

Rita Beaty: Before we get to the old business, I just have a couple little things that I'd like to mention here before we get started.

First off, I would like to thank everyone for coming out tonight. Weather is not the best this evening and last month, I forgot to mention our new members that we would like to welcome, which are Tony Oss and Andy Chlupacek.

Also, a thank you to Harold Parker. We did not thank him and he put a significant amount of time and dedication to our board for numerous years, so I would like to thank him for all his time also.

And before we get started on the old business agenda item, few things to keep in mind that this is just a discussion for the board. I know you have heard numerous times that there is no public comment this evening. Public comment will come at the time after we move forward with the ordinance, once we get through this evening. So, also, please we understand that everyone is passionate regarding your property and your ownership to your property. But we ask that you respect the board this evening as we do have our discussion. Once the ordinance is ready to move forward, it will go back to our County Attorney for any revisions to complete that for us. And then the next meeting after we get that completion will be the public hearing with the notice that is given for everyone that they are able to attend. So, is there anything that you guys would like to add?

Attorney Biege: Well, I do not want to let everybody know where we are at procedurally because a lot of people think that these data centers are going to just come in willy nilly. No, we are perfectly protected right now. We are considering it as a warehouse and it could only go into the KIP and there, we are also requiring Special Exception, which means even going in the KIP, they have got to go in front of the Board of Zoning Appeals. So, there is we have complete control now. What we are trying to do is improve upon that with this ordinance.

So, for the board you got a version a couple weeks ago that is the result of the committee. And then Tony sent to me a version last Friday and we spoke and he tweaked it and he sent it out. So, I do not know if everybody has had a chance opportunity to review it. Frankly, I like Tony's draft better.

I think Steve has a couple tweaks. So, we either could choose one of the two. Or we could send it back to the committee to go over both to see if there is anything we want to combine and then have a final version for you next month. It is just whatever your comfort level is, because I know you got Tony's version kind of late.

Steve Holifield: If you do not mind, I would like to still have it on public hearing in March. If we could have a special meeting in between here and there after the committee meets.

Attorney Beige: I just need to know what, whatever changes you guys want made so I can make them for the committee to look at. I would like to get this item. Just if we do a special meeting, that is fine, I just want to make sure we get enough time to get it on the website for the public to review it and get notice out to everybody.

Steve Holifield: OK, thanks. I think the 23rd's the next meeting.

Rita Beaty: Yes, the 24th at 6 p.m.

So, everyone did receive the little additions and corrections that they got for us.

Scott Holifield: On page 2, I would like to have the word farm stricken. These things plant nothing, they grow nothing, they harvest nothing. If they want to call them data service projects, something like that. I have no problem. But I would like to have the word farms removed.

Attorney Biege: Steve, where is that on the page?

Steve Holifield: On page two, top. Outline page two.

Attorney Biege: Are you talking about the server farm?

Steve Holifield: Just take the word farms out.

Attorney Biege: I will make it just servers.

Stev Holifield: They are trying to do this with and make them sound cushy, wishy like a teddy bear. And they are not, they are industrial projects.

John Matwyshyn: Another word that might be used is server cluster.

Attorney Biege: I will use server cluster.

Anthony Oss: I know there was some legislation today that made it through third reading. That addressed there was some things that got added in, but I am curious as to whether they added some sort of definition downstate.

Steve Holifield: Was that panel 3? The other amendment, I have not seen it all yet.

Anthony Oss: Anyway, it is who knows what is really going to happen. 12:10 had some stuff added into it that came out of another bill.

Attorney Beige: Well, we may end up in a situation just like we had with the batteries. We put all that work into that first battery facility and then DHS took it, which is great because it is very technical, right?

Anthony Oss: Take whatever you want on it. I just want to make sure we are consistent with what the definition is.

Jimmy Pressell: On that. If they do change something at that level, that would change our ordinance then, correct? So whatever language they use down there, we would have to implement in ours, right?

Attorney: Yes, the question is, is the legislature going to take some level of control? And if it does, we are going to have to redo everything.

Steve Holifield: And if we do, they are being done Friday. We will know everything by Friday, and if we have a committee meeting next week, we will be able to look at that, because the 27th is their last day and they're leaving.

John Matwyshyn: I have 3 items I would like discussed a little further. One item is the water usage. It asks for projected peak and average daily water use. Most of the year in this area it would be using minimal amounts of water. However, during the months of the hot months, July, August, September, October, that is when they would be drawing water out of the ground. We have other people using water in the same time frame in the case of our farmers, if they do not have the water available, they lose most of the year's income.

In the case of the computer clusters, if they just simply lose, maybe a day, maybe a few hours of use out of the 300, out of the 6000 hours of the year. I think we need to weigh that in consideration of the water usage by the computer systems.

The water used by the farmers, they have this center pivot systems. So, they suck it out of the ground and spray it on the surface. In the case of the data centers, they remove it from the ground and they evaporate it so it does not get returned.

Anthony Oss: Well, I have no problem. We can address all that and we are going to get into cooling methods. And one of the things I tried to avoid was trying to be prescriptive on anything that anyone was going to have.

Attorney Biege: I learned over the years if you get too specific in an ordinance, you are going to either must rewrite it or somebody is going to do an end run around your language. I think we should leave this as it is. Because we do not know what technology is coming.

For example, I was told that I do not know if it is true, the Microsoft going in LaPorte, they are trucking in their own water because it is treated with something. They are also trucking it back out, so there is no industrial usage there. So that is why I would like to keep it, because remember, it has got to go before the BZA and this guy has got to approve it, So I think we have the procedural mechanisms, to handle the specificity. But I would rather do that under those forms because we are taking a closer look at the specific system. Does that make sense?

John Matwyshyn: It makes yeah, my issues may become addressed through other means. I am not familiar with the entire permitting process.

For example, the other item is a sound level. Specifically mentioned are the A weighted decibels, the A weighted decibels relate to the human ear. Whereas I am more concerned as we track with the inference rounds. Which are the kinds of things that people experience without hearing. That infrasound below typically below 20 Hertz. That is something that I do not see mentioned. Maybe it is in here someplace.

Anthony Oss: I tried to address that. So, if you could look at, there is a section under that talks about evaluating potential low frequency and total noise outputs. We could get a lot deeper into specifying. I do have some alternative language we could talk about, if we get to committee to talk about that. They are going to have to hire an acoustical engineer to evaluate that. And whether you want to go and I do not want to get too deep into the woods as far as like if they are using DBC measurements or what potential frequencies we want them looking at. I think the more generalized term kind of where Doug was going with it is to use the total frequencies like I use what total and low potential, low frequency and total noise impacts which are supposed to address this sort of, 60 Hertz and below types stuff, the pulsing loads that they get off these servers when they are running up and down on. That is kind of what they normally are getting these all right and those trying to address it. But I agree, whatever verbiage, we want to use to try to address that.

John Matwyshyn: The third item may be built in here. The third item I had mentioned is the particulate matter. The particulate below 2 1/2 microns. There is various Anecdotal reports from the medical community about that particular size being transported through the body and affecting the central nervous system. Influencing Alzheimer's and also influencing the development of fetuses. So essentially, the pregnant women absorb the particles units distributed through the bloodstream and affects the developing nervous system on the baby. So that's the kind of thing that may be already in here.

Anthony Oss: In a way I agree, it is a concern. I did not want to step into anything that would have to do with IDEM permitting when it came to air permitting. They are going to require IDEM permitting, and we are going to have part of it, is that we will request them to provide us with that IDEM documentation. But I also am trying to, I fear trying to regulate that with internal staff, we must rely on what the state is permitting as far as item.

But I think we also ask for what their plan is for power generation and emergency backup. So, it gives you the flexibility to understand what they are doing, whether they are going to use some other sort of backup system, whether it is a battery backup and combination.

Steve Holifield: The generators put in up there to Royal Rd. There was a whole IDEM hearing that night. They will have to get an air quality permit through IDEM if they are going to use generators. That is kind of a moot point right now because the other day the EPA regulations were rolled back. So now they are not going to require Tier 4 diesel motors the way it sounds, unless Supreme Court steps in again, which would let them do more normal diesel generators instead of the Tier 4 which the DEF and all that other garbage.

John Matwyshyn: I did look up the specs for the Tier 4 generators and it is not going into the details of what type of particulate matter comes out. The Tier 4 specification describes the maximum number of particles that can be emitted by the generator, without going into detail of what size the particles are.

Attorney Biege: Well, keep in mind we are a County. We have got IDEM and EPA and their functioning in that manner. We do not have the personnel training, or budget to monitor things like that. And you always risk whatever we write, being superseded by an EPA rule or item because they would trump whatever we write like battery storage.

Anthony Oss: I tried to address some of that too, was to have a disclosure on testing, like when they are going to run cycles right for testing on any generator you would have to cycle them. So, what the testing operations are going to be when they are going to do it. How often they run, how long they run, so to try to mitigate some of that, and I think there is going to be some flexibility. If someone ever does come to be able to talk about those strategies and use, use that to discuss and bring those things to the table. Like you said, the technology on the generators could change next week. How they are going to generate power is changing. It seems like monthly right now.

Steve Holifield: The ones in Michigan City, they are required and do not ask you what the name of it is. It is a fancy name for a fancy exhaust system to make cleaner. Keep in mind, these are all going to happen inside of an industrial park. That is the only place these can go.

Eric Pointon: Like you said in the committee, you do not keep it at or you keep it not as specific. So that way the BZA and Mike's office can put each one of these as a Special Exception. Each one of them is unique to its own project, so you don't want to try to put so much into this thing that it's going to be like Doug said a little while ago that they can figure out a loophole to go around it or, you know like give us more lead way later and give Mike's office, you know, and whatever does happen downstate. Maybe we would not have to change the whole thing if we do not already have that stuff in here, it could be case by case.

Steve Holifield: The only other couple things I would like to see included a road use agreement.

Attorney Biege: There absolutely should be and we can add that.

Anthony Oss: I just had in there a letter from the Highway Department, but maybe a road use agreement is a better way of seeing that work.

Attorney Biege: Because a project that big, they are probably going to tear the roads up. So, you are going to have to put them back when you are done.

Steve Holifield: We are putting one together right now for the project, going after Microsoft on the City property, using 250 S. We are putting one together on that one.

The other thing there was I had was you got emergency first responder training. The one thing I'd like to see in there, any kind of specialized equipment to the Township fire departments have to buy, whoever is requiring that needs to pay 100% of that and any specialized foam chemicals, whatever, to address a fire issue, they need to replace that as it's used. It should not be bore by the Township or the taxpayers at all.

Attorney Biege: That is a great point because that fire, we had the chemical fire. What was that 3-4 years ago? The department's equipment got absolutely trashed and the owner did not want to pay.

Steve Holifield: And went into solid waste fire. That was no fun either.

Anthony Oss: Doug, there was two things I wanted to add to the draft as well that I realized I had not included. So, one and I can tell you where it would go, it is under the construction and access plan. So, on page two at the bottom, I think it would be a page 2 on the bottom. Yep, we just talked about some of the construction and access plans. So, providing details for any environmental remediation that would have to be done on the site. And then a comprehensive dewatering plan. Should it be necessary? So, if they happen to go on a Brownfield site, just we need to see what that plan is going to be. So, if they are going to go into KIP, and there is going to be any sort of solar remediation just so it is a hurdle. Obviously, we do not approve that. It is all going to be done through EPA and IDEM.

Steve Holifield: If they truck any dirt offs site.

Anthony Oss: Yeah, they are going to have to do anything like that. It would be good to have that in hand so we know what is going on because it is going to go hand in hand with the transportation plan.

And then should there be a need for any dewatering? It would just be good to see that ahead of time and then know what their schedule is going to be. So, they must dewater, you know, with the whatever depth they need to go through and how long they need to do it, we need to know.

Jimmy Pressell: Monitoring wells out there also, to track what they are doing.

Eric Pointon: Would there have to be a permit, Mike, for a dewatering? Would that have to be MS4?

Mike Polan: Not from my office.

Eric Pointon: Would MS4 oversee that or you might?

Anthony Oss: I do not think from DNR, depending on what you must put in, but I am not sure.

Eric Pointon: It depends on the type of dewatering you just do it. So, we want to put something in there.

Mike Polan: It depends. If they are dewatering and it is creating a direct conveyance then it would be some jurisdictional authority. But if they are not, then it would not.

Anthony Oss: Wherever the discharge would be, the permit more than the actual draw down.

Eric Pointon: Might want to be proactive here rather than reactive later if it and that was reacted into some of the things that happened over.

Anthony Oss: Just sort of a you know if they are going to use by knowing that ahead of time, it helps to mitigate some of those issues.

Steve Holifield: If they are going to use Travis Ditch for dewatering, to pump Travis ditch that goes to the Kankakee, and I am on the river basin. I have already spoke with. Scott Pilath about that. So, we are aware what is going on, especially with the Microsoft project up there.

Anthony Oss: Again, I do not know that it would be necessary. Just depends on where they are going and what they are doing, right, so those are the just the two things I wanted to make sure we covered.

Mike Polan: Just to piggyback on what some of what all were talking about, if one of these projects does advance towards the special exception after our ordinance is already passed and it gets to the BZA and something comes up that we do not have in house expertise to cover such as particulate matter or one of the other things. We can make them bring in and pay for a third party. To cover that, whether that be inspections or that we choose.

Doug Biege: And we have done that before.

Rita Beaty: And that is covered in the ordinance?

Attorney Biege: The BZA will instruct them. If they want to get approved, they are going to do what we ask them to do.

Steve Holifield: There is one other thing, I have seen it everywhere else that I have looked at. I know this is going to be an industrial area, but for future development of say next door, these projects for another type of factory, are we going to require any kind of vegetation blockage?

Attorney Biege: The Industrial M1 and M2 already has some requirements, but the BZA always puts that in there. It is possible that they could request a variance in the area outside of KIP.

Steve Holifield: So, I think by then the city will have annexed that ground in.

Attorney Biege: Well, that is I think we all know how that is going to go. I am guessing for the County it is just going to be in KIP. What the cities do, we have no control over whatsoever.

Anthony Oss: I guess just as at that point, what we tried to craft into my conversations with Doug was these are additional provisions beyond what are required in Article 24 of the JZO. Article 24 of the JZO is the special exception frame. And there is a road map for how approvals happen on that end. There is also everything else that goes in. So, you mentioned like buffers. There are buffer requirements between different types of zone properties, depending on what is going to be done, and those would still be in effect above, and this is just going above and beyond what is already in the ordinance and the stuff.

Attorney Biege: In the JZO, we have an entire chapter, depending on the category and type but we have on vegetation.

Steve Holifield: How is this going to affect? Jimmy and I both on steering committee for the master plan. When that comes in, Mitch has been telling us we should probably look at probably coordinating something into that master plan to address these issues so we can amend this and do whatever merging, correct?

Attorney Biege: I would not want to merge them together because the master plan is not set up to be an ordinance for enforcement. You can certainly include stuff from our ordinance in the master. Because with technology changing so quick, I will be surprised if we have this version in two years.

That is why I want to do this as a standalone and not amend the whole JZO. It is a lot less work and a lot less noticing. Having a standalone is a lot easier to amend down the road.

Steve Holifield: The water summit, I am serving on steering committee for that. They are talking that within probably the way technology is changing within a few years, they are not going to use water for the cooling of this. They're looking at submersing these in like a radiator type fluid, like a gel almost in and plus the servers are getting smaller and smaller every year too. So, the main thing they are finding what is using it is the AI. It is not the data storage; it is the AI stuff. And we have a President of the United States that is pushing AI tremendously. So whether we want to admit to or not folks, that stuff is coming. The federal government is going to force that up on us.

Anthony Oss: I have one other procedural thing, Doug. So, on the front-end piece that you had put together is this the ordinance? Is the ordinance going to be recommended by the Planning Commission to the Commissioners and then the Commissioners pass the ordinance? Ok, so the Planning Commission would recommend once we have whatever we get through this, the Plan Commission will then recommend that ordinance to the Commissioners and the Commissioners would then have to vote on the final ordinance?

Attorney Biege: Correct?

Steve Holifield: The way I understand it, we either vote yes, no, or we kick it back to you, correct.

Attorney Biege: Correct, but with some instruction as to what you want.

Rita Beaty: Any other suggestions or concern?

Steve Holifield: I make a motion that we have a Data Center committee meeting and look at this next week and then we have a special meeting and go over this again so that way we get a proper notice and everything else and we can have the public notice and the public meeting by the March 24th Plan Commission meeting.

Attorney Biege: We can try. It is going to be tight, you know, a notice requirement.

Eric Pointon: What is that requirement again?

Attorney Biege: It is 10 days, but I want to have it up online and so folks can look at it, you know and have time to prepare whatever comments they may have for a public meeting, but so far does not look like we are going to have a lot of changes. So, it should go smooth,

Steve Holifield: Also, we need to discuss Harold Parker, he was on the committee and we need to replace him.

Eric Pointon: No, he was not, Rita and I talked about. It was John Carr, myself, you, and Joe Tuholski.

Attorney Biege: I am asking that we add Tony.

John Carr: I would come off that for Tony.

Steve Holifield: Because he wrote this other update on the ordinance.

Attorney Biege: I think Tony's got more knowledge on this than any of us.

Rita Beaty: John, you were on it before and you are going to step aside.

John Carr: Yes.

Steve Holifield: Check your emails on Monday. I will send you an e-mail about the meeting.

Rita Beaty: So, if they go ahead and have the meeting next week, then that should still give us hopefully time to get it prepared that we could possibly have the 10-day public notice out there.

Attorney Biege: This is not much to change. I do not expect we will have significant changes in the meeting. But if there's not significant changes, I can have the draft out in a couple days.

Rita Beaty: If anybody wants to look online, then you will notice that Janet will have the agenda on there for us and the notification for when the meeting will be so as of right now, we are considering the normal meeting date of March 24th at 6:00 PM here in the same location and there will be public comment. We will limit everyone to three minutes.

Attorney Biege: Just so everybody knows, a special meeting is for the purposes of finalizing our draft and then we have public comment before there is any vote on everything. So, nothing is going to really happen other than we will have a final draft that everybody is comfortable with.

Jimmy Pressell: Just to clarify, the special meeting, Doug, is that all of Plan Commission to review the changes in this?

Attorney Biege: Correct.

Jimmy Pressell: In case anything comes out of committee and then we would have our public comment on a regular scheduled day.

Attorney Biege: Yes, if the Planning Commission is content with that draft and they want to go forward with that draft, then we will have the public comment in a regular meeting and then we will take a vote at the regular meeting.

Steve Holfield: Can we have the approval and the public hearing of same meeting or not?

Attorney Biege: Yes

Steve Holfield: So, we could plan on the 24th and that way that will solve a lot of the plan, that way we will not have to have a special meeting then.

Attorney Biege: No, we need a special meeting to accept the draft from the committee. After that we can have the public hearing and a regular meeting right after that, I would recommend that. And then if you are comfortable going to a vote, take the vote. I have had it before where people convinced the board to do something different than they were thinking. Then so we set it for another meeting to discuss.

Rita Beaty: Comments. Concerns. Questions.

Jimmy Pressell: Do we need that in a motion?

Steve Holfield: I make a motion that we have a Data Center Committee meeting next week to go over the changes we want to see, get it drafted and then we will have a special meeting after that.

Eric Pointon: Second

All Approved, motion carried 7 - 0

Rita Beaty: Any new business this evening?

Mike Polan: Madam President, just to clarify for our audience, who is not generally familiar with how the quasi-judicial proceedings work, where we do not have traditional public comment. At the next regularly scheduled Plan Commission meeting, there will also be a public hearing on the ordinance and that is where public comment will be allowed. Thank you.

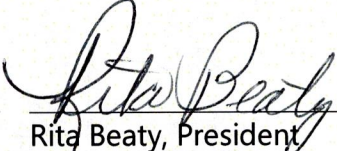
Rita Beaty: Any other new business?

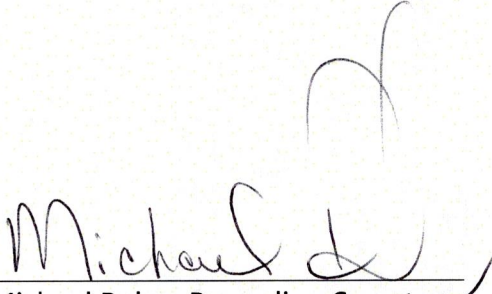
Jimmy Pressell: A motion to adjourn.

Eric Pointon: Seconded

All Approved, motion carried 7 – 0

Meeting adjourned at 6:39 p.m.


Rita Beaty, President


Michael Polan, Recording Secretary