



# LAPORTE COUNTY PLAN COMMISSION

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Michael Polan  
Building Commissioner

April 28, 2026

Dear Members,

The regular meeting of the LaPorte County Plan Commission was held on Tuesday,  
**April 28<sup>th</sup>, 2026 at 6:00 p.m.** in the Assembly Room of the County Complex.

|                  |                 |                 |
|------------------|-----------------|-----------------|
| Members Present: | Rita Beaty      | Jimmy Pressel   |
|                  | John Matwyshyn  | Andy Chlupacek  |
|                  | Steve Holifield | John L. C. Carr |
|                  | Anthony Oss     | Joe Tuholski    |
|                  | Eric Pointon    |                 |

Present: Andrew Voeltz, Attorney, Michael Polan, Recording Secretary and  
Janet Cole, Administrative Specialist

## **The Pledge of Allegiance.**

## **Approval of Minutes:**

Rita Beaty asked for approval of the minutes from the special meeting from April 7<sup>th</sup> of 2026.

Steve Holifield made a motion to accept the minutes and Eric Pointon seconded.  
All approved and motion carried 9 – 0.

Rita Beaty asked the approval of the minutes from the meeting on February 17<sup>th</sup> with the date being corrected to 2026.

Eric Pointon made a motion to accept the minutes and Steve Holifield seconded.  
All approved and motion carried 9 – 0.

Jimmy Pressel made a motion to move #8 to #6 and moving #6 and #7 down one.  
Eric Point seconded the motion.

All approved and motion carried 9 – 0.

## **Petitions:**

Rita Beaty: We will be moving the petitions before old business and old business down one step, please.

**Petitioners Jeremy Watson, Jennifer Watson and Sandra Johnson, represented by counsel, David L Ambers, Attorney at Law, respectfully petition for Zoning Map Amendment from R1B to B2:** of the following described real estate situated in the County of LaPorte, State of Indiana, located at 7042 West 400 North, Michigan City, IN 46360, vacant land on West 400 North, Michigan City, IN 46360 and 3892 North 700 West, Michigan City, IN, 46360, zoned R1B and consists of 1.878 Acres.

Attorney Ambers: Thank you and I greatly appreciate the amendment of the agenda. I had back surgery two months ago and I did not want to save for the data center. Good evening. Members of the board, Madam Chairman, as you've stated, I'm here on behalf of Jeremy Watson, Jennifer Watson, and Sandra Johnson. They own property at the intersection of 400 North and Johnson Road, actually on 400 North. They don't have frontage on Johnson Road. They're basically across the street from the old library and the Coolspring Township Fire Department. The property is currently zoned R1B and consists of 1.878 acres. The petitioners, in meeting your requirements pursuant to the ordinance, do not believe this, or they do believe this amendment is consistent with the Grant County Land Development Plan due to the zoning classification of surrounding properties. We believe that current conditions of the neighborhood support this change and that developmental changes of the majority of the joining parcels have turned the area toward business district and uses. With regard to the County's requirement concerning reasonable desirable use, there will be no adverse impact due to the fact that the appropriate buffers will be constructed to screen any non-business uses. With regard to property values, as you can see, I'm sure in this neighborhood, given the amount of commercial development there has been, there has been an increase in the property values. Responsible growth, again, my clients believe that existing commercial growth has been slow and responsible, and they don't intend to upset that apple cart. And with regard to environmental conditions, the land is virtually flat and complies with those conditions. Given the surrounding area, this would not be spot zoning. And with regard to your final requirement concerning a neighborhood plan, we are unaware of any neighborhood plan for this area. If you turn to my exhibits, we included the legal description as we're required, and then we show you the beacon of the general area. Hopefully, by the time this got emailed to you, you can still see my cross hatching that was on my original petition. But as you can see, my client's property consists of four (4) parcels, primarily across from the old library and caddy corner from the Coolspring Township Fire Department. I brought with me, if I may approach further exhibit. Thank you.

And if you turn to page one (1) or the top page, it's just some traffic count data that my clients were able to obtain from the INDOT website. And if you see the highlights, this area, my client's parcel is the green arrow, generally has 84 to 8,900 cars per day, 8,400 on Johnson Road, 8,900 on 400 North. So that kind of traffic certainly supports further commercial development. If you turn to the third page, it's a little clearer view of what we had on the beacon which shows all of the commercial development in the area with the new library caddy corner across the street. There's the medical building even next to that, the old or the Horizon Bank, plenty of surrounding uses that are enjoying B1 or B2 classifications. The final page is a possible schematic. My clients aren't sure what they're going to do with the property. So, the final page was a potential one of their uses, just kind of a computer-generated situation, they're actually considering either some kind of a B2 use of whatever would fit in the neighborhood. So based on that, if you have any questions, I have two of my three clients here, and they flipped a coin as to who gets to answer your questions.

Rita Beaty: Really quick before we move on, Dave, I forgot to mention to the attorney, was notice adequate for?

Attorney Voeltz: Notice is adequate.

Steve Holifield: You've answered my questions. I was just going to curious why the change. And then you want all, is it 3 parcels?

Attorney Ambers: Four (4) parcels.

Jimmy Pressel: So why B2 over B1? So B1 makes more sense in that area. So, it's surrounded by other B1s. The only B2 is pretty far down the road.

Jennifer Watson: So, I went with B2 because if we were to do a gas station. it would automatically fit that description.

Attorney Voeltz: Madam President. She needs to state her name and address.

Jennifer Watson: Jennifer Watson and my address is 7042 West 400 North in Michigan City, Indiana.

Jimmy Pressel: Gas station is just kind of like what you are shooting out there right now, hoping for that.

Jennifer Watson: That's what we're shooting for, yes. That's the main goal.

Jimmy Pressel: Because B2 kind of opens it up for heavy traffic flows.

Jennifer Watson: Right now, the traffic flow is basically the same as Franklin Street, 421. We have, we're like right there matching 421 Franklin, which is pretty busy. So, it matches that description for a gas station. The traffic's there and it's increasing like by 2% every year.

Steve Holified: The gas station, they already turned one down there in that corner.

Jennifer Watson: They haven't completely turned it down yet, but if you were to look at the pictures that he provided, our property is just way more suited for a gas station. We have the turning lane, which makes it safer. We have the back exit, a second route, you know, like an emergency route for the gas station. The corner there across the street only has the two, one on Johnson and 400. So, it just seems from everything that we have that our property would be way better suited for a gas station than theirs. The turning lane especially and the 360 feet of road frontage, it makes it pretty nice.

Attorney Ambers: If you have the turning lane, if you're going to turn South onto Johnson Road, you've got the lane to go straight. If you're going to go East on 400 N, and then you've got the other turning lane to turn left. If you want to go North on Johnson Road, it's a much safer traffic pattern on their parcel versus 2 lanes on Johnson Road on the other side. Two lanes on 400.

Jennifer Watson: We have a lot more room.

Steve Holifield: Does it go all the way out to, or not, there's no access to go out to Wozniak from here?

Jennifer Watson: From 700 to Wozniak? Yes, there's access.

Steve Holifield: Okay, so you'd be going, because of the neighborhood.

Attorney Ambers: But it does not punch through to 400 North.

Jennifer Watson: Do you have any other questions for me?

Eric Pointon: They are pretty restrictive. You're going to put a gas station in. I mean, this would have to go through planning and everything else, but there are pretty restrictive lighting requirements when it comes to putting anything B2 next to an R1 zone. You got to maintain .1- foot candles.

Jennifer Watson: We would aim for lower lighting, kind of like maybe a Casey style lighting. There are generally more. Yeah. Their lighting is definitely a lot lighter than some gas stations, and that's what we would aim for, not super bright, crazy lights like Love's Gas Station.

Attorney Ambers: And if that's the route they choose, they've got federal law to deal with, they've got state law to deal with, they've got County Ordinance to deal with. It'd be a pretty heavy regulated use, and they're not saying that's their only cost. Medical in that area makes sense as well.

Eric Point: Because there are no utilities here, correct? There's no water, there's no sanitary sewer in this area. It would require septic.

Steve Holifield: There is the Health Department you go through. Also, there's a lot of restrictions there still yet.

Jennifer Watson: I'm from the area. I love the area. I've lived there my whole life since I was 5. I respect the area. I wouldn't want to do anything to downgrade it in any way. I would only be trying to better the area, not make it worse. So, keep that in mind.

Steve Holifield: It could and possibly could entice Michigan City to extend sewer water out that way.

Rita Beaty: All right. Any other questions from the board? Are there any remonstrators this evening for or against the petition? Any remonstrators this evening for or against this petition? Thank you. Anything else that you'd like to add, Dave?

Attorney Ambers: I have nothing further.

Rita Beaty: What is the pleasure of the board?

Steve Holifield: I would make a motion to accept this zoning change. John Carr seconded.

All approved and motion carried 9 – 0

Rita Beaty: Second petition:

**Petitioner Leeway IN Properties LLC represented by counsel, David L. Ambers, Attorney at Law, respectfully petition for Zoning Map Amendment from B3 to R1B:** of following described real estate situated in the County of LaPorte, State of Indiana located at the South West corner of the intersection of North State Road 39 and West Valley Boulevard, vacant land, LaPorte, Indiana 46350, zoned B3 and consists of 5.31 acres.

Attorney Ambers: Good evening again. And I actually, Mr. Voeltz didn't catch me the first time. I didn't give my info. Dave Ambers, Attorney at Law with an address at 601 State Street, Suite B.

Attorney Voeltz: Notice is adequate.

Attorney Ambers: I'm here on behalf of Leeway Properties, LLC and Indiana Limited Liability Company. I have with me tonight, Richard Lee, the owner of Leeway Indiana Properties. This property concerns commercial lots out in the old Chalmers Pres de Lac subdivision. I never took French in high school, where they had some commercial lots as you entered the subdivision off of Highway 39 and then everything turned to R1B. That subdivision went through great flurry in the early 90s when it first opened up and then that great flurry was all she ever had. I had some clients that were out there. There's been no commercial development of these three parcels. The parcels are known on the plat of C1, C2, and C3. Ironically, C4, which is to the west of my client's property, is already zoned R1B, even though it was labeled as a commercial lot. Mr. Lee would like to bring these lots into order with the rest of the subdivision. Then next month, if approved, he would be coming back for a plat approval, to turn these lots into residential lots, which we seem to need a lot more of rather than commercial lots out in that area at the present time. This one's even easier to argue because he's trying to bring it in line with everybody else and go down a classification, right, rather than try to jump up a classification. Again, I have Mr. Lee here. If you have any questions. As far as exhibits, I gave you the legal description. The blue outlined lot on the beacon is the middle of the three lots. He'd be asking for the lot adjoining Highway 39, and then the lot to the left of the parcel shown in blue. And then I gave you the Center Township zoning map to make sure we cover Article 30, section 30.7. Again, this amendment's consistent with the County land development plan and taking it to R1B. We have a shortage of housing in the county. The current conditions, he's bringing it in line with current conditions, taking the outside use out. Again, that to me makes it the reasonable, desirable use. Property values, I think I'd rather sit next to another house than a Holiday Inn Express or some other kind of hotel out there. I think it's a great split from what the developments been across Highway 39 to keep this site residential. So, with that, I'll turn it over to you. If you have any questions, we'll call up Mr. Lee.

Steve Holifield: This is for the three lots beginning at 39 to the west.

Attorney Ambers: Correct. And I have a copy of the plan, if you'd like to see that.

Steve Holifield: No, I can see here in the map

Attorney Ambers: My client's actually in the process of trying to acquire the next one over, which again, that one doesn't need a zoning change, but then they would all be in line.

Steve Holifield: This is the old Cutty Campground, correct?

Attorney Ambers: Yes.

Rita Beaty: Any questions from the board? I'll entertain a motion. Oh, I'm sorry. Any remonstrators for or against the petition #2 this evening? Remonstrators for or against the petition this evening. Okay. All right. Now take a motion from the board.

Eric Point: I will make a motion to approve this petition. John Carr seconded.

All approved and motion carried 9 – 0.

Rita Beaty: We'll move on to the old business, which I'm sure most of the folks are in the audience for this evening. We're going to be discussing the Data Center Ordinance. There are a few things I would like everybody to keep in mind. I've got a few notes that I have written up that I'd like to take a few minutes and read before we get started on the ordinance. We're going to briefly introduce the proposed Data Center Ordinance this evening. In October of 2025, the LaPorte County Board of Zoning, I'm sorry, LaPorte County Board of Commissioners, passed the resolution 2025-7, which requested that the Plan Commission consider an ordinance to address the siting and regulation of Data Centers, particularly with respect to industrial zoning and compatibility with the surrounding land uses. This proposed ordinance that we have this evening has been developed in response to the request from the Commissioners.

So first, I'd like you to understand the role of the Plan Commission that we have going on this evening. Under Indiana Code and Article 27 of the La Porte County Joint Zoning Ordinance, the Plan Commission serves in an advisory capacity. Our responsibility here is to conduct the public hearing and make a recommendation to the County Commissioners who will have the final authority to adopt any final ordinance.

I also want to clarify jurisdiction. This proposed ordinance would only apply to the unincorporated areas of LaPorte County. Projects within the Cities or the Towns are governed by their local zoning authorities. The ones that are happening right now are within the City. We have no jurisdiction on that whatsoever. So please keep that in mind this evening.

The ordinance does not prohibit Data Centers. It allows them only by Special Exception in M1 and M2 Industrial Districts, ensuring each proposal is reviewed on a case-by-case basis. This ordinance focuses on a few key areas. The transparency, so that electrical demand, infrastructure needs, water usage, and site design are clearly understood. It addresses construction impacts, including traffic, dewatering, and lighting, and it establishes measurable operational standards for setbacks, noise, lighting, generator use, along with post-construction testing and ongoing compliance. It requires coordination with the state and federal agencies for the water, wastewater, and air permitting without duplicating those regulations. It also includes requirements for the emergency response training and allows the commission to consider cumulative impacts of multiple facilities.

Finally, the ordinance is intended to be adaptable. Data Center Technology is evolving. And because this is structured as a supplement to the Joint Zoning Ordinance, as a standalone ordinance, it can be refined over time as conditions and the technologies change. The ordinance establishes a balanced framework for evaluating Data Center proposals with clear expectations for transparency, mitigation, and accountability. We're going to look forward to the discussion this evening and the public input. There will be a three-minute limit for everyone that does come up to the podium to speak. When you approach the podium, please give your name, address, and speak directly into the microphone. And we do understand that every one of you here this evening is passionate about your property and its surroundings. But please try to avoid your repetition with your comments. Please keep all political information to yourselves. And we'd like to have a very healthy discussion this evening. Thank you. Do we have any more input from the Attorney and or Building Commissioner?

Mike Polan: Madam President, we have this draft online and it's been online for the public to download and peruse and look at. We also have some printed copies up here. If there's anybody that wants to get one, we can provide that.

Rita Beaty: We apologize. We've had a little changing of the guards in the Building Commissioner's Office and this past month, so we're all getting used to this.

Anybody want to add anything before we get started?

Steve Holifield: We put a lot of effort into this. We spoke to different communities across the state. I also spoke with Loudoun County, Virginia Commissioners, who have over 200 of these operating, another 117 online to come on board. A lot of their suggestions I passed on to the committee. And they can be incorporated community and anything that gets passed, the Building Commissioner will have a say in what the extra rules and regulations against them are.

Rita Beaty: All right, with that being said, we'll go ahead and start with the public hearing this evening. So just remember when you do come up, please state your name and your address.

Good evening. My name is Vivian Odd. I live at 105 Felton Street in Michigan City. What I've done is I've put my suggested edits and comments and clarifications on a document. May I pass that out to you all?

Again, good evening and thank you so much for providing this public hearing that we might be able to express some of the needs that we feel we have. There are a few things that I would like to highlight verbally that you see in the packet before you. In page three (3), so look under electric utility service. I recommend rewriting the element F to read ensure prioritization of renewable energy procurement.

Then on page 4, under maximum sound levels, look down at emergency generator testing. I would suggest that we identify how many generators may be simultaneously tested or fired. That is something that Lake County has in theirs. Also, I would appreciate some decibel parameters for these emergency generator testing periods, as you have so consciously done under continuous noise. You've identified those. So, if you would just put it in that section as well. Page 5, under post-construction verification, I'm reading this as needing some clarification of noise and light testing occur at 24 months or if it occurs annually because the section that follows conflicts with this in ongoing compliance and enforcement. It said that this testing will occur every 12 months. So, I don't know which you are suggesting or what you're wanting to have happen here. Also on page 5, under emergency responder training, I would suggest adding the word fund under where it says the operators will offer training. I would say operators offer and fund the training.

And I think six months after go live date is a little too late to start training. I would back it up to month zero (0) so that they have training alongside with the construction. On page 6, I'm a little confused by section 6. I would request some clarification. It reads to me that if the Board of Zoning, feels that this ordinance is not relevant or necessary for approval of a special exemption, that they may waive its requirements. So, some clarification needed. And thank you so much for your time here. You can read my other comments on there. Thank you.

Steve Holifield: Mike, can you clarify the Board of Zoning Appeals waiver?  
I mean, you are going to make them follow certain rules no matter what.

Mike Polan: Yeah, so it would require a Special Exception. The BZA could modify the terms. They could make it more restrictive. They could relax some of it.

Juanita Haney, 2695 West Joliet Road. I want to start off saying I'm not for Data Centers at all, but I mean, this looks kind of solid, but I think personally we should have a moratorium on them until we have some greater impact studies for long term. Because I don't know anybody who actually lives next to one of these things that are happy. Also, this failure to maintain compliance shall constitute zoning violations subject to enforcements. I think that if fines or something like this is in there, Data Centers don't care about fines. These companies will just pay them and go on. So, I hope that there's something really strong in here, like pulling their license or whatever they have for zoning to shut them down because fines don't matter to them. Thank you.

Rita Beaty: Before we move on, because she brought up the moratorium and I know a lot of people like to bring that up in an instance similar to this. The Plan Commission does not have any authority to impose a moratorium or prohibit the use outright. So those actions would need to be taken by the County Commissioners. So this ordinance represents the work that a moratorium is typically intended to allow studying the issue and establishing appropriate regulations. So just want to kind of put that out there for those that do always discuss the moratorium.

Nancy Moldenhauer, 107 Kaye Lane, Michigan City, Indiana. And I also serve as a Michigan City Council person for Ward 6. Good evening. Thank you for the opportunity to appear before you. My primary concern is to protect the residents of LaPorte County. Beyond a noise ordinance and a light pollution resolution, the City of Michigan City had little to protect neighbors within 2 miles of its new Data Center, including additional pollution which will affect their health, well-being, and quality of life. Yet currently, La Port County elected officials do have the opportunity to protect all of LaPorte County's residents, looking at future Data Center development and specifying requirements and setting standards. To ensure safety for our citizens, accountability from corporations, I'm requesting the following safeguards and or guidelines be put into your Data Center Ordinance. These multi-million-dollar facilities can well afford to implement best practices and install the best equipment available in order to protect health, well-being, and quality of life for our residents and environment.

I'm asking you to kindly add these new sections, please. The first one has to do with emergency standby power. Point one, alternative battery energy storage systems, known as BESS, can be utilized for Data Centers in municipalities or within 10 miles of where people learn, live, and recreate. Best manufacturers include Cummins, Siemens Energy, Generac, Aggreko, Tesla, and others. If diesel backup generators must be used, tier 4 or higher are required. Point 3, if tier 2 is selected, then they shall be bought up to tier 4 level by installing diesel particulate filtration systems to significantly reduce pollution. In point 4, operators shall use biodiesel fuel or if not available, high quality, low sulfur diesel fuel for lower carbon emissions.

And this next new section is called landscaping and ground cover. Point one (1), focus shall be on minimizing environmental impacts, advocating for sustainable development practices, and ensuring that restoration and mitigation efforts provide tangible benefits to the ecosystem and waterways. Point two (2), native prairie habitat shall be established in place of turf grass in order to support native butterflies, birds, insects, and animals. Currently, Hitachi Solaire is converting seven (7) acres of their turf to provide habitat to be completed in 2026. Native plants, bushes, trees shall be chosen in accordance with guidelines. Existing trees shall be preserved if possible. The wetlands shall be protected. And then on the back, specific things within your ordinance. Appreciate you hearing from me. Thank you for speaking.

My name is Deborah Shore. My spouse and I have owned a home at 72 Tryon Farm Lane in Michigan City for 19 years. Recently, I served as the Regional Administrator for the U.S. Environmental Protection Agency. Prior to that, I was an elected official serving on the board of the very large wastewater and stormwater utility in Cook County.

I commend you for inviting comments on the draft Data Center Ordinance. Your commitment to transparency and public engagement is vital. In section 3, part A of the draft, I would ask that you change the word may to shall so that it reads the Plan Commission shall consider cumulative impacts of existing and approved Data Centers in evaluating infrastructure capacity and compatibility. Cumulative health impact assessments are considered best practices, especially with projects that pose multiple threats to human and ecosystem health. Systems are already in place for local and state governments to conduct such assessments, and I urge you to ensure that any facilities developed in LaPorte County stand as exemplars of their type. I also ask that you require a specific description of the testing regimen for emergency generators, including days of the week, time of day, duration of testing, and sequencing. Merely accepting a developer's assertion about duration and sequencing may not give people a real understanding of the extended noise, vibrations, and possible air pollution these generators will produce.

Also, please encourage developers to require readily available pollution control equipment converting tier 2 backup generators to tier 4 ones, which are more protective of human health. Finally, no developer should be allowed to require non-disclosure agreements for our elected representatives. Those agreements prohibit proper functioning of their role as our democratically elected representatives and are contrary to assertions of transparency and openness. Thank you.

Hello, my name is Angie Henzman, 237 Leo Avenue. And I just want to also commend you. I know this took a lot of thought and work to put together, and we really appreciate it because a lot of what's happening in LaPorte County right now is because we don't have any way to slow down the development of these Data Centers. And so, we need this. So, thank you. I did want to make a few recommendations or things for you to think about.

The first one is I am still very confused as to why we don't just create our own Data Center zoning classification. Why are we putting this under light or heavy industrial? Data Centers are a beast of their own. They have very unique needs and concerns, and we need to make sure that every single Data Center has to come before the BZA to get that zoning classification change. And if you are unwilling to do that, please consider only putting them in heavy industrial areas. The difference between the two, the light and heavy, in your own zoning ordinance says that light industrial says no adverse impact upon neighboring districts.

I would argue there's a lot of adverse impacts from Data Centers upon neighboring districts that would qualify it, that and its need for extensive infrastructure to be considered a heavy industrial only. I would also ask that as we consider water and we hope that they're going to be using the closed loop system, that we ask them, can they use non-potable water rather than our drinking water sources? There is technology now for them to use recycled wastewater in their cooling systems. This is something that would save our drinking water. And as we consider the cumulative effects, we have four (4), maybe five (5) Data Centers so far in the thought process in our general area, including our Amazon, Microsoft, and Google. Those are huge Data Centers who will need tons of water and lots of energy. And I would also say that we need to not just suggest that they don't dump their wastewater, but that we make sure that they are removing the wastewater and not dumping it at all into our waterways. Because even though it's water, they are adding chemicals, those chemicals would do harm to our environment.

Finally, there is, these are behemoths. They take up a lot of energy. Some of the ideas, they say 15 to 75,000 homes, but the kind of Data Centers we're looking at, the big guys, they can use up to over 500,000 homes worth of energy. That's huge. That means that it's going to put a strain on our infrastructure and also cause NIPSCO to have to burn more coal, to have to cool more towers. And so, we need to understand that that cumulative effect is huge. So, and I just want to say we have to regulate these companies. They have a lot of money and greed will not regulate itself. Thank you.

Rita Beaty: For the M1 and M2. it's not just open for the Data Centers to build. They're still going to need to go before the Zoning Board and get the Special Exception. So, it's not just because it's zoned there that they are capable to build. They will still need to appear before the Board of Zoning Appeals.

Hi, Denise Beck. I've been a resident of LaPorte County homeowner for 19 years, 5731 West, 150 North, LaPorte. I just want to say I'm actually passionate not just about being a homeowner in LaPorte County, but about 7 generations ahead. Your grandkids, their grandkids, and what our future is going to look like. I think the one piece that's missing, the one thing that I really am concerned about is the fact that these Data Centers are going up so quickly that we don't know all the long-term effects. I've done research on what people who live next to these Data Centers think about them. They describe it as a living nightmare, okay? And to do that to La Porte County residents without, you know, them, I think they should have to vest and prove that their Data Centers they already have are not causing these problems, like constant humming. People having headaches, people having no potable drinking water, aquifers being drained. These are real concerns. And I, you know, I appreciate that you all came up with this draft of this ordinance. I also feel a moratorium would be a good idea. And I think if they can't prove that what they've already done isn't good work, they shouldn't be doing work in LaPorte County. Thank you.

Hannah Groupie, 237 Leo Avenue. Sorry, pardon me, this is my first time coming up here. I am 14 years old, and I feel like I should not have to worry about how me and all of my friends are going to be affected by these kinds of things. And I want to bring up the fact that there are renewable energy sources that can be used for Data Centers. It's not just water. They can be used solar or wind power too. And I feel like this is important to say because water is one of our most important resources because it like, it helps us stay alive. I just feel like it's really important that we make sure these Data Centers do not harm us and or harm our children or grandchildren. I can't remember what I was going to say. Thank you.

Hi, my name is Oliver Davis. I am from South Bend, Indiana. My address is 1801 Nash Street. First of all, I want to say thank you for putting this document together. I wish people in St. Joe County would put something like this together. I have called for a moratorium, but then if they don't do a moratorium, something like this needs to be done. And so, I'm very grateful that you, because what you are doing is not only for you, you're my neighbors, and you don't realize how much of your decisions are affecting us over in South Bend, because we are watching you walk very closely and learning from you. So you are head of the game because of everything going on. I would say this on page four (4) #4, it says, and I'm also in our area Plan Commission also, and it says a minimum of 500 feet for the residential zoning property, if possible, if we could look at even increasing that some communities have increased that up to 1000 feet. And to also add, you have residential properties, which is great, but also add parks or schools to mitigate noise, because you never know how life is going to go down the road. And we don't want to, I know you in the unincorporated area, but if you could leave and add those that language to make sure that people understand that the up to 1000 feet, and in parks and schools. Plus, I think there needs to be something on buffering. Some of these places need to be considered to have some berms or some kind of fencing to shield against the noise and visual impact. I know a lot of them where we're passing up here are huge, but at least 8 feet high come some kind of fencing. So, I we have some of those kinds of berming or buffering issues, can be included, it would be great because this is the kind of document that we are definitely looking at over in St. Joe County as an example for us. So, you all put all the information together. I'm looking. And then I will, I don't even want to use the word copy, but I use the word borrow clearly from you all, because this is something that's very concerning to all of us around the South Bend, New Carlisle, North Liberty area. And that's one reason I came here to sit here tonight to just learn from you. And if you could look at doing that, because the further we are, the better we are. So, thank you. Thank you for your wording. I appreciate it, attorney and all of you, President Beaty. So, thank you so much.

Steve Holifield: One thing I'd like to add there. This is only the second Data Center Ordinance in the State. Lake County had one. Members of your council have reached out for a copy of ours as soon as we get done.

Oliver Davis: We're all on new ground. I got in my car and came over here to see this. I should see it going working on it. Appreciate. Thank you.

Hello, my name is Alicia Foranic and I live at 1306 Carriage Court, Nybe Homes. I echo all of the previous speakers here. I especially want to highlight again a push for M2 only and not M1 zoning. And as well as the section four (4) that he's talking about, the setbacks I believe should be much higher than just 500 feet from a residential area and the schools, the parks and elderly facilities, things like that. Expressing about the number of generators that projects like this could be. It's not just one (1), two (2), four (4) generators being tested every month. It could be up to 70. We see 174 in Fort Wayne. So really tightening down the testing schedule so we know how many are running or being tested at a specific time.

And then I would also encourage you to reach back out to the Loudoun County, not just the Commissioners, but also their health department and their emergency responders, as we've seen in Memphis. The number of cardiac calls and asthmatic or respiratory calls severely increased. And so, if maybe we could incorporate some of that data into what else we're being given through the Loudoun County and their experiences, I believe that would be, you know, a great, great start. Thank you so much for letting us speak.

Steve Holifield: There is a webinar put on by Loudoun County on Friday. Can we possibly get that link put up on our website if I get it to you? My notes are not in front of me, sir. I believe it's noon central time. But I if can, we get that on our website tomorrow morning, Mike? I'll get the link over to you. Thank you. That way, if anybody wants to join in there and listen to what they're going through, I've gotten a lot of information out of them and including some of their other department heads, health, local zoning, everything else. So, I'm looking forward to watching that Friday. So, if anybody else, I'll get there on the website for you guys tomorrow. Thank you.

Evening, everybody. My name is Gary Metcalf, 4205 North, 325 West. I live on the opposite end of the County as to where we're talking about, but I'm still majorly concerned about the whole County. And two of the things that I've noticed that people have talked about is we can't stop the city. We know we can't, but we can make it very difficult for them by tiffing every property that touches the City limits as it is now. Talking with Steve, I understand that we have to have some type of program or improvement going on for those areas. If nothing else, we need to be able to set up buffers or whatever you want to call them against the city and their Data Center coming into the County. We're always looking about what they actually already have, but we need to make sure that they don't get any further out. And if they do, how do we stop all the noise and all the pollution coming from them. Wind patterns are always coming, you know, South to East or South to North or East to West or West to East. So, it's very important that we make sure that we don't let them just everything blow to us in the county. Okay. I've got it from both sides,

North Michigan City. The other thing is, is I still think for us as a County, we may really seriously want to think about a moratorium six months a year before more studies can be done. As to the long-term effects. My personal feeling is, is I hate Data Centers, period. They should never be able to take up residential area and definitely not farmland. LaPorte County doesn't have great farmland to begin with. So, we got to protect what we got. And we're losing it day in and day out. And it's hard for a farmer who may not make \$1,000,000 in his whole life cycle. For his property, if somebody dangles \$3 or \$8 or \$10 million that I've heard, they're going jump at it. Unfortunately, you can't blame them, but as a group, as a community, as a county, we can say. Can we help that farmer to say no? Can we probably help them to say, we're all behind you, but we don't want this? We also have to protect, now I know KOP in itself is an industrial park, KIP, but there are residential houses right across the street, right next door. There's a whole group of people out there that are proud of those homes. Those homes are beautiful houses, and they were built for the generals and the colonels in World War II. We have to protect those people also. The groundwater is so shallow in that area that you have to really concentrate on how the water is coming into those Data Centers. And lastly, what about remediation when that Data Center is done in 15 or 20 years?

James Baum, 402 Melrose Street. I've been a member of LaPorte County for 59 years and wanted to beat the Data Centers. And if you want to have them, well, we got to have noise barriers. Go down 31 and South Bend, they have noise barriers all the way around there. That way nobody has any kind of problems with their equilibrium, their walking, and hearing that noise and messing up the central nervous system. Now, does this make sense?

And then another thing, is on your diesel generators. Those things are humongous. They put out a lot of pollution. You need to have the best catalytic converters there is and the best filters there are. So that way there we don't have the pollution going in the air.

And all that lighting and everything, they should have that block too. We shouldn't have to see that. That part should a distraction. When someone's driving, that is a distraction. We have enough distractions and someone's going to get hurt. And I hate Data Centers. I have nothing to do with them. If I have my way, we \*shit\* can them all. Thank you.

Jill Bonick 4888 East 200 South, LaPorte. I agree with having a moratorium. I think that's absolutely necessary for health and all the other things that were mentioned tonight. I agree pretty much with everything that's been said tonight. I don't like Data Centers. There's over 3,000 across the United States right now, between 3 and 4,000 of them. And I've been telling people that's wrong and that they need to stop. We need to stop this. Indiana does not need to contribute to this.

I understand the money part. That's why there's so many. Every community needs that money that they offer. But the truth is, what's going to happen in the future.? Are these things going to be doing surveillance of everybody in here, everybody in the world. That's what is it. It's about in the long run. Right now, well, you know, I went to the Microsoft event last Tuesday and, oh yeah, well, everything's digitalized. Do you need 8 million of these things in the United States? No, they're wrong. I know LaPorte needs money. I understand that, but, I just wish there was another way to get that figured out without having to rely on things that just are bad. A lot of people, you know, they're not good for health and all that stuff. And thank you.

I'm Karen Dunfee. I live at 1678 West Severs Road in LaPorte County. I've lived in LaPorte County for 70 years. I realize I'm probably late to this conversation, but I recently moved to 1678 West Severs Road, and suddenly found out that there is a very good likelihood of my having a Data Center in my backyard, which I didn't know was even a possibility. It's going into or being next to the Thomas Rose Industrial Park. And I appreciate you having a plan, but I'm afraid that as the Planning Board and the Zoning Board annexes land, it was next before this plan was put into place. And so those things aren't going to be protecting my property and my land and how it affects me and the little Fish Trap Lake that I live on, you know, because it affects the aquifer, it affects the groundwater. I have a well, half of the area around me was annexed into the city, but not mine and not my next-door neighbors. So, it could very well affect my well. And, you know, even if it's a mile, 2 miles down the road from me, it is going to affect a lot of other people in this little triangle that weren't annexed. And I just feel it's so unfair to the people that didn't know this was even a possibility or was going to happen. And then, you know, oh, we're going to annex land. Well, that's fine. And then the land is the next, but then you find out, oh, it's because they're going to put a Data Center in it. So, and unfortunately, this just happened to a relative of mine who lives on the other side of the County. that when they, when you annex the last section of land is going to put the Data Center in their backyard that they weren't aware of either. You know, I mean, it just, I don't feel like there's enough notification of when, because I did not get any notification that this was going to even happen. There were only three (3) people on Severs Road that were notified that they were going to change the zoning and that was they were told that it was going to affect the height of the buildings inside, not that it was for a Data Center. So, but I do appreciate all the people that made amendments to your plan, but I wish it would have happened sooner. Thank you.

Steve Holifield: The Thomas Rose is inside city limits, so we really can't have any effect on that.

Hello, Wayne Wilczewski, 2222 East, 500 South. And as you can tell, I'm right next to KIP. It's basically behind me. So, the thing that I was worried about is the buffer zone. I mean, 500 feet certainly isn't going to cut it. My wife and I were waiting to see what happens with the one that's going up at 250, Is that going to be even far enough? Is it going to affect us? I think we should not do anything until we get more information, more experience with the ones that are going up. And not only that, but, you know, the ground water, like somebody mentioned. My old well is 20 feet deep and I had plenty of water. I just got done building a new house on that lot. I spent two years building it myself. I had somebody do, you know, the skin work on it and the drywall, but I spent two years building it. So, it was going to be our final house. And now, who knows what's going to happen? You know, if a data center goes back there, a couple 100 feet away, the house isn't going to be worth anything. So, you know, just let's wait and see how it goes with the ones that are going up. Thank you

Steve Holifield: . Did you say 2222 West or East 500 South?

Wayne 2222 East.

Goot Logwood, 104 West Greenlawn Drive, LaPorte. It's kind of hard to get up here at this point in time and not say anything that other people haven't said. So especially these three (3) ladies in the front row really killed it. So, they really hit it home early on. Let's talk about redundancy. What this ordinance provides is redundancy, in case, a similar circumstance happened with the BZA, as we've seen recently. Okay, if a data center would have come before the BZA here recently, we'd be in the same situation as we are with the injection. They would be back to sue us. So, this provides a second level, a firewall, if you will, in addition to the BZA. So, and quite frankly, with the transformational money we're talking about, that's what everybody keeps talking about. They talk about transformational money, not about transformational environmental issues. They just see the money, but with the transformational money, I think more than three (3) votes on a five-member board is needed. So that's why I do believe this ordinance is necessary. In addition, if the county so chooses to do a moratorium, and I'll be honest with you, I would not be in favor of that. These kinds of companies, with the deep pockets, they have sue right through them. There'd be one guy getting rich. He's sitting right there. And eventually we'd lose. So, it is much better to regulate than the moratorium. But if you're going to do a moratorium, then regulate on the backside of it as well. That way, if they do the moratorium, you've got an ordinance that provides some measure of protection.

Lastly, I want people to realize the emotional aspects of this. This is not just a room full of NIMBYs. This is a whole county that really is not interested in this. This is 3.5 million ratepayers from NIPSCO in the highest ratepayer district in the state. They are not interested in seeing their rates go up.

We had the EPA just remove standards. We have smokestacks with no scrubbers in Michigan City. When they fire at full potential, we are downwind from that. We already are. Nobody ever talks about our lung cancer and our cancer clusters here and those will increase. So, all of these things considered, and plus we are in a floodplain, there is one aspect that hasn't been touched on or been touched on briefly, and that is the wastewater. One thing that we're going to find out is a lot of times these plans from these companies are considered an intellectual property. So therefore, they're redacted. You can't see what's happening. So, we're not going to know how they're going to treat wastewater or glycolate propyl or propylene glycol or ethylene glycol in the water if it is flushed, which it does need to be flushed in a closed loop. And that is something we need to have written in here as well. Thank you.

Bill Newton, 604 Black Oak Dr, Trail Creek. I read an article yesterday from the American Ledger. A woman, Lauren, is the editor there, and she published this paper. We keep talking about we have no experience, so that's true. But there are States that do, and Virginia is one of them. And what happened in July 10th, 2024, they had a storm come through, a surge protector failed, and it knocked out, well, it caused a disruption. And the disruption affected 60, six zero Data Centers. They were immediately pulled off the grid. Now you can imagine what that does to the utility. All right, because all of a sudden, you are missing 1500 megawatts gone, like that. That can happen here too. And so, we're looking at massive Data Centers. None of them are online yet. I look back at my NIPSCO bill in July of 2015. I was paying so much and it was actually almost 16 cents per kilowatt hour., now I checked July 2025, my rate went up to 25 cents per kilowatt hour. So that's a 59% increase. These Data Centers are not even online yet. They're not even here. So, what they're saying here, look at the State of Virginia. You know, they keep talking about, well, we need jobs and all this, and I'll get to add to that in a second if I got the time. But Meta yesterday fired 8,000 people. They keep talking about, yeah, they're going to hire a lot of people, and they do. They hire a lot of people in to get these data centers going. But what do you think happens after they're gone for a couple of years? Out you go, buddy. We don't need you anymore because we're going to replace you by robots and we're going to replace you by all these computers. That's something we need to keep in mind. So, between Amazon, Google, Meta, and Microsoft, they will spend in the next year \$650 billion. That's a B, billion in one year. That's approaching a trillion dollars, so you can imagine these people are not spending money like that, expecting a loss. And who's going to be paying for all these, all these upgrade us? So, these people, when they talk about it, my moratorium, you know, listen to us. I think that's a really good thing to start with and let's see how this thing works out. And I mean, I can get into a lot of stuff. I haven't even talked about the data itself, but I think that's a real problem too, because it's designed to be addictive. And it's designed to have bias, and that's a real problem too, but that's a whole other subject. Thank you.

My name is Michelle Beach and I live in 249 West Curtis Drive, Glendale Subdivision. And I do want to thank the farmer that kept his land, but we didn't even know, our whole neighborhood, none of my neighbors, we didn't even know this nonsense was going in. I already have ridiculously crappy well water. So, everybody down 35, two neighborhoods. This is right in my backyard. So not happy. And then how many of these things have you guys approved around the County? Well, obviously you got, all right, LaPorte's putting the one in my backyard. We already have shitty water. Nobody's going to be responsible to the home values going down. What's going to happen in Nipsco? Our water is horrible. Who's going to compensate us for this? But I hear all these people, I live in Michigan City and one's going in here. Something's going. How many are going into the county so far? Plan. Oh, no, you're putting one down the street from my house.

Steve Holifield: That's La Porte City, ma'am. That's the City.

Michelle Beach: Well, what about the rest? Because why are people talking about areas all over this county? Oh, they're putting this here. They're putting this here. What else is going on that we don't know about?

Rita Beatty: Well, we have no petitions filed for a data center at this particular time.

Michelle Beach: Well, what's going on at KOP? Somebody said something's going out there.

Steve Holifield: No one's come approached us yet.

Michelle Beach: All right. Well, then why are people talking about different areas and stuff in their backyards?

Rita Beatty: They've just given their opinions this evening.

Michelle Beach: All right. Well, I'm just saying people are not happy. We should have known. Not happy. And yeah, it's going to create a few jobs when they build it, but long term, no. But we just want to know who's going to be responsible for the damage it does to our stuff. And nobody answers this. So, no, but for real, who's going to be responsible when my ground is contaminated? I can't sell a house. My home values go down, humming noise. You do research on these things all around the Country. They're catastrophic damage. The people that didn't sell out to the devil. Thank you.

Steve Holifield: Thank you. One thing I can say, and this will probably tick a lot of people off, but at this point, I'm used to it. Come get your information and facts from any one of us here. Talk to us. Talk to my office. I'll give you my card afterwards. Don't go to Facebook, folks. Some of the stories I've been sent by some of you folks are 20 years old. They don't have any bearing about what's going on. Things are a lot different than they were 20 years ago. So, like I said, come for the facts. And Facebook's not, and besides that, if you go on Facebook to use that, you're just adding fuel to the fire for Data Centers.

Hi, my name is Pam Kelly, and I live at 3115 North Wozniak Road, and I just have a question because this woman was talking about the fact that she had no idea. Here's the issue. A lot of people are so absorbed in their daily lives because we're all struggling to survive. So, you cannot bring your head up out of the sass, long enough to come here and ask everybody. I don't understand why there's not mass mailings to people that says, hey, we have this thing that's going to majorly impact everyone around you. Not one of anybody that's elected, did that I hear say anything except for come see us, come to our meetings, look on the website. Lord, man, we're trying to survive out here. We are electing all of you people to help us. Understand what you are all doing. Why aren't you letting us know? Besides, don't look at Facebook. That's where most people can get their information because they're looking at it on the fly as they go out the door. We need our officials to communicate effectively. And we are not seeing that. The only reason that anybody knows about it is because everybody is ticked off because our water is going to be affected because billionaire dollars do not care about us ever. So that's what we need. We need you to do your jobs and communicate. Period. End of story. That's it. Thank you.

My name is Eric Beal and I live at 307 West 13th Street. And yeah, I just like to parrot some of the others here. They've given better words than I ever could. But yeah, this thing is being built less than two miles from my home. And the first I heard about it was Microsoft sending a flyer to my house. The mayor, half of my neighbors and I asked them, they say the same thing. Hey, this is the first we heard of it. So yeah, the NDA's disclosure, letting people actually know what's happening in their communities before its rubber stamped would be a fantastic thing to do. And secondly, we definitely need more concrete ideas on what these Data Centers are going to do. When I went to that Microsoft meeting in town, it was a joke. I asked the NIPSCO guy, what kind of power draw, what can you do to stop rolling brownouts and blackouts and things like that? And the kid was like a deer in headlights. Oh, we're going to do three times the electrical grid that you guys use right? How, son? It sounds like you got a train rolling down the tracks and you're putting the track in as the freight train's hauling down. You know, it just seems totally insane and inappropriate. Like the lady said over there, it feels like, we're building these things in communities and not even giving the communities a say so. And I

understand you guys didn't have much of a choice in the matter. This was city, not county. And I appreciate you guys trying to do something to, you know, put more of a light upon this. But the fact that this even happened the way it did is just absolutely insane. And Anathema, the democracy in itself, I mean, we elected these people to be there for us and to give us a heads up on these kinds of things. But instead, they just went right behind our backs. Like I said, I'm going to be less than two miles from this. I feel for that poor lady that's going to be right in her backyard. I drive right down the highway and look at that data center being built. And I'm like, my God, that's right behind you people's houses. You guys are screwed. And that's a horrible thing to have to think about for your poor neighbors. It's horrific. And I understand, don't go to Facebook. I see interviews on Forbes of people in Virginia, like the gentleman brought up, and they say it is an absolute nightmare living next to these things. You know, there's so much land in the United States where there is nothing there, absolutely nothing. Put them out there. Don't put them in our backyards, in our communities where they're going to be affecting our lives. It's just irresponsible and totally inappropriate any way you want to cut it, you know? But yeah, we need more accountability, more clarity, and we damn sure don't need our politicians signing NDAs and selling us out. Thank you.

Good evening, County Commissioner Joe Haney, West Joliet Road and 555 Michigan Avenue office. Thank you guys for being here tonight. What we have here, in this draft ordinance looks pretty good. I won't beleaguer with some of the amazing suggestions we've had here tonight for it. What I would say, obviously, is we need to protect the citizens, protect the property rights of the neighbors, and make sure this is in the heaviest of industrial zoned areas possible, if one's going to be here with the most stringent of protections. That said, depending on how your debate goes here tonight, sometimes the enemy of good can be better. It would be great to see something sent forward to be recommended for the Board of Commissioners to consider it at our next earliest meeting that we can do so. And, you know, we can always pass a second updated ordinance. If there's some sticking points here tonight that don't kind of get us across the finish line, we can always pass an initial one, hopefully here, a recommendation here tonight. And then if you need to tighten it up later, come back and always tighten it up later. That way we at least get something on the books right now out of the gate as soon as possible before one of these petitions, you know, could be filed. So that's my hope here tonight. Again, thank you for all the hard work on this and I'm hoping and looking forward to a favorable recommendation. moving forward. Thank you.

Rita Beaty: We will now close the public comment. Thank all for your input. Building Commissioner, did you have something?

Mike Polan: Sure, Madam President.

I'll start off by saying I think there is some confusion in the public as to who is in charge of what and why some of these data centers are occurring in the county, but outside of our control. I would reiterate that the data centers that are going into the City of Michigan City and the City of LaPorte are different municipal elected officials, different boards. Nobody in this room, on this board or in elected office has anything to do with it at all. If they did have anything to do, it was to try to find out what was going on, just like you all, and to try to stop it, to try to stop annexation and to try to find out facts and information. Same as you. These people that serve in these positions are volunteer positions. Their compensation doesn't match the hours that they put in to try to put something like this together. That's very well written and is one of the only ones in the state or in this area that's being brought forth for consideration. And I think that you will find that other communities are going to emulate what we're doing because this group of people is in the forefront of this. For the reasons that you came here. So, that's my statement, Madam President. Thank you.

Steve Holifield: I'd like to say that I toured a data center because if you don't know what's going on, you can't make informed decisions and discussion. I went to the Hammond one, was not noisy, was not dirty, was not filthy. Spoke with a commissioner over there; they have not had any issues or anything else, and it was put into an industrial area. They're not taking millions and millions of gallons of water. These, the tier four (4) things that everyone wants for the generators, you are aware that the EPA has now taken tier four (4) off the books. So, they don't have, tier four (4) and probably is not going to be used any longer. And also, as a farmer, there's an awful lot of diesel engines running daily in this community. So be very careful what you guys start asking for, because the next thing you know, they might want us to go back to using horses and then see what your food is going to cost. So, I say it again, I'm available for questions day and night. It doesn't matter. I was up late last night with the storm. I was up starting early this morning in the office because of the storm. So I'm available easily if someone wants to hang around and get my card information afterwards, I'm available. Thank you.

Rita Beaty: Thank you, Steve.

OK, at this point, do we have any further discussion amongst the board here? Anything they'd like to bring up?

Jimmy Pressel: I think we've had a lot of good comments tonight. I think we need to consider that. I think we need to incorporate this stuff into our ordinance that we have, then we can send along to the Commissioners. So, being at the forefront of this, I think it's only right of us to send this back to our committee so they can incorporate what they see fit into this before we pass it along for recommendation.

Eric Pointon: You making that a motion?

Jimmy Presel: Yep, I'll make that a motion.

Rita Beaty: Okay, so we have a motion on the table to take the public's input into consideration. To adopt some of them possibly into the ordinance. To regroup with our committee and come back. At that point in time, I guess we need to ask for a second. Is there a second with the motion on the table?

Attorney Voeltz: Madam President, one moment, please. It would be my recommendation as council, is that if this is the determination, and obviously because of the wide range of feedback that was received from the public, that there needs to be changes additions, alterations made to this draft ordinance, it would be my recommendation that we place a time frame on that so that we can coincide with the next meeting. Whereas this would be brought back up again now as the amended draft to have that then be approved by or I'm sorry, submitted by the committee to the Plan commission, for then a vote to forward it to the Commissioners meeting and to do that in a timely manner in order to have that available at their next meeting. So, for example, if this draft ordinance was approved today based upon timing and how the month has fallen, I don't believe the notice requirements would have been met for the May 6th meeting, meaning next week's meeting. So, if we're looking at the calendar to recognize at what point in time, and perhaps this is open for discussion, but at what point in time do you put a deadline on the committee to get something back to the Plan Commission? in order to then forward it to the commissioners where it would be available at the next meeting.

Anthony Oss: You're talking about a timing issue between our approval and then being properly noticed for Commissioner's approval.

Attorney Voeltz: Mr. Oss, that is correct.

Anthony Oss: Yes. Well, Attorney Voeltz, I have one question. If we go through and modify, if this is tabled to make revisions, we go back to committee and make revisions. Does that then constitute another public hearing here? Or are we just making revisions to this?

Attorney Voeltz: In my opinion, and I would need to research that because again, what this would wind up being is that the draft ordinance that was the purpose of tonight's Special Meeting for purposes of a public hearing, it technically would be created as a new draft ordinance that would then require a special meeting to then kick it forward to the regular meeting for the vote, which again, as we did tonight, could be accomplished on the same date.

Steve Holifield: When is our next plan?

Rita Beaty: We're still under a motion. We need a second. We have a second on the motion so we can have a discussion. So, is there a second on the motion that was brought up? Anybody second the motion? No, all right. So, there's no second for the motion. So that motion does not stand.

Do I have any other consideration from the Board this evening?

Steve Holifield: I'll make a motion that we adopt this and we send it to them with a favorable recommendation for the May 6th meeting for the Commissioners. And again, folks, we can always look into this later and looking different, but this way we have something on the books then.

Rita Beaty: Is there a second to move forward with the amendment?

Joe Tuholski seconded the motion.

Rita Beaty: There is a second to the motion. Is there any further discussion that you guys would like to discuss?

Anthony Oss: I would like to make a recommendation to kick it to the subcommittee to meet and talk about these before.

Jimmy Pressel: No, that was in my motion.

Eric Pointon: But if he says we want to talk about it later, just have the subcommittee meet and talk about it.

Jimmy Pressel: This will go to the Commissioners now.

Rita Beaty: Yeah, this goes straight to the Commissioners. If this is a favorable recommendation?

Joe Tuholski: But we can come back in in the future and amend it.

Rita Beaty: Yes, but right now, this particular ordinance that's on the table will move forward to the commissioners for their approval or disapproval, they can say no and put it back to the Plan Commission for us to look at it again and change some things. So yes, they have different options once it gets to the Commissioners at this time.

Anthony Oss: So, I have a couple of questions since we're in discussion. I know the Planning Commission can take a motion of recommendation. Is it a recommendation or we just move it forward? A recommendation for a favorable recommendation. There are some, if I remember right, there's a couple of structural changes that we had to make at the top end of this. Just as far as the language, is that right? I mean, like, we're recommending passage, we're recommending our favorable recommendation to the board of commissioners on this draft. Is that still an acceptable sort of tweak to this?

Jimmy Pressel: I think we have to pass it as is. The one that we're not taking.

Attorney Voeltz: Again, you are passing this or proposing that this ordinance be adopted and then forwarded to the Board of Commissioners, at which point in time the Commissioners can then review, what has been presented, suggest changes, tweaks, or anything like that, and then send it back. But this is what the purpose of this meeting and the purpose of your vote right here is to determine, is this what we want to send to the Commissioners? And if that's the case, this document, as it stands right here, is what is sent to the Commissioners?

Steve Holifield: We can we can always take this up and have the committee meet again and take more input for further redemption, correct?

Attorney Voeltz: That is my understanding as far as, again, the draft ordinance would then be the proposed ordinance that would be submitted to the Board of Commissioners, at which point in time the Commissioners have an opportunity to add, remove, suggest changes, et cetera, et cetera. And then they can either determine that it moves back to the Plan Commission or move forward then with a first and second reading of what would be adopted as the ordinance.

Steve Holifield: And then it's a living document. So, in the future, we could add changes to it.

Attorney Voeltz: That is correct. And that is the reason why this was directed back in October of last year to go this route in order to pursue this as not a change to the JZO, but rather a standalone ordinance.

Steve Holifield: You to change 5 pages than 500 pages.

Attorney Voeltz: Yes.

Rita Beaty: All right, so we have a motion on the table and a second to move forward with the current ordinance that we have in front of us to present to the Commissioners as a proposal and a recommendation. Any other further discussion? Further discussion at this time?

All right. Could we do a roll call vote, please, Janet?

This is for a favorable recommendation to our Commissioners on May 6th.

John Matwyshyn – aye

John Carr – aye

Steve Holifield – aye

Rita Beaty – aye

Jimmy Pressel - nay

Eric Pointon – aye

Anthony Oss – aye

Andy Chlupacek – aye

Joe Tuholski – aye

Motion carried eight (8) to one (1).

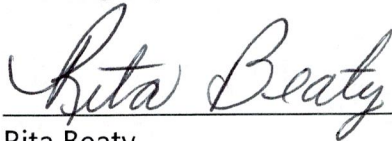
Rita Beaty: Eight (8) to one (1). All right. Thank you very much for your time and your consideration for the Data Ordinance.

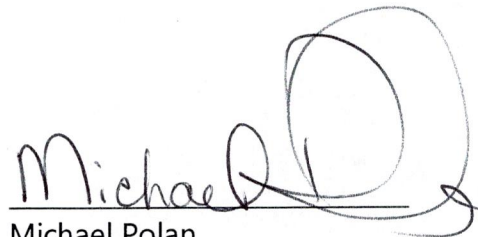
Is there any other old business that we need to address at this time. No further discussion. No other old business.? Could I have a motion for the to adjourn the meeting, please?

Steve Holifield made the motion to adjourn. Eric Pointon: seconded

All approved, motion carried 9 – 0.

Meeting adjourned at 7:35 p.m.

  
Rita Beaty

  
Michael Polan