

Franklin County Area Plan Commission Meeting – May 13th, 2026

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

Minutes

Robert Braun asked Paul Noble to do rollcall. Rob Seig was absent.

Braun asked if there were any comments on the minutes from April 8's meeting.

Daryl Kramer made a motion to approve the minutes.

Todd Raible seconded. All in favor; motion carried.

Hearings

03102026-CU-01 - Joseph Singer

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

Conditional Use for a Slaughterhouse

Joseph Singer and Bret Bradley approached the board.

Joseph Singer addressed the board, stating that, since the last hearing, he and Bradley had revised their Site and Development Plans to meet the requirements of the conditional use. Singer noted that they added the business hours of operation for the proposed slaughterhouse, parking arrangements, and the requested variances to allow the slaughterhouse on the current property.

Bret Bradley added that the requested variances would be for the reduced lot size less than the minimum lot size requirement of 5 acres, reduced yard setbacks less than the required 300-ft, reduced setbacks from residential uses less than 300 ft, and reduced southeast setback less than the required 15 ft for agriculture. Bradley discussed they added landscape screening to their Site plan, and how they added a new variance for the reduced yard setbacks to accommodate the conditional use.

Robert Braun asked Singer and Bradley if they had anything else to add.

Bret Bradley said he did not. Bradley added that the plans were, essentially, the same as before with the additions of the additional variance, signage, and hours of operation. Bradley noted that they did include an operations' plan along with the site and development plans.

Daryl Kramer asked Bradley about the driveway that goes across Robert G Bauman's property. Kramer asked if that was part of the site plan.

Joseph Singer that was his driveway.

Bret Bradley said that they have a larger site and development plan, should the board need a larger print for viewing. Bradley asked if the board would like to see those larger plans and if, upon review, they had any questions.

Robert Braun asked the audience if there was any public comment on the conditional use for a slaughterhouse.

Carol Zeiser addressed the board. Ziser noted how she attended the previous meeting, where the APC recommended the conditional use to the BZA, and how, upon review, the BZA found the provided plans to be deficient in several areas. Ziser said, during the previous BZA meeting, there were concerns from the BZA regarding the safety, noise, and traffic of the slaughterhouse operations. Ziser said she did not understand why there would be any issues when the surrounding neighbors had not expressed any concern around the proposed slaughterhouse and, instead, expressed favor in the proposed slaughterhouse.

Alan Stenger approached the podium. Stender introduced himself and said his residence was located at the corner of Oxford Pike and Holland Rd. Stenger said that his residence is directly across from the proposed slaughterhouse site. Alan Stenger said the proposed slaughterhouse is something that is desperately needed in the area. Stenger stated that many people in the county have to resort to slaughterhouse outside of the county, due to the lack of service in the county. Stender also added that, for many of those outside slaughterhouses, many customers have to schedule a year out just to process cattle. Stender said that he is the president of the Chamber of Commerce in Franklin County. Stenger said, "The Chamber of Commerce is here to help nurture small and medium-sized businesses and help them grow, and that's what we have here." Stenger said that Singer is proposing a small business with intentions to grow, and that this is an opportunity to do that. Stender noted that economic development in Franklin County is a challenge, and that the challenge from this proposed slaughterhouse would be very minimal. Alan Stenger said he did not have any problem with the slaughterhouse and said it would be an opportunity of growth within Franklin County.

Robert Braun asked if there were any comments from the public.

Daryl Kramer made a motion to forward the conditional use application with a favorable recommendation to the Board of Zoning Appeals, so long as the applicants can obtain the necessary variances from the Board of Zoning Appeals.

Todd Raible seconded. All in favor; motion carried.

Robert Braun addressed the audience, stating that the APC would recess after The Town of Brookville's Comprehensive Plan presentation to allow the BZA to conduct their business. Braun added the APC would resume their meeting with the Data Center Ordinance hearing once the BZA concludes their meeting.

Town of Brookville Comprehensive Plan

Rachel Cardis, from American Structure Point, addressed the board.

Cardis said American Structure Point was hired by the Town of Brookville to create a comprehensive plan. Cardis discussed how the first step for approval step for the Comprehensive plan would be a favorable recommendation from the APC. Rachel Cardis added that the, should the APC give a favorable recommendation, the Comprehensive Plan would go before the Town Council on May 18th. Cardis discussed the three phases of the comprehensive plan, those being (1) Educate, (2) Explore, and (3) Empower. Cardis explained that, during the first three months of the project, they performed a baseline analysis and received much public input. Cardis said they had public open houses and used public surveys as a means to collect data. Cardis said that they used this data and applied it to Phase 2 (Explore). Cardis stated that this data would be used for the future land use map, recommendations, and goals. Cardis said that they worked with the Town of Brookville during this phase. Rachel Cards added that phase two focused on map strategies, goals, and initiatives for housing and economic development. Cardis discussed Phase 3 (Power), which focused on critical path strategies. Cardis said it is important that this comprehensive plan is completed, so they can create critical path strategies and establish priorities for the town. Rachel Cardis discussed some of the community engagement events she attended, where they received public input. Cardis added that they conducted many stakeholder interviews with the community, which included downtown business owners, schools, civic organizations, and government leaders. Cardis said that they had conducted preference surveys within the open house to asked the public what they would like to see in their community. Cardis said that this plan was funded by an OCRA grant and would be in compliance with the OCRA grant stipulations. Rachel Cardis discussed some of the themes that came from the stakeholder interview, such as downtown housing, recreation, connection to Brookville Lake, employment, land use, character, retail, and restaurants. Cardis discussed Phase 2 of the comprehensive plan and the focus on land use, government and fiscal capacity, public facilities, and services. Cardis also said Phase 2 focused on new areas, walkability, and economic development. Rachel Cardis said they did focus on the agricultural practices that occur outside of the town and being cognizant of the natural resources, parks, recreation, and historical preservation. Cardus discussed the changing market and the attainable, affordable housing and the ability to have the next generations be able to raise their families in the community. Cardis also discussed one of the plan's initiatives to make a capital improvement plan. Rachel Cardis also discussed tourism connections between the town of Brookville and Brookville Lake and ensure that lake visitors experience downtown Brookville with the available restaurants, shops, and amenities. Cardis discussed how they created a tourism district for the town, which will promote what the Town of Brookville has to offer. Rachel Cardis discussed the OCRA stipulations, which include economic development, natural resources, transportation, and housing, to name a few. Rachel Cardis concluded her presentation and addressed the board, requesting a favorable recommendation to the Town of Brookville Comprehensive plan to the Town Council on May 18th. Cardis asked the board if they had any questions regarding the Town of Brookville Comprehensive Plan.

Daryl Kramer said, “I think it’s up to the town [what it wants] to do.”

Todd Raible said the APC, typically, does not involve itself with the town’s affairs.

Rachel Cardis responded, “Statutorily, when you’re approving a comprehensive plan, ... a comprehensive plan is adopted by resolution, so it will go before the town council as a resolution.” Cardis elaborated, “It’s not enacted law, so it is going to be a guide and a roadmap that the town will follow.” Cardis stated that the comprehensive plan must go before the APC, as it is required by state planning law. Cardis added that the comprehensive plan must go before the plan commission and receive a favorable recommendation prior to going before the town council.

Todd Raible said, as long as the comprehensive plan does not contradict zoning, he did not have an issue with the comprehensive plan.

Robert Braun ask the audience if they had any questions.

Sara Duffy asked Cardis if there was a place they could find the presented materials online for viewing.

Rachel Cardis replied to Duffy, saying, there is a Town of Brookville project site online, where the materials can be viewed.

Daryl Kramer made a motion to give a favorable recommendation of the Brookville Comprehensive Plan to the Town Council.

Todd Raible seconded. All in favor; motion carried.

Opt Out of House Bill 1001.

Todd Raible asked Geoff Wesling if the whether it would be APC or Commissioners who have to opt out of HB 1001.

Geoff Wesling replied to Raible, saying, “It’s a zoning ordinance, so we can opt out. We give the recommendation.”

Robert Braun asked the audience if they had any questions.

Daryl Kramer made a motion to have the Area Plan Commission give a strong recommendation to the commissioners to opt out of certain sections of HB 1001.

Todd Raible seconded. All in favor; motion carried.

Daryl Kramer discussed the checklist the County Surveyor, Rob Seig, was drafting to better inform the new Area Planning Director, Paul Noble, and the APC board members on surveys splits/divisions of land. Kramer said he would like to discuss this checklist further at the next meeting when Rob Seig will be present.

Paul Noble notified the board that Tom Wodtke would not be present for the BZA meeting.

Daryl Kramer made a motion to recess, so the BZA can conduct their business and resume once the BZA has adjourned.

Todd Raible seconded. All in favor; motion carried.

Data Center Zoning Ordinance

Robert Braun announced to the public that Data Center Zoning Ordinance hearing would only be to establish rules, should data center want to operate in Franklin County.

Connie Rosenberger addressed the audience Rosenberger stated that she had reviewed the ordinance draft and had some issues with the current draft. Rosenberger said there were a couple places in the drafted ordinance that were contradictory. Connie Rosenberger asked the board if they would like her to go through these portions of the ordinance.

Robert Braun replied to Rosenberger, “It’s up to you, if there’s some specific ones that you think need to be addressed.”

Connie Rosenberger said she had 11 points to discuss. Rosenberger said she had issue with the “Earthen Berm” section on page 4 of the ordinance draft. Rosenberger stated the ordinance should change the verbiage, namely, change “an earthen berm *may* be required” to “an earthen berm *shall* be required.” Rosenberger said the word “may,” in that context, is ambiguous and could possibly provide optionality and the ability for developers to circumvent the earthen berm requirement. Connie Rosenberger discussed her second item, which concerned the building height requirement listed on page 4, section 5 b, which stated primary structures shall be set back from any adjacent agricultural district at a distance sufficient to prevent shadowing on adjoining properties. Rosenberger noted that, in the definitions of the ordinance draft, it says a shadow study shall provide a high-fidelity solar analysis, proving zero shadow encroachment onto adjacent agricultural uses between the hours of 9:00 AM and 3:00 PM. Rosenberger said that is not in the drafted ordinance, and she recommends that the verbiage in the ordinance matches the definitions. Connie Rosenberger listed her third item, which concerned total correction. Rosenberger said she questions the where the ordinance states there will be a nighttime enforcement limited between the hours of 10:00 PM and 7:00 AM., and it is based of an hourly average. Rosenberger said it is her understanding that the language and the monitoring intervals, which may not account for decibel spikes that may happen at the end of an interval. Rosenberger discussed item 4, which concerned Electromagnetic Interference (EMI) and the verbiage in the ordinance draft, on page 4, item A of the ordinance, which states that the facilities equipment and infrastructure will not cause harmful interference to authorized radio service. Connie Rosenberger asked if a farmer who uses CB or a handheld radio would be considered an authorized user and what definition would constitute as “harmful” interference. Rosenberger discussed her fifth item of concern, that being road use and repair. Rosenberger asked about the arterial and auxiliary roads, road traffic patterns, and whether or not those roads are considered

when data center create a project development plan. Connie Rosenberger discussed changing the Community Benefit Agreement (CBA) verbiage, namely, where it states the CBA will be with a representative coalition of community stakeholders or the county; Rosenberger suggested changing the word “county” to “Franklin County Commissioners” to clarify with whom the agreement lies. Rosenberger also suggested adding the stakeholder group in the CBA, where it states the agreement is legally binding between the applicant and the Franklin County Commissioners. Connie Rosenberger discussed potential traffic from data centers and avoiding peak traffic on the roads, especially during agricultural planting and harvest seasons. Rosenberger discussed concerns over water and what happens if a neighboring resident to a datacenter has their well dry up. Connie Rosenberger said the timeline to fix and address water issues would be catastrophic for those who rely on well water for their animals and livestock and the timeframe the datacenter would have to remedy/resolve the issue. Rosenberger discussed the battery storage definitions in the ordinance draft and how she could not find any mention of battery storage in the ordinance. Rosenberger discussed her concern over who would enforce the ordinance and how would the county exercise their authority. Rosenberger had concerns that it would be the citizens to implement private, legal enforcement to pursue any violations. Rosenberger discussed whether any collected fees from violations would go to remediation or into a general fund. Rosenberger expressed concern over the Community Benefits Agreement (CBA) and the possible corruption she believe could occur.

Robert Braun thanked Connie Rosenberger and asked the public if they had any comments.

Ed Brown approached the podium.

Ed Brown asked the board if this hearing was about what the county would and would not allow datacenters to do in the county. Brown expressed concern over the rapid growth and deployment of datacenter and the concerns of Artificial Intelligence (AI.) Brown discussed how he believed the creation of datacenter ordinances opens the door for these developers to build these datacenters. Ed Brown expressed that these datacenter ordinances should be heavily restrictive to deter any datacenters from building in the county. Brown expressed concern over the rapid emergence of datacenters in the country and issues they cause in many communities. Brown discussed, how in the state of Florida, counties have implemented outright bans on datacenters. Brown expressed concern that, in many of these communities where datacenters are proposed, citizens’ opinions are being ignored. Brown stated that, once ground is broken for these datacenters, everything has been forfeited and requested that board make the ordinance heavily restrictive to the point of determent.

Christine Rains interjected and asked Geoff Wesling to explain to Brown the State of Indiana’s rules on creating ordinances for datacenters. Rains addressed Brown, stating, “We can’t just say no. We have code for this.”

Brown replied to Rains, saying, “That’s why I said I believe that you should make the code so strict that they cannot implement anything here in this county.”

Christine Rains asked Geoff Wesling to explain the state's current rules and regulations.

Geoff Wesling said to Ed Brown, "I believe you're trying to say the right thing. We can't just [say no], and we can't ... set 40-mile mile setbacks or something like that." Wesling added, "We can protect the citizens. We can do what we think is in the best interest of the community and protect the land owners, but we can't just ban something from the community."

Ed Brown responded to Wesling, asking if the ordinance could be made heavily restrictive to the point of determent. Brown asked Wesling, "You make the ordinance, and then all they have to do is meet the criteria, correct?" Brown asked Wesling, "So, you can't make it strict enough to where it basically prohibits them completely, correct?"

Geoff Wesling said an overly restrictive ordinance would be overridden by the state. Wesling reiterated, "What we can do is protect the citizens in a way in which we think is the best for the community."

Ed Brown asked Geoff Wesling about the elected officials in these positions whose job is protecting the citizens of Franklin County.

Geoff Wesling informed Brown that group who drafted the ordinance are not voted in officials.

Christine Rains explained to Brown that his concerns need to be had at the state level. Rains said it is up to the state to implement bans on datacenters, not the county or communities. Rains stated, "We have to follow the state."

Brown responded to Rains, requesting that the county implement what they can to deter datacenters.

Rains responded to Ed Brown, "We can't be more restrictive than this.

Ed Brown asked the board, "At the end of the day, at one point or another, it's going to be voted on whether it's allowed to come to the county, correct?"

Christine Rains said, "No, we can't do that." Rains stated that the state of Indiana could implement bans on datacenters.

Brown asked the board, "So, what you're saying is, no matter what, potentially, we could have a datacenter here, no matter how you feel about it?"

Rains said the ideal is to put in code that protects the citizens of Franklin County, but the state is the one who ultimately rules. Rains informed Brown that Victoria Martz would be presenting later, and she would be able to explain the state rules and regulations surrounding datacenter ordinances.

Ed Brown thanked the board.

Victoria Martz approached the podium. Victoria Martz introduced herself and discussed how she is running for the Indiana House of Representatives for District 55. Martz stated, if elected in November's election, to pass a statewide moratorium on the building of datacenters in the state of Indiana until proper regulations are implemented to protect citizens. Martz acknowledged the public's concern on data centers and the work that had been done in drafting the data center ordinance. Martz suggested adding the required bonds and escrows to be put in the definitions section or create a table with those items. Martz said this table would list the required minimum bond or escrow amounts for the project, so that, should neighboring property experience well issues or negative impacts, there are financial provisions to remedy or resolve the issues. Martz suggested implementing a table that lists the bonds and escrows for these neighboring types of properties and accounting for the differing water uses for livestock and personal use. Victoria Martz discussed the minimum road bond and establishing a minimum bond amount for road repairs and restoration to reduce travel impact.

Geoff Wesling responded, "...These [bonds] are generated in a way that you don't list specific numbers, and I don't think a minimum would hurt." Wesling added, "...They don't list specific numbers because things change, and so it allows the county to negotiate every time there's an application with that entity." Wesling said he did not like the idea of setting specific numbers for this reason. Wesling stated, there will be a county agreement for each specific application, as each application will have different needs.

Victoria Martz responded to Wesling, saying she understood that reasoning. Martz asked Wesling if there could be stipulation for a set minimum with the county being fully reimbursed for the overall expense. Martz discussed editing the section where the construction sequencing plan. Martz discussed implementing mandatory language instead of permissive language regarding the development phases. Martz said this permissive language could result in numerous buildings being constructed concurrently and request extensions for project construction from the county commissioners on their temporary certificate of occupancy. Martz said this mandatory language would ensure limits are established for how much datacenter developers are building at a time to regulate the impacts on the surrounding community. Victoria Martz thanked the board for the time and efforts.

Robert Braun asked the public if they had any comments.

Carol Zeiser approached the podium. Zeiser expressed concern over the perceived inevitability of datacenters building and operating in the county. Zeiser expressed concern over the community and the possible impacts on farming, tourism, wildlife, and the environment. Zeiser said, "Once the damage is done, it cannot be replaced. We can't fix it." Zeiser expressed concern over what would happen to the Town of Brookville and the impact a data center could impose, especially on water resources. Carol Zeiser worries that the town will be suffer if a data center were to be constructed. Zeiser said a data center would affect farmers and the rural community. Carol Zeiser said there has to be a way for the county the county to stop data centers from

operating in the community. Zeiser discussed how wells impacted by data center could never be restored. Zeiser said, “They couldn’t fix over by Fernald. They couldn’t fix the wells.” Zeiser asked who would ultimately be responsible for the wells if they were contaminated. Zeiser asked who would be responsible for lowered property values from the data centers, and who would be responsible for the impacted businesses. Carol Zeiser asked who would be accountable for contaminated well water, and who would fix it. Zeiser expressed concern over impacted livestock from contaminated well water, and the responsible parties. Zeiser expressed concern over the impacted farmland, and who would be responsible for fixing it. Zeiser said, “You guys are going to destroy this town if we can’t find a way to stop it, and there’s got to be a way because the people don’t want it in. Zeiser said she knows of there are towns and cities that are stopping data centers from entering their communities.

Christine Rains responded saying, “They’re banding [together], and they’re going to their states.”

Carol Zeiser responded to Rains, “Then, we go to figure out something.”

Rains responded to Zeiser and said the people of the community have to band together and stop it at the top.

Zeiser responded to Rains, “Well, then we go to figure it out a way to stop it at the top because we don’t want it. It’s going to ruin this town, and it’s going to make people sick.” Zeiser said the county needs to figure out how to stop it. Carol Zeiser asked if there had been a non-disclosure agreement (NDA) issued or if one would be created. Carol Zeiser explained that the community fought to make Brookville a historical town and feared the town would be ruined if a data center were to operate in the community. Zeiser said the county would not be able to fix or replace any ground that would be ruined by a data center. Zeiser thanked the board.

Robert Braun asked the audience if they had any comments.

Karen Meyer approached the podium.

Karen Meyer asked the board what the next steps following this meeting would be. Meyer said she appreciated the previous comments made by the other speakers and said she agree that the ordinance was not restrictive enough. Meyer said, “Once [the data center] is here, it’s here.” Meyer asked what the next steps would be and whether they would approve the ordinance. Meyer said, back in February, a moratorium was implemented to allow the time to write the ordinance. Karen Meyer asked whether they would still have the moratorium time to write the ordinance.

Robert Braun responded to Meyer and said, while the code moratorium was implemented and the code written, no applications could take place during that time.

Karen Meyer asked Braun if no applications for a data center could be submitted during this time.

Braun said yes.

Meyer said, since there is still a moratorium, there is still time to gather additional information for the ordinance. Meyer asked what the plans would be for this meeting and when would a developer be able to apply to build a data center in the county.

Geoff Wesling responded to Meyer, stating, "There's a moratorium in place, which means no applications can happen at this time." Wesling added that a moratorium is a definitive time period to allow for the incorporation of an ordinance that protects the community. Wesling said that the moratorium allows time for public hearings like this one for the public to voice their questions, concerns, and comments on the ordinance draft. Geoff Wesling said to Karen Meyer, when there is a change a zoning code in a city or county in the state of Indiana for a county ordinance, a public hearing must take place. Wesling furthered, "This is called a public hearing. This gives you the absolute right to come and speak." Geoff Wesling said, it is his impression from the board, that they will not be voting on the ordinance tonight. Wesling said, the board wants to receive input from the community and allow for further discussion on the ordinance draft. Wesling said, in the future, it may not be a public meeting, and the public may not be even able to speak at it. Wesling said to Meyer, this hearing is a time to allow the public to provide input and voice their concerns. Geoff Wesling reiterated, and said he did not believe the board would be voting on the ordinance at this meeting. Wesling said the board may decide to vote on the ordinance at a future meeting, should a final draft of the ordinance be presented. Wesling said, should the board vote to approve the ordinance, it would be sent to the commissioners for their approval. Geoff Wesling said, in that case, "[The APC] would just send a favorable recommendation. The commissioners would, then, either approve it, or they could reject it." Wesling said the commissioners also have the option to send it back to the board for revisions. Wesling said this is how code is passed in the county. Wesling said the commissioners have the absolute say. Geoff Wesling said that the APC can assist in drafting ordinances and code and provide recommendations, but they cannot pass any code without the commissioners' approval. Wesling added, "The commissioners can, through a process, pass it without this board's approval." Wesling said the board is not at a point to where they can vote on ordinance. Wesling said the board is using the moratorium time to write the ordinance, and that this public hearing is a proactive step in the process. Geoff Wesling said there are other counties that are wanting to imitate what Franklin County is doing in drafting a data center ordinance.

Karen Meyer said the board has been doing a good job and that she did not want them to rush the ordinance when they still have the time allotted by the moratorium. Meyer asked Wesling, so long as the moratorium is in effect, no applications for a data center can be submitted.

Wesling said, so long as the moratorium is still in place and the date has not elapsed, no one can apply until this zoning ordinance is approved by the APC and the Franklin County Commissioners, or just the commissioners. Geoff Wesling added, "Part of that vote would be to end the moratorium." Wesling said the only thing the board could vote one would be to give a

favorable recommendation to the commissioners, which he believed they would not do at this meeting.

Karen Meyer asked Wesling if there would be more public hearings for the ordinance.

Wesling said, while he did not know if the APC would have additional public hearings, he would encourage them to do so. Wesling said the board would consider the public input from the public hearing and determine whether to add any additional items to the ordinance. Wesling said the individuals responsible for writing the ordinance would interpret the concerns and suggestions from the public and possibly make additions or revisions to the ordinance draft. Wesling said it was his belief that this group of individuals would want another public hearing on the ordinance.

Karen Meyer said, with the moratorium, she did not get the impression that the public would not have additional opportunities to voice their concerns and opinions. Meyer said she felt concerned, as everything seemed to be in a rush and felt the community does not have much of a say, so much as the state of Indiana.

Geoff Wesling responded to Meyer, “Communities have a say. I don’t want you to think that.” Wesling said there are certain rules that prevent counties from banning something in the state of Indiana. Wesling said, while you cannot outright ban data centers, there are ways to protect the community. Wesling added, “As long as you’re reasonable in how you do so, then it may or may not facilitate these [data centers] easily or not.”

Karen Meyer discussed how the recently presented, new Town of Brookville Comprehensive plan listed detailed stages/phases of development for the town and wished some of those were in the ordinance draft. Meyer said she did not feel that everybody in the county was informed on what was happening in the county concerning data centers and the ordinance.

Geoff Wesling said to Karen Meyer, “A lot of those comprehensive plans are paid for by federal and state grants, and a company may make \$200,000.” Wesling agreed with Meyer that the work group did a good job on drafting the ordinance, and said they are still gathering information—both from the public and professional—to implement into the ordinance. Wesling added that the board does not want wait until the last month to review and submit the ordinance to the commissioners, only to have it sent back for revision. Geoff Wesling said, in his opinion, the ordinance would need to be submitted to the commissioners for review with a month or two to review and provide feedback.

Robert Braun asked the public if they had any comments.

Michelle Kolb approached the podium.

Kolb asked the board what the construction timeline would be for a data center, should one come to the community. Kolb said she did not want for this to be years’ long construction, which would impact the people around the data center. Kolb asked if there would be a timeframe or time limit for these data centers’ construction and concerns over noise. Michelle Kolb was

concerned over the possibility of 24-hour construction for a proposed data center and the disruptions it would cause to the surrounding area. Kolb had concerns over the noise from these data center projects and the neighboring nursing home and residences. Kolb discussed how her property was rezoned and said the rezone was advertised in the paper. Kolb said she did not think that was sufficient notification, as many do not read the paper. Kolb said everybody who was under the rezone should have been properly notified. Michelle Kolb said, per the GIS, her property and the surrounding properties are all zone "Industrial." Kolb said half of the subdivision is in "Industrial." Kolb said, had she known there was going to be rezone, "We wouldn't have built [here] 25 years ago, if we thought it was going to be industrial." Kolb had a question concerning the changing Golden Road into a Golden Road TIF. Kolb asked Geoff Wesling to explain to the audience what is a TIF.

Geoff Wesling responded to Kolb, saying, "I think you're giving me a lot of power that I don't have."

Robert Braun interjected and said Wesling is only the commission's attorney.

Wesling said, "I don't get to make any decisions." Wesling added, "I just advise them whether or not they're doing something legal." Wesling said, while he is familiar with TIF, he is not familiar with the TIF on Golden Rd. Geoff Wesling said to Kolb, "This board doesn't do anything with TIFs."

Michelle Kolb said the industrial zone along 101 is in TIF program. Kolb explained that taxes are collected through the TIF program and stored into a fund for economic development. Kolb said the economic development members decide where those funds are stored and spent. Kolb said this money is supposed to be for redeveloping Franklin County. Michelle Kolb believes it is the Economic Development Commission that is wanting a data center in the county. Michelle Kolb said the data center tax revenue would go into the TIF program and not to the community.

Geoff Wesling, responded to Kolb, "I think this is the improper form for your concerns." Wesling said to Kolb that they need to stay on task, as there are others in the audience who wish to speak.

Michelle Kolb said the data center would increase her taxes and said the TIF only increases her taxes. Kolb said her home's value has increased in value, and she fears her house will decrease in value and become unsellable, should a data center be constructed.

Robert Braun brought the session back into order.

Michelle Kolb asked if they could remove any tax abatement for the data centers in the ordinance.

Robert Braun said the APC does not do that.

Kolb asked if they were not going to be granted a tax abatement and would have to pay their taxes.

Braun said does not give tax abatements.

Kolb said the ordinance should not allow for any tax abatements. Kolb said the county needs to look out for its citizens. Kolb said she appreciated the work that the work group has done, but said there is more that needs to be added to the ordinance. Kolb said the ordinance should make it difficult for data centers to operate in the county.

Alyssa Brown approached the podium. Brown said she understood the current situation and said she appreciated the work that has been done by the APC and data center moratorium work group. Brown said people are fearful about the uncertainty of data centers and the future of Franklin County. Brown explained that she was born and raised in Franklin County and loved the community and atmosphere. Brown said they all need to help each other to make changes at the state level. Alyssa Brown stated, "It starts from the bottom, no matter what. That's how you get to the top of the ladder." Brown said transparency is very important to the community and said she knows some difficult decisions have to be done behind closed doors. Brown said she wants the community to help each other and be involved. Brown said she understands the financial benefits of a data center, but said there are other avenues the county can pursue. Alyssa Brown referenced the town of Metamora, and how they were able to secure grants for the improvement of Metamora. Brown asked that the county look into those types of avenues. Brown says she wants others to be able to enjoy the community. Brown acknowledged that the APC and the data center moratorium work group are in a difficult situation and said she hopes the APC hears the voices of the community.

Donald Murray approached the podium. Murray said he has lived in Franklin County his entire life and said it has been known as a farming community. Murray said the community depends on the farmers, and the development of farmland for data centers will result in the destruction of agricultural land. Murray said concern over current agriculture land and rezoning. Donald Murray said he did understand how land sold as agriculture could be rezoned for something else.

Robert Braun responded to Murray, saying, "I don't believe we're into rezoning now."

Donald Murray asked Braun if the land would have to be rezoned.

Braun said, if the ordinance passes, data centers would only be permitted in the industrial zones.

Tracey Brumfiel said the land along Golden Rd was already zoned industrial and not agricultural. Brumfiel said the ordinance was originally drafted, as the county did not have any zoning code pertaining to data centers. Brumfiel said the county only had code for data analysis, which was not applicable towards data centers. Brumfiel told Murray, the board cannot say yes or no for the construction of data centers. Tracy Brumfiel said this ordinance is for only how data centers are built in the county. Brumfiel said this ordinance is preliminary and not finalized, but noted that the current draft aims to protect the county citizens. Brumfiel said nothing would be voted on tonight and said he hopes this is one of several public hearings for the ordinance. Brumfiel added that the input from the public would be considered for making additions to the ordinance.

Brumfiel stated that he has there are items within the current code that he currently does not agree with and hopes to discuss that in later work group meetings. Bluefield stated, "...This board cannot say yes or no that you can build a data center or not."

Donald Murray asked Tracy Brumfiel how they kept the solar farms from operating in the county.

Brumfiel said the code they wrote limited the number of A-1 zoned acres that could be used for solar farms.

Murray asked Brumfiel if that was where the data centers would go.

Tracy Brumfiel said what stopped the solar farms were the ordinance radius restrictions, which resulted in no usable land of numerous acres. Brumfiel stated, "...The ordinance we're trying to write on data centers is to limit height, limit setbacks, the way they have to build it, [and] the sound restrictions." Brumfiel stated that the sound restrictions were stringent, compared to other ordinances the work group looked at. Tracy Brumfiel said he understood the community's concern and did not want Franklin County to become "Cincinnati West." Tracy Brumfiel told Donald Murray that the work group is writing the ordinance to be stringent, so that it protects the citizens of Franklin County.

Murray asked Brumfiel about what were some of the pros and cons of data centers?

Brumfiel said he could not provide a public comment on those.

Dennis Kold approached the podium. Kolb referenced the solar ordinance and one of the provisions that resulted in the inability for solar farms to operate in Franklin County, citing the radius requirement around communities.

Brumfiel responded to Kolb, saying the public input voiced at the meeting would go to improving the ordinance.

Trevin Thalheimer approached the podium. Thalheimer thanked the work group for their contributions. Thalheimer said that the state is the one pushing for data centers, and, ultimately, it is up to the county and the community to protect themselves. Trevin Thalheimer asked about the permitted technology, one being closed-loop system or air-cooled system. Thalheimer said he had concerns about the permitted technology, as technology may improve in the future and would limit the ability to implement to technologies if the ordinance only permits closed-loop and air-cooled cooling systems. Thalheimer said there should be language that accounts for future technologies that are more efficient. Trevin Thalheimer asked about once-through cooling and open-evaporative cooling tower methods, which are prohibited as primary cooling in the current ordinance. Thalheimer asked if these alternate cooling methods could be used as secondary cooling methods. Trevin Thalheimer asked why once-through could not be banned altogether. Thalheimer said that page 6 of the ordinance code allows for secondary cooling.

Thalheimer asked that the work group look at recycling and reusing products that would otherwise be disposed.

Todd Raible addressed some of the comments that were made regarding the solar ordinance. Raible cited a change in administrations, and how the incumbent administration is no longer backing solar. Raible said data center have billions of dollars being invested into them, and this poses a greater challenge than solar. Raible said the code for solar was never challenged lack of money for developers to pursue litigation. Todd Raible stated, “The thing is, with data centers, we got to watch what we’re doing because I do believe that it could be challenged because of the money out there [being] thrown at it.” Todd Raible added, “With that being said, if we’re going to make any money off of this in the county, and we end up getting sued for something we’ve [written], we’ve lost all our opportunity, in my mind, to make any money from it.” Todd Raible said that if the developer sues and wins to operate in the county, the developer will not give any money to the county since they won in court. Raible stated the ordinance needs to be written stringently, but not impossibly restrictive to where the county is sued by a developer. Todd Raible said this code is written in a way that protects the citizens, should a data center come to the county.

Robert Braun said the podium was available for another speaker.

Tracy Robinson approached the podium. Robinson discussed tourism in the community and how it has a major impact on Franklin County’s economy. Robinsons said roughly 1.5 million visitors come through the county annually for tourism. Robinsons referenced the new Town of Brookville Comprehensive Plan, which was presented previously. Tracy Robinson cited how tourism is a major force in the economy of Franklin County and asked that serious consideration of tourism expansion should be a priority in the county. Tracy Robinson discussed retaining and expanding existing businesses in the community. Robinson ask that the board maintain consistency with the county’s comprehensive plan, as they consider the regulations on data centers. Robinson discussed the importance of tourism for future development, especially in the areas surrounding Brookville Lake. Tracy Robinson said there are approximately 800 acres of land currently designated as A-1 and industrial. Robinson stated, “Data centers do no support tourism. They do not create destinations that strengthen recreation, encourage hospitality growth, or contribute to the character and economic vision that the county has outlined for the area.” Tracy Robinson said, “Allowing unrestricted development of data centers within the industrial land risks undermining one of the county’s stated, long-term priorities. Robinson discussed the employment sectors within the county with no single employment category representing more than, approximately, 20% of the workforce. Tracy Robinson stressed the importance of employment diversity, as the county is comprised of people of different ages, skill sets, interests, and career goals. Robinson stated that the constraints on the maximum land use for data center could result in one industry dominating industrial land. Robinson said this constraint would allow for additional opportunities for future businesses and industries to operate in the county. Tracy Robinson asked the board to consider incorporating acreage limitations into the ordinance.

Robinson discussed using the county's comprehensive plan to implement employment balances and limit the acreage for data centers to roughly 250 acres. Robinson said these provisions would afford other industries and businesses to operate in the county and would preserve the county's ability to focus on tourism, protect opportunities for economic diversity, and give preference to the existing business and industries that have provided employment to the county's citizens.

Tabitha Byrd approached the podium. Bird asked the board if there would be any environmental impact studies would be required for data center projects. Bird expressed concern over the water usage by data centers and whether the land and county can support a data center. Bird said there had concern over if the current water and energy resources could handle a data center without causing any impact to the community. Tabitha Bird expressed concern over potential energy costs for county residents as a result a data center. Bird emphasized the need for an environmental study to be conducted from an outside source.

Robert Braun asked the public if they had any comments.

Carol Zeiser approached the podium. Zeiser expressed concern over alleged dead cattle in communities with data centers, citing water contamination issues. Zeiser asked who the board who would be responsible for contaminated wells. Zeiser said should the water be contaminated, it will be impossible for people to drill new wells that are not contaminated. Zeiser asked the board who would be responsible for the contaminated wells.

Todd Raible responded to Zeiser, "...All the wells that are drilled are done by the Department of Natural Resources, [who] regulates all of that." Raible stated that county zoning does not regulate the drilling of wells. Todd Raible said wells, even private wells, are registered with the well registry of the state of Indiana and are already regulated. Raible said, "The DNR would be the one that takes care of the wells and approves the wells and all that." Raible added that the APC cannot regulate wells.

Zeiser expressed concern over the DNR's ability to restrict data centers.

Todd Raible responded to Zeiser, saying the DNR handles wells. Raible added that Indiana Department of Environmental Management (IDEM) would handle any soil contamination.

Carol Zeiser asked Raible who would be responsible for contaminated water running through the land and creeks.

Raible said, if the land and creeks became contaminated IDEM would be involved.

Daryl Kramer advised Zeiser to read page 6, number 3, 4, 5. Kramer noted that those items discuss water. Kramer said the reason he believed the work group decided to use air-flow cooling systems as opposed to water-cooling systems was to lower the amount of water use. Kramer added that the use of one-through cooling systems is prohibited under the current ordinance draft. Kramer noted that, under the current ordinance draft, that wastewater would be handled by a mandatory connection to a wastewater/sewer utility. Daryl Kramer said the ordinance requires

monitoring of discharge water and must provide a quarterly water quality and volume report to the county. Kramer stated, under the ordinance, a water resource impact study would be required. Kramer said these are the things the APC wants to see in the ordinance. Daryl Kramer said he would suggest interested parties read the ordinance draft and provide ideas to the APC and/or work group on what should be added or changed in the ordinance.

Trace Robinson approached the podium. Robinson referred to page 10 of the county comprehensive plan, where it the abuse of aquifers in Franklin County. Robinson said, "Consideration should be given to potential limits to what can be taken out of the county by use of non-residents. Robinson said a data center is not a resident of the county and limits should apply. Tracy Robinson expressed concern over the digging of public or private wells to accommodate a data center's water needs. Robinson expressed concern about the aquifers and their integrity once a data center begins to drain the water and whether other in the surrounding area would have water. Tracy Robinson requested that provisions be made to protect residents from lack of water. Robinson expressed concern over excessive water usage by data centers and the water availability for neighboring residents who rely on wells for water. Robinson asked Daryl Kramer how they would be able to ensure that the data center is not depleting the water table.

Todd Raible responded to Robinson, "...If they could tap into an aquifer, I don't know how we stop them from drilling their own well on their own property." Raible added he did not know how you could stop somebody from drilling a well on their own property. Raible stated that there is a water study happening, which David Mannix would be able to elaborate. Raible said there is a concern over the aquifers, and that it is being studied.

Robert Braun responded, saying, "When some of those big pipelines were put in, taking water out of Franklin County from the aquifer, it was looked into if there would be a way to put a tax per gallon or per ... some unit." Braun said, at that time, they were told they do not have any taxes, and he believe that was still true to this day.

Tracy Robinson asked if they could force data centers to connect to the municipal water.

Todd Raible said they would want the data centers to connect to municipal water, but he was unsure whether they could legally require them to connect to municipal water.

Robinson ask whether the commission attorney, Geoff Wesling, answer whether or not data center could be required to connect to municipal water.

Raible said these data center projects have billions of dollars behind them, and the commission attorney would not be at a disadvantage in that type of situation.

Tracy Robinson said that county comprehensive plan established water as a concern in the county.

Todd Raible said that there is zoning that has to be agreed upon from a county water source that there is sufficient water to supply a data center. Raible said that this is written in the ordinance. Raible added that the data centers simply cannot deplete all of the water in the county, citing provisions that are present in the ordinance draft.

Robert Braun asked if the public had any comments.

Todd Raible asked the board what the next steps would be for the data center ordinance and whether the ordinance should go back to the work group for further review and possible revisions.

Tracy Brumfiel said he thought it needed to go back to the work group.

Raible said there were several items in the ordinance that could be addressed. Raible said the board could have another meeting to discuss it.

Daryl Kramer stated that, if the work group is willing, he would like to see their input on the ordinance. Kramer added that some direction should be provided to the work group, so their time is not wasted.

Tracy Brumfiel responded to Kramer, saying he did not want to rush the ordinance and to use the available time afforded by the moratorium. Brumfiel recommended sending the ordinance back to the work group for review and revision.

Todd Raible responded to Brumfiel, "The only negative about making the changes is everybody on the board still [has] to approve it."

Christine Rains asked if it would be better to provide suggestions for the work group in drafting ordinance at the next meeting.

Brumfiel said he believe if the board took some time to review the public feedback and notes, he did not see why they could not just email those to the work group. Tracy Brumfiel stated he does not think the comments have to be made in public.

Robert Braun said there would have to be a public meeting. Braun added, if they take too long, the moratorium will expire with no ordinance code in place.

Todd Raible asked Daryl Kramer what his thoughts were on this.

Daryl Kramer said mentioned the bonds and recalled trying to get engineers the costs.

Kramer stated that the bonds need to be issued for the cost of the building being torn down. Kramer added that there should be more flexibility in setting the bond amount. Daryl Kramer said he believed, in the ordinance, it required the roads be brought up to standard prior to the construction of a data center. Kramer discussed adding a period mark to the one open statements in the ordinance concerning wells.

David Mannix stated that they did not want to be too specific on the amount. Mannix said these projects could be of varying sizes, and a fixed bond amount may not be sufficient. Mannix said they group anything that was a contract under the Project Life Cycle. Mannix said the bonds are meant to be tailored based on the scale of the project.

Todd Raible asked Mannix if the bonds would have to be done by the commissioners.

Daryl Kramer asked how sounds and vibrations would be quantified. Kramer asked that they consider the sound spikes at night.

David Mannix said that the work group did talk to a sound expert. Mannix said he talked to the chief metrologist at Cummins Engine, who approved of their sound requirements. Mannix discussed sound spikes and stated that the monitoring of sound could be impacted by external noise, such as a loud car passing by. Mannix said the standard is to measure the sound over an hour and average the sound in dB during that period. Mannix said there could be a brief spike in sound, and that is why the monitoring uses an hour timeframe. David Mannix stated that the sound would be monitored using two different measurement scales.

Daryl Kramer asked Mannix if those same types of scales would be applicable towards vibrations.

Mannix said those are different instruments that measure vibrations.

Kramer asked Mannix if they had a scale for measuring vibrations.

Mannix said yes.

Daryl Kramer asked if they had the permitted hours of construction in the ordinance.

David Mannix said no and that would have to be worked out.

Todd Raible stated that limiting the hours would be difficult, especially in the evening hours, as that is typically when developers want to pour concrete, as there is less traffic and congestion on the roads.

Mannix said that the construction hours would concern the Project Life Cycle. David Mannix said, "You can't really pin it down in an ordinance. You have to let the contracts dictate that level of detail, based on the negotiations and site plan and everything that's going on."

Daryl Kramer said, while he did not like tax abatements, he did not believe they could write that in the ordinance. Kramer asked if the issue of tax abatements would concern the commissioners and Economic Development.

Mannix Said yes. Mannix added a CBO with the developer could do a lot for the community and illustrate a developer's willingness to demonstrate goodwill in the community partnership. David Mannix said he would not encourage tax abatements, but said they just cannot write them in.

Todd Raible expressed concern over the current zoning. Raible said the contract agreement with the company agrees to comply with local zoning. Raible said, at that point, it is a legal document versus local zoning. Raible said he did not know if that is permissible or legal to do, but asked if such a contract would give the county more power.

Daryl Kramer asked responded to a previous question about why the closed-loop system for cooling was selected. Kramer explained that the closed-loop system was selected to limit the amount of water that is used.

David Mannix discussed a Trevin Thalheimer's suggestion of allowing for ability to implement new and more efficient systems and technologies in the future. Mannix said they do plan on adding that to the ordinance.

Daryl Kramer asked about recycling.

Mannix said they have a required recycling plan, which includes recycling water.

Kramer discussed that there is more available land for solar farms than there is for industrial and discussed the limits to a building site.

Daryl Kramer discussed how he believed they had not rezoned any land to industrial during his time at the APC.

David Mannix discussed the how the ordinance has an environmental analysis in the drafted ordinance.

Daryl Kramer asked Mannix about electricity spikes and whether that was outside of the purview of the community.

Mannix said, by law, can request that it does not negatively impact the local grid. Mannix said the data centers are also required to disclose their water usage and whether that will have an impact on the water availability for the county.

Todd Raible said the data centers could relocate out of the county and still cause issues for the county.

David Mannix said they conducted research on the water and said the county cannot prohibit water usage, as it is a free right in the state of Indiana. Mannix said they can only ask how it will affect county citizens and how to mitigate any issues. Mannix discussed the requirement to connect to municipal water. Mannix said the developers are entitled, by law, to drill a well if they want, but they would have to conduct an impact study on the water draw. David Mannix said the reason for the lack of language for drained/depleted wells in the ordinance is because the concerns the DNR. Mannix said DNR is referenced and their mitigation plan.

Daryl Kramer stated that everything that the work group has done has been recorded and is viewable to the public.

Robert Braun asked the public if they had any questions.

Michelle Kolb approached the podium. Kolb asked Mannix why the sound requirement for industrial was changed.

David Mannix responded to Kolb, saying that they learn more about sound and the A scale versus C scale and adjusted the sound requirements as not to make it too restrictive. Mannix said, "If you go too low, then you have a code that nobody can meet."

Michelle Kolb asked Mannix about the point difference.

David Mannix said the sound is not to exceed 70 DBA and 85 DBC. Mannix said they want it to be less than that. Mannix discussed the sound scales and how they measure different types of sound that are audible and inaudible. David Mannix discussed that this was his third project in the county. Mannix said his plea for everybody in attendance tonight is to talk to their county commissioners and ask them to work on a comprehensive plan. Mannix said the comprehensive plan would list what economic developments and industries the county wants.

Todd Raible said one of the problems that county has is preparing for instances like data centers and having the appropriate code in place before such projects come to Franklin County.

Robert Braun asked the public if they had any further questions.

Adjournment

Daryl Kramer made a motion to adjourn.

Todd Raible seconded. All in favor; motion carried.

Robert Braun
APC Board President

Paul Noble
APC Executive Director

