

DATA

From Page A1

All but one of the speakers voiced concerns or outright opposition to the construction of hyperscale data centers, those worries ranging from the loss of farmland, the need for stronger ratepayer protections, a lack of transparency from local government officials reviewing data center proposals, and potential tax breaks that data center developers exploit.

Some of the speakers came from organized groups in local communities that have formed over the past 12 months that are expressing strong concerns about active data center proposals.

Diane Floyd, a member of one of those groups, We Are Mercer County, told the state representatives that the state legislature had a responsibility to regulate data centers after lawmakers “recruited” them, referring to statewide tax breaks benefiting data centers passed in 2025.

“Protect our farmland, historic sites, horse farms, and the precious water our bourbon industry relies on. Protect ratepayers. Protect open records and open meetings. Strengthen ethics and financial disclosures from government officials and companies alike. Require independent environmental and infrastructure studies and make them public,” Floyd said. “Finally, stop expecting local officials without specialized technical, legal, environmental, or utility expertise to negotiate billion-dollar industrial development deals on equal

footing with the wealthiest companies on Earth.”

Some speakers were in favor of an outright ban on hyperscale data center construction, others preferred a temporary statewide moratorium. Others called for the repeal of sales tax breaks benefiting data center development.

At one point, Janet Garrison of Mason County, threw a bunch of letters onto a committee room table; she said the letters were sent from across the country to Mason County residents who have refused to sell their land for a hyperscale data center development in the county.

“Not only is Kentucky watching, the whole United States and the world is watching how we do this, how we destroy our communities and our land,” Garrison said.

Boyd County resident Suzanne Griffith, a ratepayer of investor-owned electric utility Kentucky Power, said ratepayer protections are needed especially as Kentucky Power ratepayers face high utility bills.

“There is no more money for people to pay,” Griffith said. “Data centers shall pay for the generation sources needed to power their facilities. The power bills of other customers shall not increase due to data centers.”

Martin Rivers, a retired software engineer from Fayette County, was the only speaker who explicitly supported the influx of data centers and called the potential of artificial intelligence “amazing.”

“I want to see it come in faster. To me, data centers are



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Constituents from across the state came to the “listening session” on data centers held at the Kentucky Capitol on Thursday.

infrastructure, and in this way, I view them no differently than dams on waterways.”

In regards to regulation, Rivers said he believed there were likely state laws already in place that “cover businesses like this.”

Toward the end of the gathering, Pete Lynch, an independent candidate for Kentucky’s 6th Congressional District, asked people in the room to raise their hands if they supported an outright ban on data center construction; numerous people in the room raised their hands.

Lynch told the state lawmakers that both Democratic Gov. Andy Beshear and the “Republican-dominated” state legislature betrayed constituents by passing statewide sales tax breaks for data centers.

Rep. Vanessa Grossl, R-Georgetown, was the one

Republican state lawmaker who sat with Democrats and listened. She said she regretted her vote for House Bill 775, the legislation passed into law providing the state tax breaks. The bill was passed in one of the final working days of the legislative session in 2025.

“I think that it was a little rushed there at the end,” Grossl said. “I don’t think we got it right. I think we need to revisit that.”

She said she’s heard from “several” fellow GOP state lawmakers that the tax breaks are “something that we’ll likely revisit.” Some Republican state lawmakers have suggested the sales tax breaks could be rolled back with the legislature reconvenes in January.

Moore, the Democratic state representative who organized the listening session, said he wished more Republicans had

attended the session. He said he heard from Rep. Kim Hollo-way, R-Mayfield, and Sen. Matthew Deneen, R-Elizabeth-town, about not being able to attend.

Both he and Rep. Josh Bray, R-Mount Vernon, say they’re working on data center-related legislation for the upcoming legislative session.

Moore said he believes there’s appetite among lawmakers for ratepayer protections regarding data centers, but he wants the legislature to go further on environmental and local transparency concerns.

“Don’t know if they would meet us there. I really hope so,” Moore said. “We should find a solution and put it into legislation, and I would oppose any new hyperscale data center developments until we have done that.”

RUSSELL

From Page A1

zoning map, which hasn’t been done since 1998. Russell does not have a city engineer or an engineering department. The map needs updated regardless of potential data centers, Amburgey said.

Honstain is with Gateway City Energy.

Since a town hall at The Edge Business Center in July, Honstain, an industrial real estate developer, has been advocating for Rubix, of the Submer Group, as the privately held company works to close a deal with Cleveland-Cliffs to acquire the property formerly known as AK Steel Ashland Works. Rubix intends to build a 2-gigawatt data center facility that will entail a projected 3,000 construction jobs and create 200-300 permanent jobs — in addition to jobs a suitable tenant would provide, according to Honstain.

The brownfield site has been vacant since AK shut down in 2019. About 300 acres of the property is in Russell, with 110 in Boyd County and 100 in Ashland.

Russell is under a six-month moratorium on data center construction until December.

Honstain initially said the moratorium must be lifted in order for Rubix to close with Cliffs by Aug. 31. Since, Cliffs has extended the deadline twice. It is now Oct. 15.

On Tuesday just before 4 p.m., Russell posted on social media to call for another special meeting

set for Wednesday at 4:30 p.m.

Simpson read a resolution containing proposed amendments to the City of Russell zoning regulations relating to data centers. If approved by a vote, the draft would then be sent to the Greenup County Joint Planning Commission for a public hearing, which would include an opportunity for public comment. If the planning commission would then vote it through, it would return to Russell’s council for a first reading — also to be held in a public forum featuring public participation.

On Wednesday, no public comment portion was designated — much to the chagrin of dozens of Russell residents who filled the chambers.

City attorney Mitch Hall was not present due to a prior engagement, according to Simpson.

Former Russell city attorney Tracy Frye spoke up after council member Steve Hines made a motion to proceed and Vincenzo Fressola seconded.

“Mayor, are you refusing to allow the public to speak tonight?” Frye asked.

“In reference to that, this is a special-called meeting for council’s consideration on two items — a resolution to refer proposed zoning map amendments to the joint planning commission and a resolution to refer proposed zoning ordinance amendments to the joint planning commission,” Simpson said. “These are only preliminary steps to amend

the city zoning map and ordinance. Public comments are not included on the agenda, and by law, we cannot accept public comments today. If the resolutions are approved and these items are referred to the joint planning commission, then the planning commission will schedule a public hearing at which time public comments can be presented. ... We’re moving on.”

“That is not accurate,” Frye said.

“You’re out of order right now,” Simpson said.

“I’m going to say it anyway,” Frye responded.

Simpson repeated his assertion.

Frye contended it should have stated on the agenda a vote would be taken.

“We’re either going to be allowed to talk or you’re not going to take a vote,” Frye said.

“You have every power in the world to pass this and walk out the door,” said Paul Craft, a resident of Russell who has experience as a city attorney in South Shore and Worthington. “I was a city attorney for 20 years. I’ve seen it. Or you can do the right thing and vote no, and let’s talk. If I’m on the wrong side, I’m on the wrong side, but do the right thing for your people.”

Simpson said the open meetings act does not guarantee a right to public comments.

“If I may ask, and I know we have a second on a motion, and I don’t know if procedure would allow if the motion was taken back, if we have the

option to table this to a later date,” councilman Ryan Biederman said.

“I would second that, absolutely,” said council member Alice Kay Thompson.

Simpson said a motion was on the floor, and if it didn’t pass, they could entertain tabling the item.

“Ms. Thompson tried to make one (prior to reading the resolution) and you wouldn’t let her,” one man said.

“Yes she did, and thank you Ms. Thompson,” Frye said. “I know she wants all of us to be heard.”

“I do, I do,” Thompson said.

“Enough chatter,” Simpson said. “Let’s move forward. We’ve got a motion and a second. Any more discussion?”

Fressola reiterated the purpose of Wednesday’s meeting was “simply for the draft resolution proposal of the zoning restrictions and limitations on a property we only recently annexed which is the AK Steel property, which was left without a zone, without restrictions, to restrict it and limit it, in this case before the moratorium expires and before someone purchases that property so we have restrictive control and the ordinance in place that limits what can be done on that property,” Fressola said.

Fressola reminded the public the process started in late July with the town hall pertaining to Rubix’s intentions.

He said he reissued the 30-plus pages of public questions and answers involved with those meet-

ings on the city’s website — russellky.gov.

“They’re open for anyone to see since July 26, I believe,” Fressola said. “That is very open, very public and very informative. Since then, we’ve had four general regular monthly meetings and we’ve had four special meetings, which are always open to the public as well.”

During those meetings, several folks have voiced their opinions on data centers, both in favor and opposition.

Fressola emphasized there are no non-disclosure agreements pertaining to the project. He said the council has reviewed various documents from other cities and counties, consulted with legal counsel, hired engineering experts and visited data centers over the last couple of months in order to obtain relevant information to apply to Russell’s situation.

“Tonight’s proposal doesn’t give anybody approval or a permit or any of that,” he said. “This document here — these 16 pages — simply restrict how much acreage you need, you can’t go in a wetland, you can’t be within 1,500 feet of a residential zone, you can’t build higher than 60-something feet. All of these details were just hammered out in the last couple of weeks, and we can’t make them public until we approve this because it was a work in progress.

“... I love to see the public informed; that’s what I ran on,” Fressola continued. “That’s what

we’re going to do. Yes, there will be a huge public meeting hosted by the Greenup County Joint Planning Commission if we propose and pass this tonight. That’s the sequence.”

After it was asked why there was a rush, Fressola said the council had been working on this for two months “in the back-ground.”

“That’s the problem,” Frye quipped.

Russell resident Lawrence Craft asked if, throughout the process, anyone from a data center was involved in incorporating what should be written in the proposed zoning amendments.

No one from the council said yes or no to that question, but Honstain did supply a good deal of input during Monday’s public meeting.

Public outcry ensued. “The data center had a voice last night,” Amy Craft said, referring to Monday’s meeting. “Why don’t we have a voice tonight?”

Simpson sounded the gavel three times and announced the meeting was adjourned.

Simpson told The Daily Independent he would consult with Jeff Mando of Adams Law Office to determine “what direction we want to go next.”

Simpson is concerned that the city won’t have any of these zoning amendments in place when the moratorium expires in December.

“Time’s ticking away,” he said.