

Franklin County Area Plan Commission Executive Session – April 8th, 2026

5:30pm-6:00pm 1010 Franklin Ave, Room 107

The area plan commission discussed office personnel in the session.

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Present: Bob Braun, Tracy Brumfiel, Daryl Kramer, Todd Raible, ~~Christine Rains~~, Rob Seig, Phillip Wendel, Geoffrey Wesling, Paul Noble

Minutes

Bob Braun performed rollcall; Christine Rains was absent.

Bob Braun informed the public that, due to technical difficulties, the meeting recording would not have video. Bob Braun asked the board if they had reviewed the minutes from March 11th's meeting.

Rob Seig made a motion to approve the minutes.

Tracy Blumfiel seconded. All in favor; motion carried.

Hearings

03102026-CU-01 – Joseph Singer

Parcel 24-10-14-400-001.002-003.

Conditional Use to for a slaughterhouse.

Rob Seig asked Paul Noble if all notifications were in order.

Paul Noble replied yes.

Joseph Singer and Bret Bradley approached the board to explain their proposal for a slaughterhouse at 10083 Holland Rd, Brookville, IN 47012. Joseph asked the board if they had any questions about the paperwork. Singer explained to the board that he would like to be USDA inspected to allow for retail sale. Singer also discussed that he would be processing both cattle and hogs to satisfy the local need for slaughtering and processing. Singer discussed the reasoning for his petition for a conditional use, as well as the subsequent variances for lot size and setbacks requirements he would need from the BZA to permit the slaughter house.

Todd Raible asked Singer and Bradley if they would be using the existing structure on the property for the slaughterhouse, and that there would be no new structures.

Joseph Singer replied yes and that they would be using the existing 40' x 60' pole barn on the property.

Bret Bradley explained how the development plan listed the structure and its specifications.

Rob Seig asked Singer and Bradley to explain to the board any additional permitting that would be required to obtain the conditional use to perform operations.

Bret Bradley said they plan on having the slaughterhouse as a USDA inspected facility, and they would be applying for federal permitting through the United States Department of Agriculture. Bradley also said they had been working with the State Department of Health with David Muntz for permitting of the septic site. Bradley stated to the board that section A1 on the development plan listed the proposed septic site, which would be located north of the building. Bradley also stated that the borings were already completed and passed inspection. Bret Bradley added they were waiting on David Muntz for the exact specifications they would need for their septic system. Bradley also added that they will be working with the Indiana Department of Environmental Management (IDEM) to ensure that all their expectations for the facility have been met.

Rob Seig asked Singer and Bradley if there were any modifications that would need to be done to the building to meet local and state compliance.

Bret Bradley explained that the building is currently just a shell, and new electrical, plumbing, and concrete work would need to be completed. Bradley also discussed the requirements for a bathroom on-site, a holding area for animals, and parking arrangements.

Daryl Kramer asked Bradley how many employees this slaughterhouse would have.

Bradley said, in addition to himself and Singer, they were anticipating 1 full time and two part-time employees, starting out, with the possibility of having 4 to 5 full-time employees. Bradley said, as operations and demand grow, they would possibly have 1 or 2 part-time employees.

Daryl Kramer asked Bradley what they will do for an animal holding area.

Joseph Singer explained that their original idea was to go behind the building, having a concrete pad with a pen around the concrete pad. Singer added, if that's not a possibility, that they would hold the animals inside the building.

Bret Bradley said the current plan is to hold the animals inside the building on the southwest corner of the structure. Bradley explained that the southwest corner of the building has an overhead garage door, and that area would have a concrete pad with pens installed.

Daryl Kramer asked how far off the property line is the southern side of the building.

Bradley said GIS has the distance at 18 feet, adding that Joseph Singer also owns the property to the south of the building.

Rob Seig said to Singer that it appears that he has 38 feet overall between both parcels.

Singer replied yes.

Bob Braun asked about the site map and if that property was identified as the Bauman residence.

Singer said Bauman's property is to the south, and that the property they were discussing would be Billy and Bobby Burkhart's property.

Daryl Kramer asked Singer if that would be the one due east of the Bauman residence.

Singer said yes.

Todd Raible asked Joseph Singer, if he combined that other parcel, what the total acreage would be.

Bradley it would be 2.71 acres, total.

Raible asked Singer and Bradley if there was any indication of how large of an area would be required to implement a septic system that could support the proposed slaughterhouse.

Bret Bradley explained that David Muntz had conveyed that, with the stages of the state-inspected septic systems, the first stage goes to 15 full-time employees, which they will be well below. Bradley also explained that, since they plan on using holding tanks, they would save space that would have been required for the implementation of a commercial septic system. Bradley said the only requirements would be that the holding tank is state-inspected and 10 feet from the building and septic area.

Todd Raible asked Bradley if the septic system would be for human use, and the holding tank is for the kill floor.

Bret Bradley said yes. Bradley elaborated, saying that they would have two tanks for rinsing after processing and gray water and an individual tank for blood from slaughter. Bradley said he had been in contact with KB Brown Septic out of Connersville, who would pump and haul the waste water from the facility, should the project be approved by the APC and BZA.

Todd Raible asked Bret Bradley if the septic field was to be used exclusively for human waste.

Bradley replied yes. Bradley discussed working with the State Department of Health and David Muntz and had an approved permit for that site.

Raible asked Joseph Singer and Bret Bradley how many animals would be processed per week.

Joseph Singer said, starting out, they would be processing approximately 5 and 8 animals per week with future intentions of holding up to 20 animals on site for processing.

Bret Bradley added that the number would be beef. Bradley said, if it were hogs, that number would be 10 or 12 per week, starting out, with future intentions of processing 25 to 26 per week to something of that effect.

Joseph Singer stated that the USDA inspection would broaden the available options for processing and out-of-state sales.

Daryl Kramer asked Singer and Bradley about section A2 on site development plan and illustrated screening along the southern side of the property and how such screening would result in the inability to make that area an animal holding area.

Bret Bradley restated that the holding area would be inside the existing structure, clarifying that it would indeed be in the southwest corner of the structure.

Kramer asked Singer and Bradley how many parking spaces they would have on the site.

Bradley said the parking would be located to the southwest of the building, north of the screening, with the entire area being dedicated to employee and/or customer parking. Bradley also added that a spot west of the main building entrance would be dedicated for handicap parking.

Joseph Singer added that the pick-up area would be to the north side of the handicap parking, where the freezers will be located

Daryl Kramer asked Singer if there would be sufficient room to turn trailers around on the site.

Joseph Singer said yes, and that he was able to maneuver a semi trailer there without issue.

Rob Seig discussed the requirements for the conditional use to permit the slaughterhouse, citing the lot size requirement of 5 acres. Seig asked Singer and Bradley if the proposed site parcel was indeed 1.617 acres.

Singer said yes.

Rob Seig stated the smaller lot size would be one of the variances to go before the BZA. Seig added that the APC board members would need to understand the variances that would be required to permit the slaughterhouse. Seig also discussed the setback variance requested for the southeast corner of building, where the current estimated setback is 10 feet; the requirement for A-2 is 15 feet. Seig added further the variance for setbacks less than the required 300 feet from residences. Rob Seig said this conditional use would require at least 3 variances for setbacks. Seig elaborated that the board would need to understand the required variances to permit the conditional use.

Joseph Singer elaborated, saying that the neighboring residences include his own residence and rental property and his father, Douglas Singer's, property,

Bret Bradley discussed the minimum lot size required for a slaughterhouse and how there is a local slaughterhouse in the county that operates on a lot less than 1 acre with residences in much closer proximity than those by the proposed slaughterhouse on Holland Rd.

Daryl Kramer asked Singer and Bradley about dead animal disposal.

Joseph Singer said that Standard Fertilizer would pick up the processed animal waste on Mondays when they would slaughter animals. Singer added that the processed animal waste

would be stored temporarily in barrels for a duration less than equal to 4 hours before pick up and off-site transport from Standard Fertilizer. Singer also said Standard Fertilizer would pick up on Fridays to handle and transport the bones. Singer added that the processed animal waste would be stored in the refrigeration units until retrieved by Standard Fertilizer.

Bob Braun asked the public for any input on the conditional use for a slaughterhouse.

Rob Seig made a motion to send the application for the conditional use to permit a slaughterhouse with a favorable recommendation to the Board of Zoning Appeals on the conditions that they gain approval for the following variances: (1) less than 300 feet from neighboring residences; (2) a setback of 10 feet from the southeast property line; (3) a lot size of 1.67 acres; (4) necessary IDOH approval for any on-site sewage or wastewater regarding human use and holding tanks for animal processing; and (5) CDR approval from IDHS.

Tracy Blumfiel seconded. All in favor; Daryl Kramer opposed. Motion carried.

New Business

Bob Braun discussed the Executive Session held prior to the APC meeting to appoint Paul Noble as the new Area Planning Director.

Daryl Kramer made a motion to appoint Paul Noble as the fulltime Executive Director.

Tracy Blumfiel seconded.

Bob Braun asked if there was any further discussion. All in favor; motion carried.

Bob Braun called for recess to allow the Board of Zoning Appeals to conduct their business.

Data Center Moratorium Update

David Mannix started his presentation. Mannix recapped the previous month's meeting, where they looked at version 2 and provided a study guide. Mannix discussed the recent state legislation changes that occurred in March and incorporating those legislation changes into the document. Mannix informed that the Area Planning office has a physical copy of the updated document for public viewing. Mannix discussed the updates between the previous version (version 2) and version 3. David Mannix informed that they had received some feedback from the subject matter experts they had solicited several weeks prior. Mannix said he is still waiting on the review of the noise ordinance by the subject matter expert. Mannix discussed the other subject matter expert, Neil Sheehan, who is a professional engineer from Chicago with whom Brian Moning has previously worked. Mannix said Sheehan provided some helpful feedback, some of which was incorporated into the updated document. Mannix discussed the data center ordinance and state law alignment and the implementation of a mandatory 1% local revenue share of those savings to the county for any data centers receiving state sales tax exemption on electricity. Mannix discussed the state mandate, which only authorizes local governments to charge for actual costs for application fees. Mannix said there is language in the updated

document that is consistent with the state law. Mannix discussed the formalization of the process, so it conformed with IC 367 to assure reimbursement for any technical experts who may be hired during the review process. David Mannix said that was the second thing he added from HB 1001. David Mannix discussed the state requirement for any applicant to provide an emergency response plan, which they had already implemented into the document. Mannix discussed the current version, version 3, and how that document was made publicly available on March 30th, 2026, on the Area Planning website. Mannix discussed what was contained in the Executive Summary, which lists the changes to the drafted ordinance. Mannix mentioned that the Community Benefits Agreement (CBA) would now be a voluntary contract, whereas in the previous version, it was mandatory. Mannix discussed a minor change to the Resource Conservation Measures to be less restrictive and not overregulate. Mannix discussed the feedback from Niel Sehehan, and how Sheehan encouraged the change of the 60 feet for total building height to 75 feet. Mannix said the work group agreed to set the height limit to 75 feet, which would include any parapets on top of the structure. Mannix said this increase in height would allow a developer to construct a two-story structure instead of a one-story structure, thus allowing for a smaller footprint. Mannix reiterated that the height limit for Enclosed Industrial in the code is 60 feet. Mannix discussed adding residential protections to the document and clarification on buffer yard language. Mannix discussed the removal of the battery energy storage in the document, as it was recommended by Neil Sheehan. Mannix stated that Sheehan said there would be no reason for the county to regulate BESS since they are already highly regulated by the state and federal level. Mannix discussed the feedback they had received from the sound expert, who recommended adding provisions for electromagnetic interference (EMI) and radio frequency interference (RFI.) Mannix said he found some relevant code pertaining to EMI and RFI and added it to the document. Mannix said this would require the applicants to prove that they do not have EMI or RFI in their development plan. David Mannix discussed the simplification of the thermals' provisions since the three experts with whom he spoke said it should not be a problem with the 300-ft setbacks. Mannix added that they did retain the requirement during the design stage for the applicant to demonstrate the way the heat dissipates from the buildings. Mannix added that the buildings would need to be designed in such a way that there would not be an increase of 5 degrees Fahrenheit at the property line. Mannix discussed the addition of ground board vibration and said the current language for vibration in Enclosed Industrial is dissatisfactory. Mannix discussed the implementation of a vibration standard, which will address vibration both above and below ground level. David Mannix discussed the simplification of the noise modeling ordinance, stating that requirements are still the same and only the engineering requirements were removed from the ordinance. Mannix discussed the addition of an audit at the end of the process, post construction, which proves that the ground vibration, lighting, glare, EMI are within the standards through testing after unit installation. Mannix spoke on moving the contractual enforcement to the Project Lifecycle contract, citing an ordinance is not a legal contract. Mannix also discussed moving the smart monitoring specifics to the voluntary Community Benefits Agreement (CBA), so it is not an

ordinance-wide mandate. David Mannix said the smart monitoring could be paid through the 1% savings revenue share, which would be part of the CBA. Mannix discussed addressing the synonymous usage of “developer” and “applicant,” removing the term “developer,” and using “applicant.” Mannix discussed updating the checklist and adding new definitions. Mannix said that it is the recommendation of the Data Center Moratorium Work Group to have a public hearing for the ordinance on May 13th, should the APC have no questions on the updated documentation. Mannix asked the board if they had any questions on version 3 of the ordinance. Mannix also stated that he did add a revision history to version 3.0 to show the recent changes. Mannix said this revision history would be available for public view in the Area Planning office. David Mannix discussed the addition of legislative intent and findings of fact to the document. Mannix said this would concern the impact of industrial uses for data centers and the unique challenges they can pose for public health and safety. Mannix discussed protecting the integrity of water, sewage, and residential infrastructure. Mannix discussed the need to implement a community impact evaluation to determine the impacts of data center operations on the community. Mannix spoke on the addition protecting the rural character of the county. Mannix discussed the 1% revenue share. Mannix spoke on importance that the findings of facts drive on the rationale behind the code.

Todd Raible made a motion to advertise for a public hearing at the next APC meeting

Rob Seig seconded. All in favor; motion carried.

Rob Seig discussed the recent passage of zoning code, ordinance, 80.09 Division of Land under ordinance 2026-2, which states all divisions of land shall be reviewed and signed off by the Executive Director. Seig informed the board that he had received a call from the Recorder’s Office regarding a particular survey that was brought into the office. Seig said, upon review of the survey, it was not a division of land and was merely an easement. Seig provided examples of divisions of land. Seig also stressed the need for some type of written communication between elected officials or departments to ensure good collaboration. Seig addressed the possible reasoning for this ordinance, citing recorded parcels that were not in compliance with zoning and subdivision code. Seig clarified on any confusion regarding surveys and what is reviewed and signed off by the Executive Director. Seig offered to draft email or document clarifying what constitutes as a division of land for the new Executive Director, Paul Noble.

Daryl Kramer asked Geoff Wesling whether the county can opt out on some of House Bill 1001 and if they need to write an ordinance, have a hearing, and write a letter of recommendation to the commissioners. Kramer said he believed the deadline to opt out was July 1st, 2026, with an effective date on December 1st, 2026. Kramer asked Geoff Wesling if he could draft a document, so they can advertise the hearing for May 13th’s meeting. Daryl Kramer made a motion to have a hearing about withdrawing from House bill 1001.

Tracy Blumfiel seconded. All in favor; motion carried.

Violations

Bob Braun asked Paul Noble to inform the board about the violations.

Paul Noble said the violation was for Ordinance 80.08.05 – Soil Drainage, Erosion, and Sediment Control, Part D: Excavation and frills will not be done in such a way as to divert water onto the property of another landowner without the express permission of the executive director. Noble informed the board that the violation occurred at 16118 Messerschmidt Rd, Brookville, IN 47012.

Bob Braun asked Noble about the location of the drainage pipe obstructed with concrete.

Noble said yes, per the violation and complaint submitted.

Bob Braun asked whether this violation would be handled by the APC or the Drainage Board.

Noble said the previous Executive Director, Kaitlin Sterwerf-Banks, had handled the complaint prior to her departure and advised the violator appear before the APC and explain the situation.

Rob Seig discussed Ordinance 80.08.05, Part D, and how it appeared to fall under the Area Planning department. Seig asked Noble if that was correct.

Noble replied that was what the ordinance stated.

Daryl Kramer discussed the current code and whether or not that provision was present at the time the drainage pipe was installed. Kramer added that the current code was adopted in 2010 or 2011, and that it appears that the drainage pipe was installed around 1998. Kramer stated that he did not know if, in the previous code, the ordinance read the same or not. Kramer added that, had the code indeed been the same back at the time of the drainage pipe installation, the then active Executive Director may have given consent. Kramer asked Noble whether he had seen any plans or permits for the pipe's installation from either residence.

Paul Noble said that he did not know. Noble added that he is familiar with the area and said it is prone to flooding.

Daryl Kramer asked Noble if he had checked for any permits for the drainage pipe.

Noble said he did not see any permits when he looked.

Todd Raible asked about any side ditches, where the water could be draining. Raible noted, per GIS, that the elevations for the surrounding properties have fallen a bit. Raible asked Rob Seig about the flow of water and whether he had any topological maps to tell what direction the water flows.

Rob Seig said the area is extremely flat in the west end of Messerschmidt Rd.

Todd Raible said, when he used GIS with the elevation on the map, he could not tell whether there was a side ditch or not.

Seig said, from looking at the LiDAR on the GIS website, it doesn't appear that there is any fall until three lots down. Seig added, "It does look like there is a natural draw that goes to the west. That's where it looks like water wants to go."

Raible said, when he looked at the GIS elevation, it does appear that the water wants to go west.

Rob Seig said, compared to the 1957 USGS quadrangle map, "it looks about the same as it does on the current standard. You know, the grade wants to go to the west for drainage from what I'm seeing here." Seig said he did go out and look at the site the night before and noted that there is a pipe that starts from the east side of the property. Seig also noted that he could see an area where an inlet was on the east side that went to the west edge of the road. Seig also said there was a 6-inch PVC pipe that he could see, but he could not see any obstructions inside the pipe. Seig added, the obstruction could have been further inside the pipe where he could not see. Rob Seig explained that, to the west of the next neighbor's property, there was block-laid inlet with a grade over it that connected to a catch basin that went under their driveway. Seig said, it would appear that the drainage from the two neighboring yards might have gone that direction, which is the closest drainage pattern where the water would have to go for that property.

Todd Raible said he did not know which residences along Messerschmidt Rd were built first. Raible said he would need more time to assess the area to make any determination.

Rob Seig noted that Mike and Jody Fledderman were the first to break ground in 1998 with Lonnie & Tammie Feller breaking ground in 1999.

Todd Raible asked Seig if the Drainage Board would handle the issue with the blocked pipe.

Seig replied to Raible, saying, "[The] Drainage Board takes care of legal drains; this is not a legal drain. If anything, it would be considered a mutual drain, and the Drainage Board doesn't have jurisdiction over mutual drains unless there is a complaint to the Drainage Board, due to the blockage." Seig added he believed there is an administrative code process that could make the blocked pipe a Drainage Board situation. Seig discussed the process for the complaint to go to the Drainage Board, citing the contact of the County Surveyor first, so the County Surveyor can investigate. Seig added that it appears that this has been a long-time issue along Messerschmidt Rd. Seig inquired what the zoning code would have stated during the time the pipe was installed, circa 1997/1998 since the most recent code probably did not apply. Seig asked Daryl Kramer what his thoughts were on the zoning code preceding the most recent code.

Daryl Kramer said he did not know. Kramer added it may have been in the zoning code at the time, or it may have not. Kramer said they would need the previous zoning code to make that determination.

Rob Seig asked Paul Noble if that was something he could research.

Noble said he would look into it.

Daryl Kramer stated that the current director at the time may have given permission for the pipe to be installed without any physical records of permission.

Rob Seig said, had there been an improvement location permit for the pipe, the board could refer to that.

Daryl Kramer asked if the water would naturally have a path going to the west.

Seig said it appeared to flow that way.

Todd Raible said the current topographical map shows how the water currently flows, but he did not know how much grading had been done since the construction of the residences to the east.

Rob Seig the oldest data records for the area are from 1957.

Daryl Kramer discussed the flow of water and whether or not significant grading was added and if it was done before the code was written.

Todd Raible said, even if there was not any written code, "I don't think you can back water up on your neighbor regardless of when the code was written."

Rob Seig said there are provisions for the blockage of mutual drains, per the Indiana Administrative Code, to approach the drainage board for a remedy or solution to the blockage.

Todd Raible added, "That's what I'm saying. I mean, you can't take and put a berm along your property of your neighbors because you don't like a little bit of water running from your neighbor into your yard."

Geoff Wesling said, although he would like to see this issue resolved, "I'm not convinced this is an issue [the APC] can tackle." Wesling asked the board if they believed the zoning code was not violated.

Daryl Kramer said that would be his assumption.

Wesling stated that, since they do not know if any zoning code at the time was violated, he does not believe the APC can address the issue.

Todd Raible said he did not believe it is a zoning code issue and cited the ongoing drainage issues in the area that date before the building code, where it states that you cannot divert water onto the property of another.

Geoff Wesling added that he does not believe that this something the APC can enforce.

Daryl Kramer said, "I just don't think [the APC] can do anything with it."

Wesling agreed with Kramer, saying he would not feel comfortable pursuing it.

Rob Seig asked if it would be prudent to review the previous code that was in effect at the time of the pipe's installation.

Wesling said, "...If we can show that, it's a whole different issue."

Daryl Kramer stated, although he did not know, the Soil and Water department may know more about water law and its complexities and whether any recourse would be applicable to the issue along Messerschmidt Rd.

Rob Seig said he believes there were people in the audience who would like to speak on the issue.

Bob Braun asked the audience if they had any comment.

Lonnie & Tammy Feller approached the board.

Tammy Feller discussed the current issues with the property, citing the dark areas on the aerial view of the properties, which showed the water flow and erosion. Feller said that the highest point along the properties is the raised driveway of Tyler Ruf. Feller added that the driveway had existed since the dairy farm. Tammy Feller said the pipe runs from the Fledderman property, through the driveway, and out to Tyler Ruf's property, where the water flows into her culvert. Feller said the amount of water that flows through that area and through her property is "ridiculous." Tammy Feller said the Fleddermans have excavated their property to create a grade or dip that channeled water towards her property. Feller asked the board if somebody can ditch out their yard to make their water run onto somebody else's property.

Daryl Kramer responded, "In the past, that was very common to do that..."

Tammy Feller asked if that was allowed without permission. Feller said that she and her husband, Lonnie Feller, owned their land, built their home, and then the water was rushing through their property.

Daryl Kramer said that would be for somebody to determine whether it was done. Kramer asked Feller if the issue was present before the purchase and subsequent building on the property.

Tammy Feller said that she and her husband purchased the property first in 1996.

Lonnie Feller said the Fleddermans built their house before they built theirs.

Tammy Feller stated that they paid on their land before they built, and, after they had built and moved into their home, saw that the Fledderman property had been dug out.

Lonnie Feller said that they did not know what was happening at the time, as they were preoccupied with the construction of their home. Lonnie also stated that they did not realize the extent of the issue until the following spring, when water flowed through their property. Lonnie stated that, every other year, he has to refill and refortify the impacted area with compacted clay.

Tammy Feller said that the Paul Noble had provided her with an aerial view of the property to illustrate the issues along the properties.

Rob Seig asked if the pipe is still blocked.

Lonnie Feller said, "Yes, I am the guilty party." Feller added that he had been blocking the pipe for years in an attempt to reduce the water flow into his property. Feller stated that he had used inflated balls to block the pipe, and the son of previous owner of the Ruf farm would pop the balls out of the pipe.

Rob Seig asked if the pipe still drains.

Lonnie Feller said it will not drain. Feller said he knows the pipe is 8" in diameter, as he plugged the pipe with 7-inch concrete cores.

Seig said it appear the pipe was covered up a bit.

Feller said that he is getting older, and that remedying these issues on his property is becoming a more difficult task. Lonnie Feller said that Mike Fledderman had offered to help remedy the issues and install a drain tile. Feller said he declined the offer, as he had just planted seed and did not want to dig up the recently seeded area. Feller said that the Fleddermans are now wanting them to go in half on the installation of the drainage tile.

Rob Seig asked Lonnie feller, "If there was a compromise, say they decide to put that tile in, and they pay for it themselves, would you be opposed to that?"

Lonnie Feller said that Jody Fledderman did offer that.

Tammy Feller discussed how the amount of water that flows through her property has created a deep trench through their woods with varying depths of 2 to 8 feet deep. Feller said that the water flows like a river through her yard and into her woods. Feller said that she believes that the highest point of Messerschmidt Rd is right before her driveway.

Lonnie Feller said that they did not know that for sure.

Tammy Feller said that they had called a county man as well as their former neighbor, Ernie Bowling, to assess the drainage/flooding issues. Feller said the county man had informed her that the property should not have been ditched the way it did and divert water onto you. Feller said she asked him for a solution, to which the county man said, "Sue them." Tammy Feller said she did not want to pursue that route, as they were new neighbors and did not want to cause any issues.

Lonnie Feller said he would like to find a compromise, but he believes any solution to address the issue will only continue the flow of water through his property.

Rob Seig said it would appear the Feller's property is the closest point for drainage, based on the topography map and the general location of the property.

Tammy Feller asked, "But if it was ditched to the road, it would go down the road, not up on us?"

Seig said there are ways to mitigate the excess water, such as installing rip wrap at the discharge point to slow the flow of water. Seig said those types of solutions would stop the erosion that is occurring on the Feller's property. Seig added that all parties would need to be agreeable to the proposed solution.

Lonnie Feller said that the Fleddermans had talked to someone who was offering a solution to the water flow issues, but that those discussions did not go further than that. Feller said he did not understand why the Fledderman's water problem becomes a problem for them.

Tammy Feller said, had the Fleddermans not excavated their property out, the water would not be flowing through their yard.

Lonnie Feller said the previous owner of the now Ruf Farm, the late Roger Jansing, was the one who agreed to allow the pipe to be installed under the driveway.

Tammy Feller said the current owner of the property, Tyler Ruf, gave her permission to block the pipe since it is on his property.

Tyler Ruf interjected, saying, "I never gave permission to anybody. I stayed neutral in this whole situation."

Bob Braun brought the session into order. Braun said Tyler Ruf can address the board when it is his turn.

Tammy Feller recalled talking to Tyler Ruf when he inquired about a large hole in their yard. Feller said she informed Ruf that there was a pipe there, which surprised Ruf. Feller said she told Ruf she wished she could put a ball in the pipe, but the ball keeps getting popped. Tammy Feller said Ruf replied, "I wish that pipe could be permanently blocked." Feller said Ruf had discussed with his father about putting some tile down there in the next couple years. Feller said she explained to Ruf how the flow of water is eroding the property. Tammy Feller said Ruf told her, "You can go ahead and pop it. I don't care." Feller said she relayed this comment to her husband, Lonnie. Tammy Feller explained that the current erosion makes it difficult to maintain the property and mow the surrounding yard. Feller said, had Ruf not told her he did not care about the pipe, they would have not blocked the pipe. Tammy Feller stated, had they wanted to something out of the way, they would have sued. Feller said that she and her husband are not those kinds of people. Feller added that she swore Tyler Ruf told her, "You can go ahead and block it." Tammy Feller said that, after blocking the pipe, her husband called and told Ruf he had blocked the pipe. Feller said Ruf did not question the blocked pipe and did not seem bothered. Tammy Feller said, after they had blocked the pipe, and the water backed up into the Fledderman's yard, the Fleddermans complained about the water. Feller said this water issue has been going on for over 20 years. Tammy Feller said, "If that pipe wasn't there, that water wouldn't run over our land."

Rob Seig said he agreed with that statement.

Tammy Feller said the Fledderman property has an unnatural runoff, or sway. Feller said, "There's no way that water would have run [that way], if they hadn't dug it out."

Rob Seig acknowledged that this drainage situation is a sensitive topic for both parties, and that neither party wants water on their property. Seig noted that the flow of water, historically, has been set up to do this for 20 plus years. Seig addressed how the pipe discharges directly onto the ground at the other side of the driveway, which would tear up area at the point of discharge before going to the inlet. Seig suggested connecting the pipe to the box the Feller's constructed, which would prevent the water from running overland. Seig said the area would still be able to be mowed. Rob Seig discussed constructing an inlet box on the outlet side, lowering it down, and running a culvert at a deeper level to a lower ditch down in the swale. Seig added the installation of rip wrap would help dissipate the energy of the water flow, so it does not erode the property. Rob Seig said that would have to be something with which they would need to be agreeable. Seig said this suggestion would be between Feller and Fledderman. Seig said that he did not know if this would be an issue the APC could resolve, due to the uncertainty of the 1995 zoning code.

Seig said, as it concerns to the blocking of a mutual drain, whether approved or not, that is something the Drainage Board would have to rule on.

Lonnie Feller said he is getting older and remedying these issues is becoming infeasible. Feller added that he does not want to fight with the Fleddermans and would like a peaceful resolution. Feller added that he cannot afford extensive installations to resolve the issues, and said he had been spending a lot of money over the years to address the issues.

Bob Braun asked the audience for any comments.

Jody Fledderman and her son, Leo Fledderman, approached the board.

Jody Fledderman explained that the land was excavated to the swale that directed water that way. Fledderman said her husband, Mike Fledderman, and their then neighbor, Roger Jansing, planned the excavation to help address the water issues on the property. Fledderman said the blocked pipe caused the water to back up and be level on Fledderman's property. Jody Fledderman stated that the water backed up all the way along both ditches of the driveway and across both yards. Fledderman stated that the water became a known issue when they first built. Fledderman stated that Roger Jansing suggested going underneath his driveway, as it was the closest place to the lowest spot on the road. Fledderman said her husband and Roger Jansing did not want to cause problems for their neighbors. Jody Fledderman said that they did not anticipate that it was going to cause so many problems. Fledderman stated that her husband, Mike, talked to Lonnie Feller and offered to take care of the issue with drain tile going down the property. Fledderman added that her husband tried to work with the Fellers on addressing the issues. Jody Fledderman said she wanted to talk to Lonnie Feller about determining a solution to the drainage/water issues. Fledderman stated that an excavator recommended the installation of a trickle drain to remedy the issues. Fledderman said she expressed concern after the pipe was

permanently blocked with concrete on Tyler Ruf's property. Jody Fledderman stated she just wants the issues to be resolved fairly. Fledderman said she wanted to know whether blocking the pipe with concrete was legal. Fledderman said the drain was put in with permission from their neighbor. Jody Fledderman said she just wants to make things right fairly.

Daryl Kramer said that, sometimes, the Soil and Water office have funds for conservation plans. Kramer recommended Fledderman reach out to the Soil and Water office to see if they can work something out. Kramer added that they sometimes have money available on a cost-share basis. Kramer did say that he did not know what the rules were.

Tyler Ruf approached the board. Ruf said that he had looked into it. Ruf stated that he had talked to the watershed program, but, due to the location, the area would be in the Pipe Shed program. Ruf said the Pipe Shed program is a whole different program as far as watershed. Ruf said that the Pipe Shed program does not have the funds to perform some of the conservation they would like to do.

Daryl Kramer asked Ruf if they would engineer a solution for him.

Tyler Ruf said he had never talked to them about engineering. Ruf said he had talked to them about getting a grant to help run field tile down the center of that property.

Daryl Kramer said that, even with a field tile, there would be a problem with where the outlet would be.

Ruf said that he had talked to Kurt Schuman about running the tile. Tyler Ruf added that the tile would have to be run all the way back to his woods at the other end of the property.

Daryl Kramer asked if that was located to the north.

Tyler Ruf said yes. Ruf added the tile could also be run to the area around his pond.

Daryl Kramer said, "...there's nothing that this board can do about it. I have sympathy for both parties involved, but that's about it."

Violations

Todd Raible asked about the litigation of a property that had junk to be clean up, which the courts awarded the county the ability to clean up. Raible asked what that cleanup would require.

Geoff Wesling said the county does not have the funds to clean up the property.

Todd Raible asked Geoff Wesling what things would need to be cleaned up, as he was under the impression that it was automobiles. Raible added, if the automobiles were removed from the property in clean-up efforts, would those vehicles have to be stored somewhere. Raible asked whether those automobiles could be salvaged to collect money back.

Geoff Wesling said, "Generally, you have to store it for a certain period of time."

Todd Raible asked what was the particular case he litigated concerning the automobiles and junk. Raible asked Paul Noble if he knew what case that was. Raible asked Noble if he was present at the time that case was litigated.

Paul Noble said he was not present during that time.

Todd Raible asked Geoff Wesling if the violation was more for vehicles and, if so, whether they could have a salvage company or towing company retrieve and impound them. Raible said he had discussed this with the commissioners to determine the course of action, other than setting a precedent.

Geoff Wesling said he believed the property Raible was discussing was on 23230 Stipps Hill Rd, Laurel, IN. Wesling said he was informed that the violation was for vehicles and junk. Wesling said the court found that the defense violated the Franklin County ordinances, 80.08.03 and 80.08.06 and gave them 30 days to come into compliance and remove all vehicles, trash/junk, and debris. Wesling said, "Should the defendants fail to come into compliance within 30 days, the county may take the necessary steps to bring the defendants of the property into compliance. Defendants shall be joint and severally liable for all costs incurred by the county." Geoff Wesling said that this judgement allows the county to collect incurred expenses and damages. Wesling noted that this would not be a money-making venture for the county and would result in a cost-negative venture.

Rob Seig asked Wesling if the property could be cleaned up and assessed tax.

Todd Raible brought up another property along McGuire Ridge and US-52, where they are burning plastics and salvaging cars. Raible said he did not know if there was a complaint against the property, but stated that this is an ongoing occurrence.

Tracy Blumfiel added that there is property along State Road 121 towards Laurel that is dismantling school buses and campers.

Geoff Wesling said there are currently 8 pending cases. Wesling noted that, with the new Executive Director, Paul Noble, it might not be worthwhile to pursue these cases until Noble has had a chance to settle in as the Executive Director. Wesling said he could email the court order to Paul, so he has it for reference.

Todd Raible asked Wesling if there was a timely fashion that the APC had to operate on cases.

Wesling said, "We don't have a timely fashion to operate, but we're getting close to where it's going to look ridiculous. You can't wait five years and do it."

Daryl Kramer asked Geoff Wesling if the court awarded any fines.

Geoff Wesling said no. Wesling said that is something they can ask for a judgment.

Daryl Kramer discussed how he believed, in the years past, the court would issue a judgement for fines. Kramer added, when the person couldn't pay it, "eventually, when it was transferred, then there was a lean ... and it was cheaper for them to just clean it up." Kramer said that this process can take years.

Wesling asked Kramer if the APC finds the problems but does not do anything to remedy or resolve the problems.

Kramer said yes. Kramer said the county is not financially capable of cleaning up all these non-compliant properties. Daryl Kramer noted that, in that particular case, he believed the county did put some roll-off bodies for the violator to put the junk in.

Geoff Wesling asked Daryl Kramer if the motivation is to get the property improved.

Daryl Kramer replied yes. Kramer added that the idea is to get the property improved.

Wesling said that pursuing legal action and implementing fines, only for them to either be paid or the property remedied years later, would not be what the APC or the county want.

Bob Braun discussed how the county did pursue legal action against a property in violation, where they garnished wages. Braun said that the county used that money to pay for the roll-offs to have the violator remove the junk. Bruan said, in the end, it ended up being a wash once the property was cleaned up.

Todd Raible asked whether or not grants to clean up blighted housing would be applicable to these properties in violation.

Daryl Kramer said that the commissioners would need work on that.

Raible said the APC would need to work with the commissioners to do this.

Tracy Blumfiel discussed how he believed that most of the grants for blighted housing would be used to clean up the property with intentions of selling or renting the property.

Rob Seig added that it would be a redevelopment.

Blumfiel said that, regardless, the county will never get any money to clean up the property. Blumfiel added, while the county would end up spending money to clean up the property, the property, once cleaned up, would make the surrounding area look better.

Todd Raible asked, if there is a lean on a property, and the property eventually sells, would the county get the money back.

Rob Seig said that would be his estimation.

Geoff Wesling replied, "Every judgment, in the State of Indiana, is a lean against the property owners and all their properties." Wesling added as long as a title search is performed, the title company will say that they cannot insure the property or properties. Wesling said this would

result in the inability to insure the property. Wesling added that is inability to insure would also apply to the other properties, even if the properties are not in violation. Geoff Wesling said this would affect all properties in the state of Indiana. Wesling said there is a problem when these properties are cash deals or given to family or relatives, which would not have any banks involved with mortgages or loans. Wesling said, in those instances, the property owners will just do quick claim deeds.

Todd Raible asked Wesling, if they wait and gamble to recoup money within 10 years, it would not be something worthwhile.

Wesling said, if pursuing these properties for repayment were a business, that would not be the operations he would want to operate. Wesling said it is ultimately the county that determines whether they want to spend money to bring properties into compliance. Wesling discussed a case in Rush County, where the county, after legal judgement, ultimately demolished an unpermitted structure, due to the property owner's unwillingness to get a permit. Wesling said the county was out money for the demolition, but Rush County determined it was worth the effort.

Todd Raible said, "...I've been on this board for three years, and we've done a lot of talking ... and a lot of threatening, but I haven't really seen results."

Geoff Wesling said that the APC can have him pursue these non-compliant properties, but the county and the commissioners are going to have to decide.

Todd Raible said that is the problem since the APC does not have the budget.

Rob Seig added that council would have to give a budget to clean up these properties.

Geoff Wesling said the APC could ask council for a \$50,000 budget line item to be able to do this.

Todd Raible said, "Something's got to be done, in my opinion, or quit talking about it. That's where I'm at."

Wesling said he did not disagree with Raible's sentiment.

Raible said that the APC will have to work on finding some funding to clean up these properties.

Rob Seig discussed the recent passing of Ordinance 26-4 on April 7th, 2026, in the Town of Laurel with the involvement and efforts from Tracy Blufiel. Seig explained that the ordinance regarded setbacks in the Town of Laurel, which allows the town to take control of their setback requirements when it comes to the development of lots within the historic town. Seig that the previous setbacks were from the current zoning and building code and are not applicable to a platted piece of land from 1836. Seig said many of these lots would have a zero-foot setback, which would conflict with the current zoning code. Seig said this ordinance would allow the ability for zero-foot setbacks within the platted section.

Todd Raible said this problem occurred as a result of conflicting zoning code. Raible said he was asked about setback requirements and looked at the current zoning code for guidance. Raible said, "The setback says it can match if 25% of the block is on the building line, or where you can match 25% of the block is for setbacks." Raible added that, as you read down, the code says you cannot encroach on the property line closer than 25 feet. Raible said that the code contradicts itself in instance like these.

Geoff Wesling asked if the Town of Laurel wants to give people these zero-foot setbacks.

Rob Seig said that the current right-of-way on the road is 80 feet, which results in the properties being further set back from the road.

Geoff Wesling discussed section 80.01 C2 and whether that authorizes incorporated towns to modify provisions of the county.

Daryl Kramer read section 80.01 C2, which states, "For the protection of individual zoning visions of the incorporated towns, the town boards may, within their respective jurisdictions, waive any portion of this ordinance or add additional zoning requirements by virtue of town ordinances. However, the enforcement of any additional zoning regulations beyond the County's Zoning Code will be the responsibility of the town which enacted the additional requirements."

Rob Seig said that Ordinance 26-4 would only be specific towards setbacks. Seig asked Geoff Wesling when this would become effective and adopted into the county zoning code. Seig asked Wesling, "So, if somebody wants to get a building permit tomorrow, they could get a building permit tomorrow with the modified setbacks?" Seig added that there was somebody wanting to get a building permit tomorrow.

Todd Raible asked Geoff Wesling if the Town of Laurel would have to say the setbacks are good and send it to the Area Planning Director to get it accomplished each time.

Geoff Wesling said yes.

Todd Raible discussed how the Town of Laurel originally platted the land with the 80-foot right-of-way in anticipation for later development and growth. Raible said he believed this was done in 1836 when a zoning code was not in effect. Raible said he was puzzled as to how property owners would get a driveway with the 80-foot right-of-way. Todd Raible asked who was responsible for the roads in those areas.

Tracy Blumfiel said those roads are the responsibility of the Town of Laurel.

Todd Raible asked if any driveways would go through that 80-foot right-of-way.

Rob Seig said they would. Seig added that it would not be any different than a state highway. Seig referenced the 150-foot right-of-way along State Road 1 in Southgate, where driveways were approved to go over the right-of-way. Seig said that the driveway in Laurel would be no different. Rob Seig discussed the conflicting code concerning setbacks. Seig referenced the

provision that states the setbacks can be that of 25% of the houses on the same block, but cannot be closer than 25 feet. Seig said the code contains contradictory language, referring to the requirements for minimum lot size of 5 acres for a conditional use to permit a slaughterhouse. Rob Seig said that, in that instance, the requirement with the applicable yard setbacks and setbacks from residences would be around 9.7 acres, not the minimum requirement of 5 acres. Seig said it would not be possible for a slaughterhouse to achieve those setbacks on 5 acres. Rob Seig said that the petitioned variance for a lot size less than 5 acres would also address the requirement for the 300-foot yard setbacks and 300-foot setbacks from neighboring residences. Seig said that he did not know if that was necessary for the applicant of the slaughterhouse to request those setback variances since the requirements were contradictory.

Geoff Wesling discussed provision 80.01 C2 and asked why “Incorporated Businesses Exemption” was listed as the caption for the clause.

Daryl Kramer said, “Well, that was the intent, at the time. The intent was that the towns could have whatever businesses they wanted, however they wanted.” Kramer said it was a different part of the code it was written for.

Rob Seig said he believes the zoning code needs to be rewritten to address these issues, contradictions, and inconsistencies.

Geoff Wesling discussed how Rush County recently went with an engineering firm for blighted projects. Wesling said they received a grant for \$100,000 and hired an engineering firm.

Todd Raible said the Area Planning Office has had instances of people becoming irate over zoning code. Raible referenced the contradicting code stating the average setback could be the average of 25% of the neighboring residences on the block, but cannot be closer than 25 feet to the property line. Raible said inconsistencies like this can make people angry and cause problems for the Area Planning Office.

Geoff Wesling said absolutely.

Rob Seig referenced the instance with the slaughterhouse application and the contradicting lot size and setback requirements. Seig said the applicants gave their best, but they were being asked additional questions that were not on the checklist. Seig asked if that is their responsibility to do that. Rob Seig asked how they would know what information they would need to have if it is not explicitly requested. Seig said that the process also needed to be clarified and revised. Seig asked how applicants and the director are supposed to know that they have met the requirements that the APC and BZA want to see. Seig said, to him, it appeared that the applicants had addressed all the requirements on the site plan and development plan.

Adjournment

Todd Raible made a motion to adjourn.

Daryl Kramer seconded. All in favor; motion carried.

Bob Braun

APC Board President

Paul Noble

Executive Director