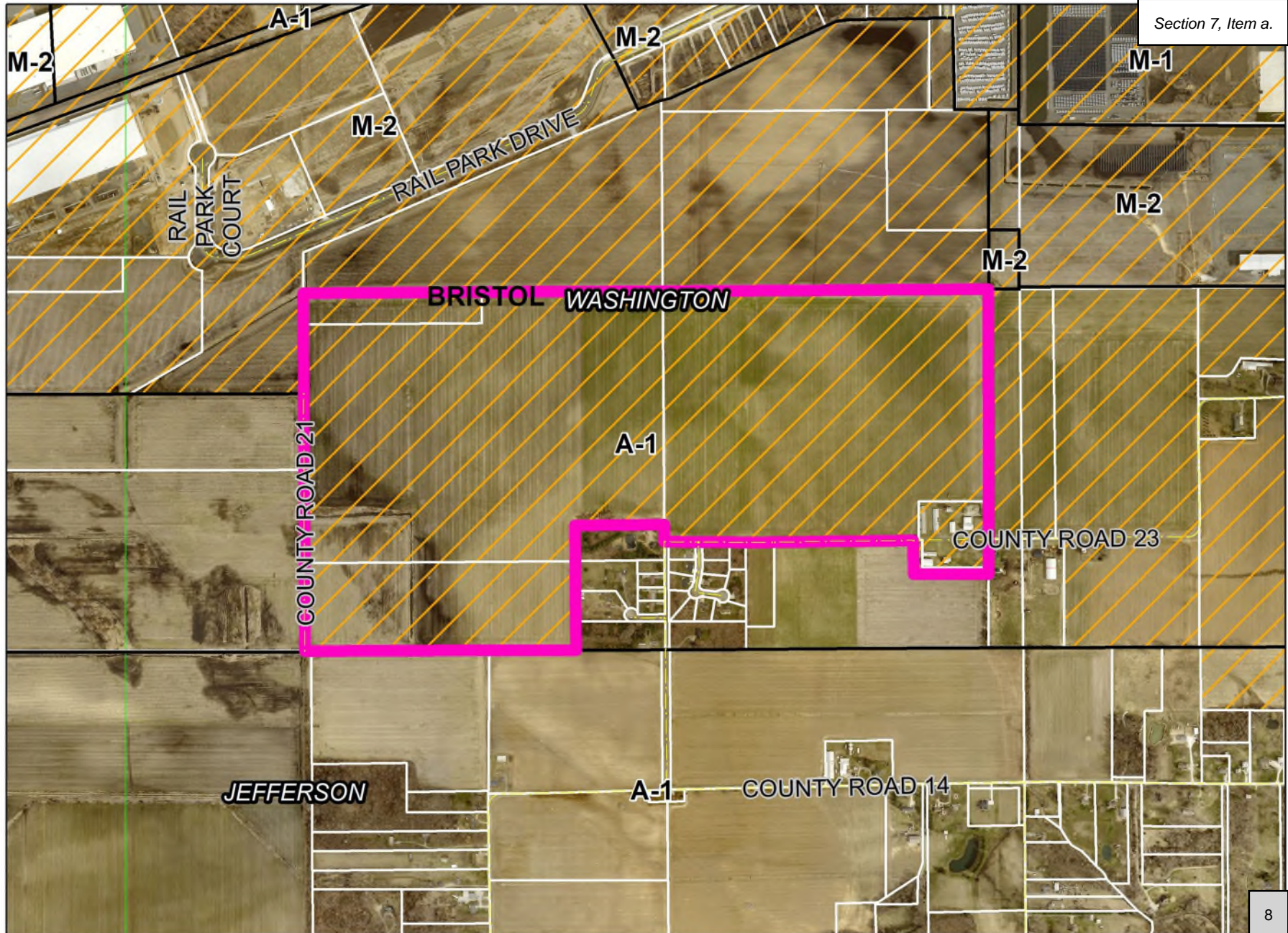
A-1

JEFFERSON



Section 7, Item a.

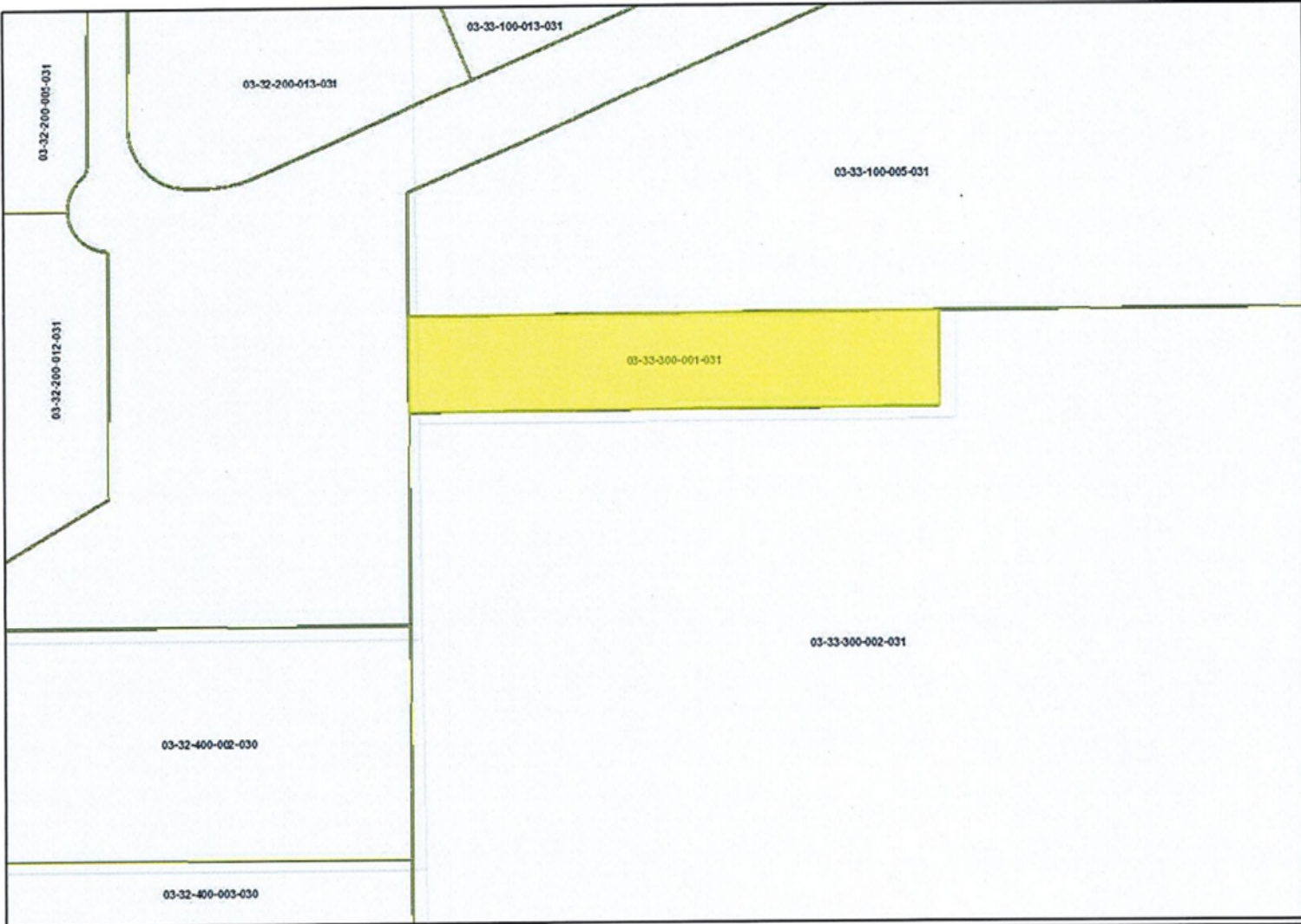
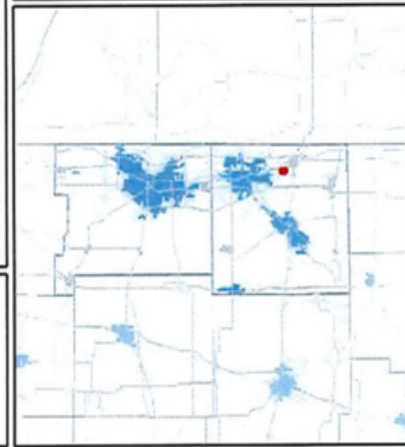
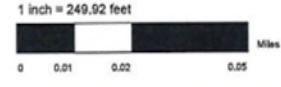




Section 7, Item a.

Legend

- SJC Parcel Dimensions
- SJC Parcels
- ELK Parcels
- SJC Street
- ELK Street
- Building Footprint
- Railroad
- Railroad
- Abandoned Railroad
- Road Centerline
- Railroad Bridge
- Roadway Bridge
- Major Roads
- 1
- 10
- Primary Roads
- Secondary Roads
- Local Roads
- Rivers
- Local Roads
- SJC Street
- ELK Street
- Building Footprint
- SJC 2014 Parcel
- ELK 2014 Parcel
- Railroad

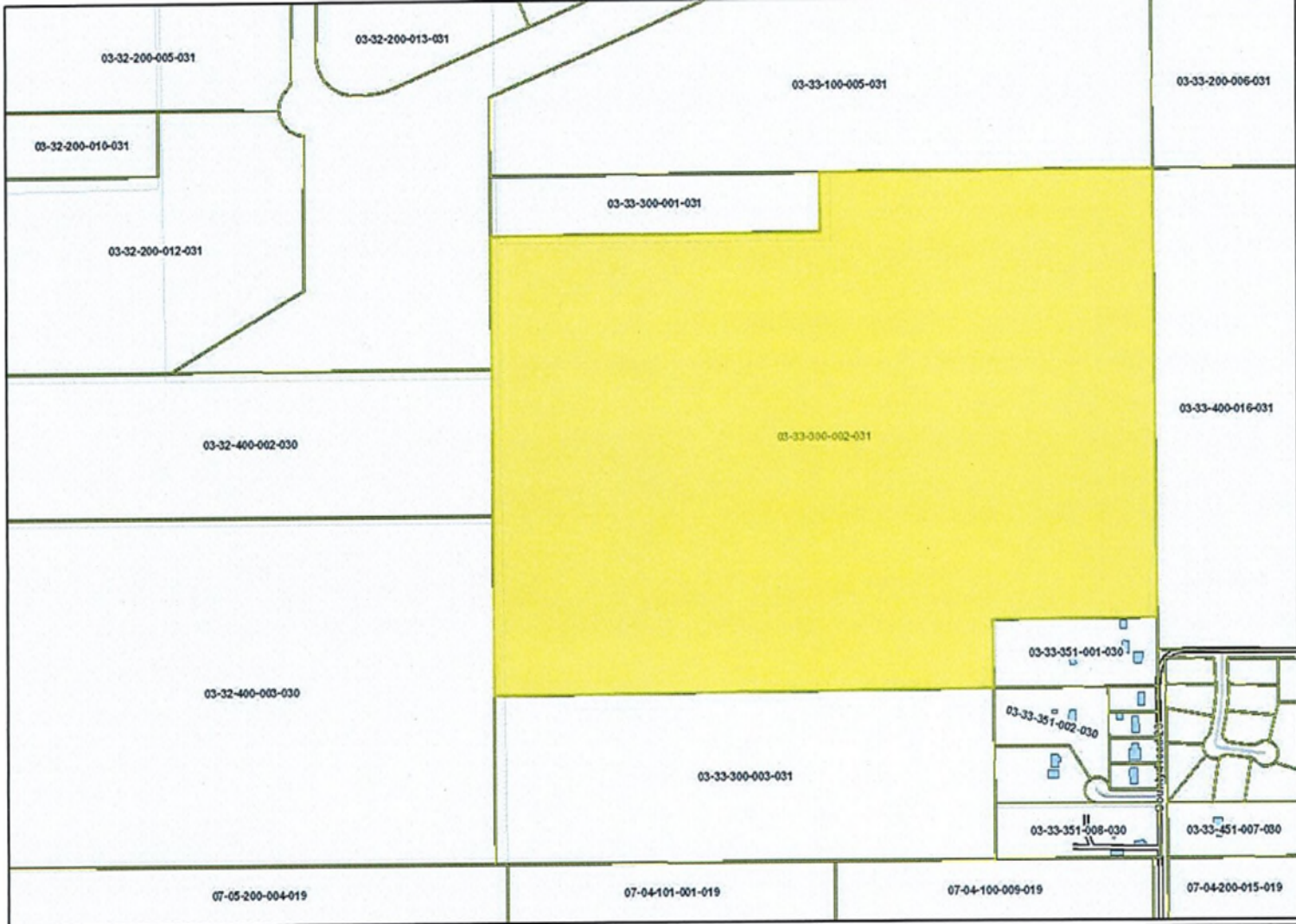


Date Printed: 6/26/2024
 Map Generated By: Public

Coordinate grid is based on Indiana East State Plane Coordinate System 1983 North American Datum.

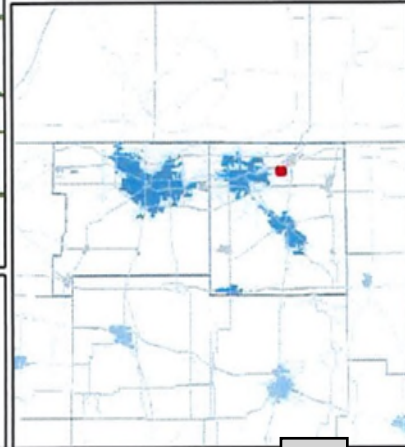
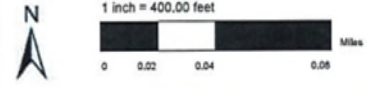
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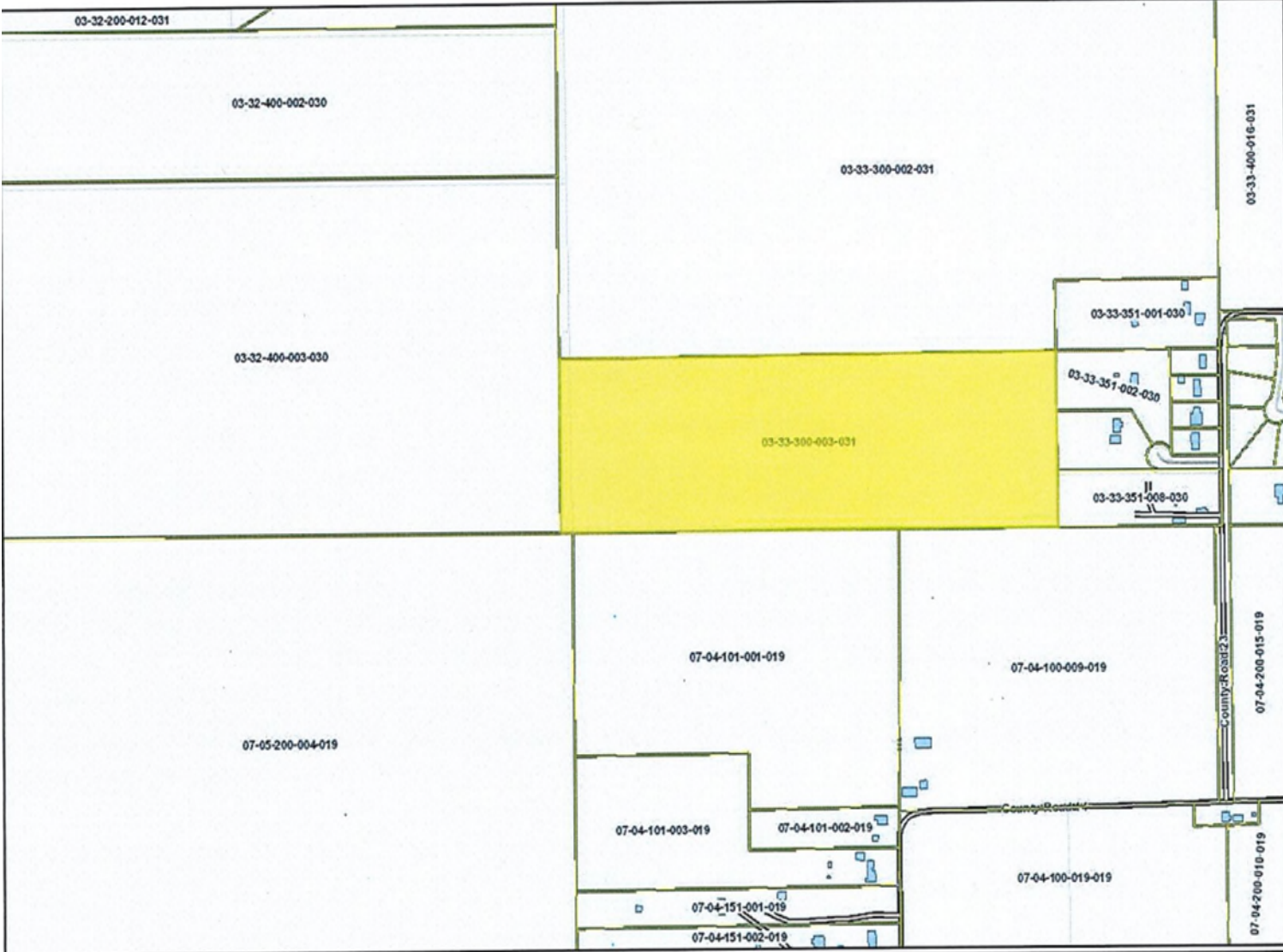


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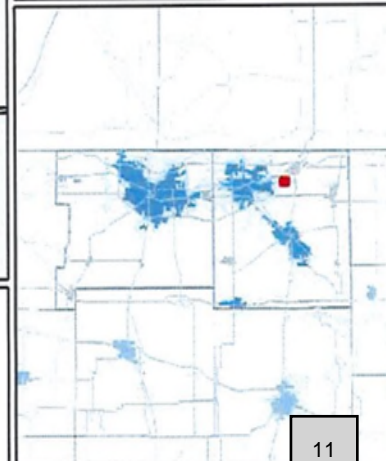


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1 inch = 400.00 feet

0 0.02 0.04 0.08 Miles



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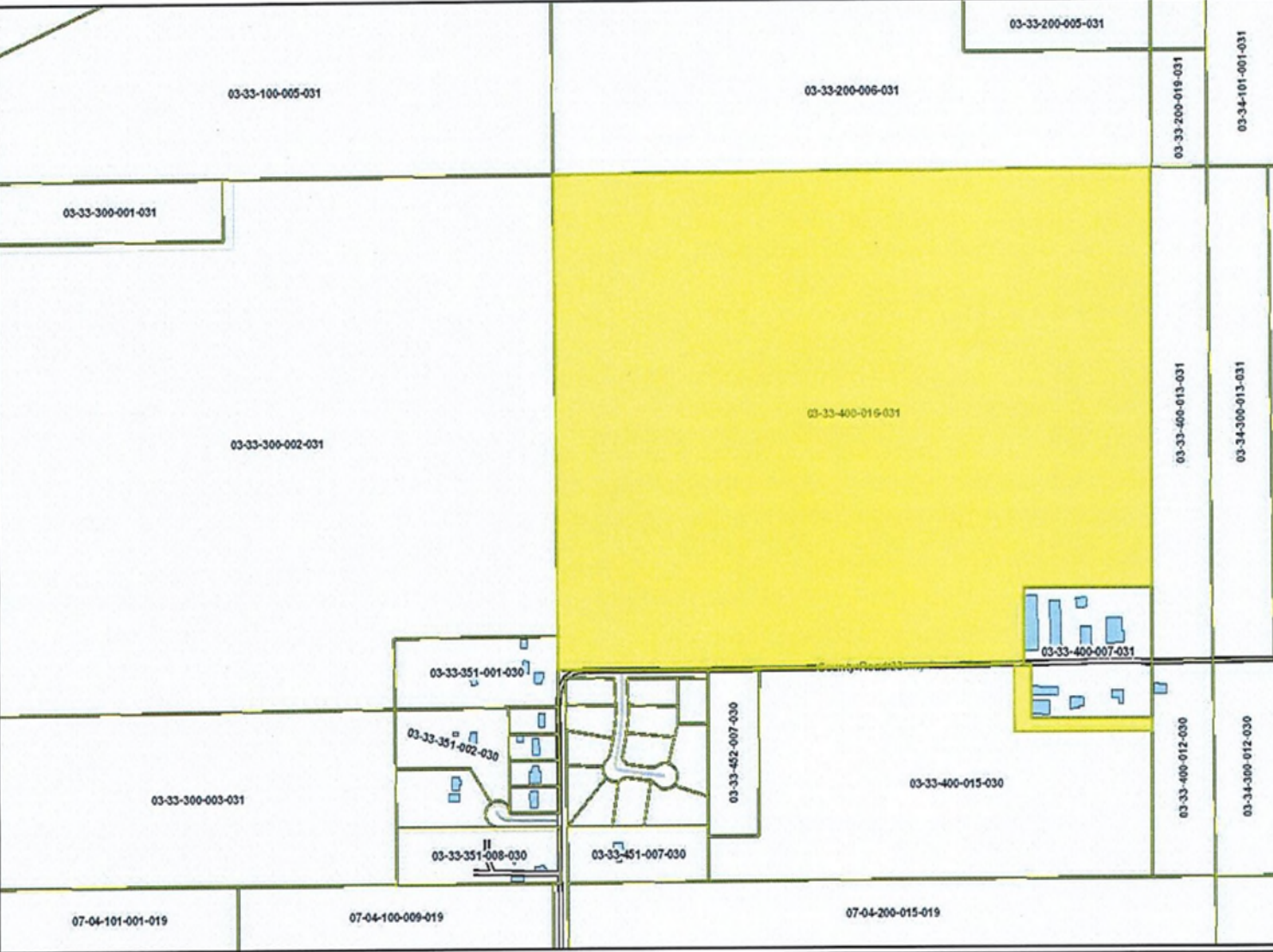
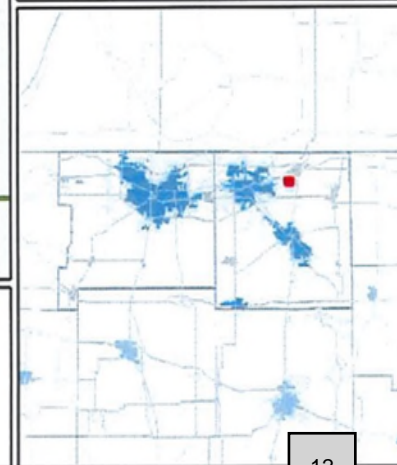


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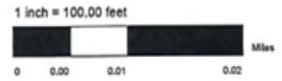
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txtSubtitle

Legend

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03-33-400-016-031

03-33-400-013-031

03-33-400-007-031

03-33-400-015-030

03-33-400-012-030

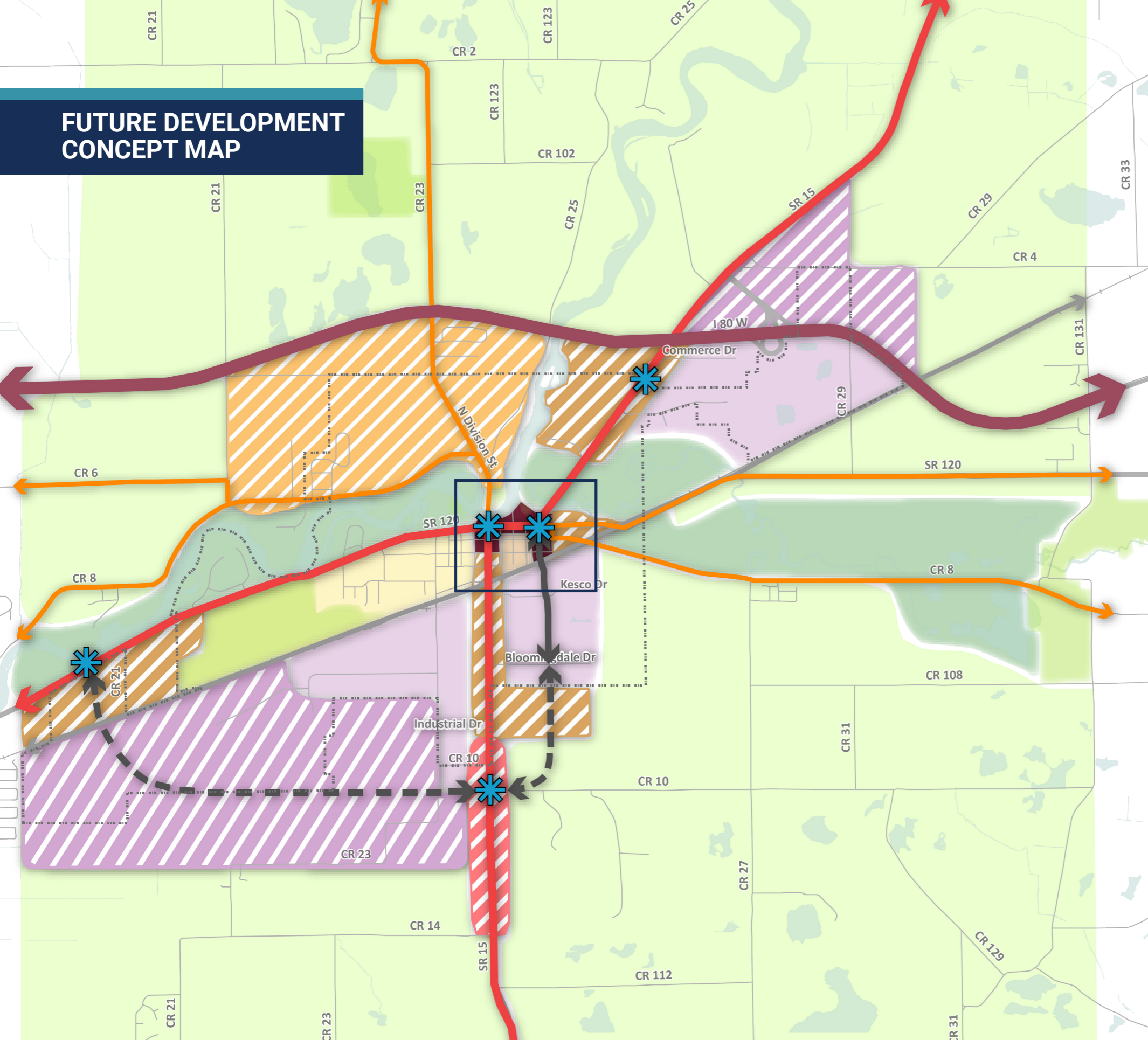
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FUTURE DEVELOPMENT CONCEPT MAP



Character Areas

- Employment Center
- Community Commercial
- Gateways
- Transitional Mixed Use
- Mixed Residential
- Local Road Corridor

Existing Features

- Employment Center
- Downtown District
- Transitional Mixed Use
- Neighborhood Preservation
- Interstate Road Corridor
- Arterial Road Corridor
- Collector Road Corridor
- Floodway Conservation
- Parks
- Rural Management
- Town of Bristol
- Local Road Corridor
- Railroad Corridor
- Other Local Roads

DOWNTOWN INSET



NOTICE TO TAXPAYERS OF ADDITIONAL APPROPRIATIONS

Notice is hereby given to the taxpayers of the Town of Bristol, Elkhart County, Indiana, that the proper legal officers will consider the following additional appropriations in-excess of the budget for the current year at their regular meeting place at the Bristol Municipal Complex, 303 E Vistula, at 7:00p.m., on the 1st of August, 2024. Related to Ordinance No. 8.1.2024-16

Increase:

FUND #	Fund Name	Appropriation #	Amount	Reason
2201	MVH Unrestricted	2201-001-430.001	\$ 40,000	Portion of watermain replacement being added to the CCMG 2024-1 Street Project
2570	TIF 130 South	2570-001-430.001	\$220,000	Portion of watermain replacement being added to the CCMG 2024-1 Street Project

Grand Total: \$260,000

Taxpayers appearing at the meeting shall have a right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance (Department). The Department will make a written determination as to the sufficiency of funds to support the appropriations within fifteen (15) days of receipt of a Certified Copy of the action taken.

Dated: July 3, 2024
Cathy Antonelli, Clerk-Treasurer

Ordinance No. 08/01/2024-16

Additional Appropriation Ordinance

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the 2024 annual budget,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bristol, Indiana that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds named and for the purpose specified, subject to laws governing the same:

PASSED AND ADOPTED by the Town Council of the Town of Bristol, Indiana, on this 1st day of August, 2024.

Increase:

FUND #	Fund Name	Appropriation #	Amount	Reason
2201	MVH Unrestricted	2201-001-430.001	\$ 40,000	Portion of watermain replacement being added to the CCMG 2024-1 Street Project
2570	TIF 130 South	2570-001-430.001	\$220,000	Portion of watermain replacement being added to the CCMG 2024-1 Street Project

Grand Total: \$260,000

BRISTOL TOWN COUNCIL TOWN OF BRISTOL, INDIANA

By _____
Jeff Beachy, President

By _____
Doug DeSmith

By _____
Cathy Burke

By _____
Dean Rentfrow

ATTEST:

By _____
Gregg Tuholski

Cathy Antonelli, Clerk-Treasurer

ORDINANCE NO. 08/15/2024-21

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA AMENDING SECTIONS OF TITLE V OF THE CODE OF ORDINANCES FOR THE TOWN OF BRISTOL, INDIANA

WHEREAS, the Town of Bristol, Indiana (the “Town”) is a duly formed municipal corporation within the State of Indiana governed by its duly elected Town Council (the “Council”); and

WHEREAS, the Town owns and operates municipal water and sewer works, and storm water systems (collectively the “Utilities”) for the benefit of the residents and industries of the Town; and

WHEREAS, Indiana Code authorizes the Town to exercise powers to regulate the furnishing of water to the public; establish, maintain, and operate waterworks; and regulate the furnishing of the service of collecting, processing, and disposing of waste substances and domestic or sanitary sewage with four (4) miles of the Town’s corporate boundaries; and

WHEREAS, Title V of the Code of Ordinances for the Town (the “Code”) concerns Town utilities and the provision and regulation of the Utilities; and

WHEREAS, the Council has seen fit to update and amend certain provisions of the Code for the benefit of the Utilities and the residents and industries of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bristol, Indiana, meeting in regular session, as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. As of the effective date of this Ordinance, Section 50.03 of the Code, entitled “Authority to Regulate the Disposal of Sanitary Sewage,” shall be amended to include a new subsection “(C)” as follows:

“(C) Pursuant to and in compliance with Indiana and/or federal law, the Town may:

(1) Develop and enforce specific limits on prohibited substances;

(2) Enter the premises of any Industrial User to conduct inspections, surveillance, record review and/or monitoring, as necessary to determine compliance with this title and, if applicable, any effective industrial wastewater pretreatment permit;

(3) Accept or deny any new or increased discharges from any indirect discharger;

(4) Immediately halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of the public, the environment, and/or which threatens to interfere with the operation of the POTW;

(5) Require compliance with all applicable pretreatment standards and requirements by indirect dischargers;

(6) Impose fees, if necessary, to offset the cost incurred by the Town for administering the pretreatment program requirements established in the POTW IDEM permit.”

Section 3. As of the effective date of this Ordinance, Section 50.43 of the Code, entitled “Administrative Fines,” shall be amended and replaced in its entirety as follows:

“When the Director finds that a user has violated, or continues to violate, any provision of this title, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may request the Town Manager to fine the user in an amount not more than \$2,500 per day, per violation for a first violation nor more than \$7,500 per day, per violation for subsequent violations, in accordance with I.C. 36-1-3-8(a)(10)(B). The Director will follow the developed Enforcement Response Plan to provide consistent enforcement responses and fines for similar violations and circumstance for IWP permits.”

Section 4. As of the effective date of this Ordinance, Section 52.004 of the Code, entitled “Specific Prohibitions,” subsection (A)(5), shall be amended to replace “140 degrees F (60 degrees C)” with “104 degrees F (40 degrees C)”.

Section 5. As of the effective date of this Ordinance, Section 53.03 of the Code, entitled “Definitions,” shall be amended to include the following definition to be codified in alphabetical order:

“INDUSTRIAL WASTEWATER PRETREATMENT (“IWP”). Industrial Wastewater Pretreatment is the process of removing pollutants from industrial wastewater before it is released into a municipal sewer system or domestic wastewater treatment facility.”

Section 6. If any portion of this Ordinance is for any reason declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of the same can be given the same effect.

Section 7. All ordinances and parts of ordinances, and all Titles, Chapters and/or Sections of the Bristol Code of Ordinances that conflict with the provisions contained herein are hereby specifically repealed as of the effective date of this Ordinance.

Section 8. If any portion on this Ordinance is for any reason declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of the same can be given the same effect.

Section 9. This Ordinance shall be in full force and effect from and after its adoption in accordance with Indiana Law, and upon passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All acts pursuant to the adoption of this Ordinance are hereby ratified.

* * * * *

ADOPTED THIS ____ DAY OF _____, 2024.

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Dean Rentfrow

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer

ORDINANCE NO. 08/15/2024-XX

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA AMENDING CHAPTER 94 OF THE CODE OF ORDINANCES FOR THE TOWN OF BRISTOL, INDIANA REGARDING EGG-LAYING CHICKENS

WHEREAS, the Town of Bristol, Indiana (the “Town”) is a duly formed municipal corporation within the State of Indiana governed by its duly elected Town Council (the “Council”); and

WHEREAS, Chapter 94 of the Code of Ordinances for the Town (the “Code”) sets forth certain regulations governing animals within the geographical boundaries of the Town; and

WHEREAS, the Town enacted Ordinance 4-6-2023-5 to permit and regulate the ownership of female egg-laying chickens on single-family residential property in the Town; and

WHEREAS, the Council is desirous of amending Chapter 94 to provide for a process by which a permittee may petition the Council to harbor more than six (6) chickens; and

WHEREAS, the Council now finds that it is in the best interest of the public health, safety, and welfare to further regulate the harboring of chickens within the Town’s corporate limits.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bristol, Indiana, meeting in regular session, as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. As of the effective date of this Ordinance, Section 94.10, titled “Keeping Egg-Laying Chickens,” subsection (C)(2), is hereby amended and replaced in full as follows:

- “(2) Each residence wishing to keep chickens shall pay a registration/permit fee every two (2) years in the following amounts:
 - (a) For a permit authorizing one (1) to six (6) chickens: Twenty-Five Dollars (\$25.00);
 - (b) For a permit authorizing seven (7) to sixteen (16) chickens: One Hundred Dollars (\$100.00).”

Section 3. As of the effective date of this Ordinance, Section 94.10, titled “Keeping Egg-Laying Chickens,” subsection (C)(5), is hereby amended and replaced in full as follows:

- “(5) To be eligible to receive a permit, an applicant must file an application with the Clerk-Treasurer at the Bristol Municipal Complex and shall include:
- (a) The name, address, and telephone number of the applicant;
 - (b) The address where the chickens will be harbored;
 - (c) The written consent of each adjoining real estate owner, specifically consenting to the number of chickens to be harbored. Adjoining real estate owners are limited to the owners of real estate, with a residence, that are immediately adjacent to the real estate that is keeping chickens provided the real estate parcels are not separated by a street or alley;
 - (d) If the applicant rents the property where the chickens are to be harbored, a “Consent to Harbor Chickens” signed by the property owner, specifically consenting to the number of chickens to be harbored; and
 - (e) The number of chickens to be harbored on the real estate.”

Section 4. As of the effective date of this Ordinance, Section 94.10, titled “Keeping Egg-Laying Chickens,” subsection (C), is hereby amended to include a new subpart “(8)” as follows:

“(8) The Clerk-Treasurer shall issue a permit to the applicant in accordance with Subsection I. The permit shall identify the real estate by legal address and state the number of chickens the permittee is permitted to harbor on such real estate.”

Section 5. As of the effective date of this Ordinance, Section 94.10, titled “Keeping Egg-Laying Chickens,” subpart D(1), is hereby amended to state in full as follows:

“(1) A permittee shall not harbor on any real estate chickens in a number greater than that stated on the permittee’s permit.”

Section 6. As of the effective date of this Ordinance, Section 94.10, titled “Keeping Egg-Laying Chickens,” subsection D, is hereby amended to include a new subpart D(6) as follows:

“(6) No more than sixteen (16) female laying egg chickens may be located on any real estate. Roosters, broilers, and other types of fowl are prohibited.”

Section 7. As of the effective date of this Ordinance, Section 94.10, titled “Keeping Egg-Laying Chickens,” is hereby amended to include a new subsection “I.” as follows:

“I. Issuance of Permits.

- (1) The Clerk-Treasurer shall be authorized to issue permits upon an applicant’s application to harbor six (6) or less chickens. An application seeking to harbor seven (7) or more chickens may only be issued upon approval of and direction by the Town Council at a public hearing.
- (2) Upon receipt by the Clerk-Treasurer of an application to harbor seven (7) or more chickens, the Town Council shall, at a regularly scheduled public meeting within thirty (30) days of receipt of the application, hold a public hearing on the application before deciding the issuance of the permit. The Town Council may, in its sole discretion, approve or disapprove of the application, and may set the number of chickens permitted by the permit. No permit shall allow more than sixteen (16) chickens.”

Section 8. The remaining portions of Chapter 94 of the Code are not affected by this Ordinance and shall remain in full force and effect.

Section 9. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance, such repeal to have prospective effect only.

Section 10. If any portion on this Ordinance is for any reason declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of the same can be given the same effect.

Section 11. This Ordinance shall be in full force and effect in accordance with Indiana Law, upon passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All acts pursuant to the adoption of this Ordinance are hereby ratified.

* * * * *

ADOPTED THIS ____ DAY OF _____, 2024.

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Dean Rentfrow

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer